



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Court House Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Voice/Relay

Amy Gowan, Director

FAX 410-313-3467

January 25, 2021

James Joo
4889 Montgomery Road
Ellicott City, Maryland 21043

RE: WP-20-124 Garrian Acres

Dear Mr. Joo:


This letter is to inform you that your request for alternative compliance to the Howard County Subdivision and Land Development Regulations for the subject project was reviewed.

On January 21, 2021 and pursuant to Section 16.1216, the Director of the Department of Planning and Zoning, Director of the Recreation and Parks and Administrator of the Office of Community Sustainability considered and **approved** your request for a variance with respect to **Section 16.1205(a)(3)** of the Subdivision and Land Development Regulations to allow the removal of one (1) specimen tree. Please see the attached Final Decision Action Report for more information.

Indicate this alternative compliance petition file number, request, section of the regulations, action, conditions of approval, and date on all related plats, and site development plans, and building permits. This alternative compliance approval will remain valid for one year from the date of this letter or as long as a subdivision or site development plan is being actively processed in accordance with the processing provisions of the Regulations.

If you have any questions, please contact Kathryn Bolton at (410) 313-2350 or email at kbolton@howardcountymd.gov.

Sincerely,

DocuSigned by:


Anthony Cataldo, AICP, Chief
Division of Land Development

AC/ktb

cc: Research [Section 16.1205(a)(3) - 1 tree req/ 1 tree app]
DED
DLD - Julia Sauer
Real Estate Services
Marian Honeczy- DNR
Sill Engineering



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ALTERNATIVE COMPLIANCE FINAL DECISION ACTION REPORT

DEPARTMENT OF PLANNING AND ZONING
DEPARTMENT OF RECREATION AND PARKS
OFFICE OF COMMUNITY SUSTAINABILITY

RE: **WP-20-124 [Garrian Acres]**
Request for a variance to Section 16.1205(a)(3) of the Subdivision and Land Development Regulations.

Applicant: Sill Engineering
Attn: Paul Sill
16005 Frederick Road, 2nd Floor
Woodbine, Maryland 20797

Pursuant to Section 16.1216, the Director of the Department of Planning Zoning, Director of the Department of Recreation and Parks and the Administrator of the Office of Community Sustainability considered and **approved** the applicants request for a variance with respect to **Section 16.1205(a)(3)** of the Forest Conservation Regulations. The purpose is to allow the removal of one (1) specimen tree. The Directors deliberated the application in a meeting on January 21, 2021.

Each Department hereby determines that the applicant has demonstrated to its satisfaction that strict enforcement of the above-cited regulation would result in an unwarranted hardship. This determination is made with consideration of the alternative compliance application and the seven (7) items the applicant was required to address, pursuant to Section 16.1216:

- 1. Describe the special conditions peculiar to the property which would cause the unwarranted hardship.**
This site is the location of the historic Marks-Lough house (HO-538), which is architecturally significant as an example of a twentieth century, transitional, vernacular building. The zoning allows for the subdivision of this lot into 4 buildable lots, however, to maintain the existing driveway, historic house, and tenant house, the property will be subdivided into only 3 lots with no further ability to subdivide the property. Due to the applicant maintaining the historic features of the property, the specimen tree is located on one of the remaining developable lots. The location of the tree near the lot access point and within the limited buildable area provides limited options for the new home and driveway location. The critical root zone also encompasses a majority of the developable area of this lot. Retaining the tree would eliminate the ability to develop this lot which would be an unwarranted hardship.
- 2. Describe how enforcement of the regulations would deprive the landowner of rights commonly enjoyed by others in similar areas.**
Specimen Tree #1 is located within the proposed driveway access location and the single-family dwelling for Lot 6. Moving the location of the house further into the lot was investigated, however access to the house would still disturb a large portion of the critical root zone of this tree. The proposed layout is intended to preserve as much land around the existing historic house and driveway as possible. In order to retain a buffer around the existing historic structure, the applicant reduced the overall number of lots from 4 to 3. The further elimination of the

development of this lot in favor of saving the tree would deprive the landowner rights commonly enjoyed by others with similar sized lots.

3. Verify that the granting of a variance will not adversely affect water quality.

The proposed development meets current MDF design standards for water quality. This is achieved by the placement of two micro-bioretenion facilities and 7 drywells. During construction of the property, the developer will keep the site stabilized with sediment control measures. Specimen Tree #1 will be replaced with 2 native trees that are 3" DBH in size.

4. Verify that the granting of a variance will not confer on the applicant a special privilege that would be denied to other applicants.

Approval of this variance will provide the applicant the ability to subdivide properties which are similar in size and configuration to the lots of the surrounding area.

5. Verify that the variance request is not based on conditions or circumstances which are the result of actions by the applicant.

The location of the specimen tree onsite is located where access to the proposed Lot 6 is needed. The applicant would not be allowed reasonable use of the property based on the existing historic structures. Further, although listed in 'good condition' in the applicant's submission, the specimen tree to be removed was evaluated by Recreation and Parks staff and found to only be in fair condition. While the tree may appear to be in good condition and have a reasonable sized canopy, there is internal decay. It was suggested by Recreation and Parks that the tree be removed to avoid the creation of hazardous conditions.

6. Verify that the condition did not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property.

There is no evidence that the conditions arose from a condition relating to land or building use, either permitted or nonconforming on a neighboring property.

7. Provide any other information appropriate to support the request.

This proposed development was taken before the Historic Preservation Commission on September 3, 2020 because of the close proximity of the specimen tree to the area surrounding the historic home. It was suggested by the Commission to try to save the specimen tree by reorienting the proposed house along the property line to allow the driveway to go around the specimen tree. The applicant submitted plans with this alternative layout, however, due to the location of the driveway and the large critical root zone of the specimen tree, there would be too much impact for the tree to remain with that configuration as well.

Directors Action: Approval of alternative compliance of Section 16.1205.(a)(3) is subject to the following conditions:

1. The Alternative Compliance is limited to the removal of Specimen Tree #1, as depicted on the exhibit. Any proposal to remove any other specimen tree will require a new alternative compliance request or an amendment to this alternative compliance request.
2. A minimum of two (2), native 3" DBH, shade tree shall be provided as mitigation for the removal of the one (1) specimen tree from the property. Landscaping surety in the amount of \$300.00 per tree shall be provided with the grading permit.

DocuSigned by:

Amy Gowan

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Amy Gowan, Director
Department of Planning and Zoning

DocuSigned by:

Raul Delerme

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Raul Delerme, Director
Department of Recreation and Parks

DocuSigned by:

Joshua Feldmark

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Joshua Feldmark, Administrator
Office of Community Sustainability

cc: Research
DED
OCS, Joshua Feldmark
DRP, Raul Delerme



Howard County Maryland
Department of Planning and Zoning
 3430 Courthouse Drive, Ellicott City, MD 21043

(410) 313-2350

DPZ Office Use only:

File No.

Date Filed

ALTERNATIVE COMPLIANCE APPLICATION

Site Description: 3 lot residential subdivision

Subdivision Name/Property Identification: Garrian Acres

Location of property: 4889 Montgomery Road

Existing Use: Residential

Proposed Use: Residential

Tax Map: 31

Grid: 08

Parcel No: 753

Election District: 2nd

Zoning District: R-20

Total site area: 2.023 acres +/-

Please list all previously submitted or currently active plans on file with the County (subdivision plans, Board of Appeals petitions, alternative compliance petitions, etc.). If no previous plans have been submitted, please provide a brief history of the site and related information to the request:

ECP-20-006

In the area below, the petitioner shall enumerate the specific numerical section(s) from the Subdivision and Land Development Regulations for which an alternative compliance is being requested and provide a brief summary of the request. Please use the additional page if needed.

| Section Reference No. | Brief Summary of Request |
|-----------------------|---------------------------------------------------------------|
| 16.1205.(a)(3) | Waive this section to be allowed to remove specimen Tree ST-1 |
| | |

| Section Reference No. | Brief Summary of Request |
|-----------------------|--------------------------|
| | |
| | |
| | |

Signature of Property Owner:  Date: 

Signature of Petitioner Preparer:  Date: 

Name of Property Owner: James Joo Name of Petition Preparer: Paul Sill

Address: 4889 Montgomery Road Address: 16005 Frederick Road, 2nd Floor

City, State, Zip: Ellicott City, Md 21043 City, State, Zip: Woodbine, Md 20797

E-Mail: hijamesjoo@gmail.com E-Mail: paul@sillengineering.com

Phone No.: 443-900-4620 Phone No.: 443-325-5076

Contact Person: James Joo Contact Person: Paul Sill

Owner's Authorization Attached