



# 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

November 13, 2020

GP North, LLC.  
7350 B Grace Drive  
Columbia, Maryland 21045

RE: **WP-21-035 Douglas Woods** (F-20-074)

To Whom It May Concern:

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 November 12, 2020 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](mailto:kbolton@howardcountymd.gov).

Sincerely,

DocuSigned by:

*Julia Sauer*

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(for) Anthony Cataldo, AICP, Chief

Division of Land Development

AC/ktb

cc: Research  
DED- Julia Sauer  
Real Estate Services  
Marian Honeczy- DNR  
MBA



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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-21-035 Douglas Woods (F-20-074)**  
*Request for a variance to Section 16.1205(a)(3) of the Howard County Forest Conservation Regulations*

**APPLICANT:** GP North, LLC.  
7350 B Grace Drive  
Columbia, Maryland 21045

Pursuant to Section 16.1216, the Director of the Department of Planning and Zoning, Director of the Department of Recreation and Parks, and 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 Howard County Forest Conservation Regulations. The purpose is to allow the removal of one (1) specimen tree. The Directors deliberated the application in a meeting on November 5, 2020.

Each Department hereby determines that the applicant had demonstrated to its satisfaction that strict enforcement of the above-cited regulation would result in unwarranted hardship. This determination is made with consideration of the variance 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.**

The site is encumbered with environmental features, including streams, wetlands, their associated buffers, floodplain, steep slopes, and forest. The applicant has located the proposed lots in a location that would cause the least impact to the environmental features, which created a limited buildable area within the overall lots. Specimen Tree #1 is located on proposed Lot 2. Due to the constrains caused by the environmental features onsite and the proposed buildable area, Specimen Tree #1 is located centrally within the developable area. As such, retaining the tree and limiting impact to its existing critical root zone would cause unwarranted hardship on the owner by significantly limiting the site potential.

**2. Describe how enforcement of the regulations would deprive the landowner of rights commonly enjoyed by others in similar areas.**

The bulk of the overall property is encumbered with environmental features and buffer areas. Specimen Tree #1 is located within the center of the proposed developable area of this site and the critical root zone for this specimen tree covers a majority of the buildable area outside of the environmental features. The proposed layout has been designed to create the least amount of impact to the sensitive environmental features. Enforcement of the regulations to retain this specimen tree would hinder the owner's ability to develop the site into lots which are similar in size and configuration to the lots of the surrounding area.

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

There is no evidence that the granting of a variance will adversely affect water quality. The development is subject to the current Environmental Site Design criteria, which include small filtering processes to address water quality. The proposed development meets current MDF design standards for water quality. This is achieved by the placement of micro-bioretenion facilities to treat water quality. During construction of the property, the developer will keep the site stabilized with sediment control measures.

**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 this property into parcels with are similar in size and configuration to the lots of the surrounding area with a large portion of the overall site with environmental features placed in open space lots. This will not confer on the applicant a special privilege that would be denied by other applicants.

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

The environmental features and the Specimen Tree currently exist on the site and are not a result of actions by the applicant. The applicant would not be provided reasonable use of the property based on these existing features, but for this alternative compliance. Further, the specimen tree to be removed is in poor condition with significant trunk rot and would pose a safety hazard if it was to remain.

**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.**

Due to the number of environmental features located onsite, an alternative proposal was not feasible for the site. The Specimen Tree that is proposed to be removed is in poor condition and could cause a danger to the proposed lots once the property is developed. Onsite mitigation is proposed for the removal of the specimen tree with the replacement of two trees for the removal of the one specimen tree.

**Director's Action:** Approval of this alternative compliance is subject to the following conditions:

1. The Alternative Compliance approval 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 trees 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 Developer's Agreement.

DocuSigned by:

*Amy Gowan*

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Amy Gowan, Director  
Department of Planning and Zoning

DocuSigned by:

*Raul Delorme*

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Raul Delorme, Director  
Department of Recreation and Parks

DocuSigned by:

*Joshua Feldmark*

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Joshua Feldmark, Administrator  
Office of Community Sustainability



DPZ Office Use only:
File No.
Date Filed

**ALTERNATIVE COMPLIANCE APPLICATION**

**Site Description:** 7209 Pebble Creek Drive

**Subdivision Name/Property Identification:** Douglas Woods, Lots 1- 3

**Location of property:** ADC MAP: 35, A-2

**Existing Use:** RESIDENTIAL      **Proposed Use:** RESIDENTIAL

**Tax Map:** 37      **Grid:** 11      **Parcel No:** 698      **Election District:** FIRST

**Zoning District:** R-ED      **Total site area:** 6.84 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-19-003  
 F-20-074

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.

Section Reference No. ..	Brief Summary of Request
16.1205(a)(3)	removal of only 1 tree to accommodate the construction of the houses on proposed lots 1 and 3

Signature of Property Owner:

[Redacted Signature]

Date:

9/22/20

Signature of Petitioner Preparer:

[Redacted Signature]

Date:

9/22/20

Name of Property Owner: GP NORTH LLC.

Name of Petition Preparer: Mildenberg Boender & Assoc.

Address: 7350 B Grace drive

Address: 7350 B Grace drive

City, State, Zip: Columbia, MD, 21045

City, State, Zip: Columbia, MD, 21045

E-Mail: jhikmat@hotmail.com

E-Mail: salomer@mba-eng.com

Phone No.: 410-997-0296

Phone No.: 410-997-0296

Contact Person: Jacob Hikmat

Contact Person: Sam Alomer

Owner's Authorization Attached