



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

March 1, 2021

John Hines Residuary Trust and Estate of Edith Hines
10752 Scaggsville Road
Laurel, MD 20723

Dear Sir or Madam:

RE: WP-21-068, Hines Property

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 February 18, 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 for the removal of 2 specimen trees. Please see the attached Final Decision Action Report for more information.

If you have any questions, please contact Brenda Lubber at (410) 313-2350 or email at BLubber@howardcountymd.gov.

Sincerely,

DocuSigned by:

1EB75478A22B49A...

Anthony Cataldo, AICP, Chief
Division of Land Development

AC/bl

cc: Research
DED
DLD - Julia Sauer
Real Estate Services
Marian Honecny- DNR
Morris and Ritchie Assoc., Inc. (mmitchell@mragta.com)



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

ALTERNATIVE COMPLIANCE FINAL DECISION ACTION REPORT

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

RE: **WP-21-068, Hines Property**
Request for a variance to Section 16.1205(a)(3) of the Subdivision and Land Development Regulations.

Applicant: John Hines Residuary Trust and Estate of Edith Hines
10752 Scaggsville Road
Laurel, MD 20723

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 remove 2 trees which are larger than 30" diameter for the construction of a senior housing development. The Directors deliberated the application in a meeting on February 18, 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 six (6) 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.

There are 3 specimen trees on site and one that is located just off site on the adjacent property. Of these, 2 are proposed for removal in order to construct the previously approved conditional use plan for 63 aged restricted adult housing units which was approved on August 17, 2020 (BA-18-025C).

Specimen Tree 3 (ST-3) – This tree is a 37" DBH Black Walnut located near the existing house and is in poor condition due to limb loss, major limb hollow and disease. This tree is centrally located towards the front of the site and is proposed for removal for the construction of the road and the community building. The existing structures and pavement within proximity to this tree will be removed and this removal will cause significant damage to the critical root zone. For these reasons, it would be

unwarranted for the owner to retain this tree which is not likely to survive the demolition and would further inhibit reasonable development of the lot should it remain.

Specimen Tree 4 (ST-4) – This tree is a 30” DBH Norway Maple which is considered an invasive exotic species as listed in the July 2010 Howard County Landscape Manual Update and is prohibited from being planted. This tree is located along the front property line adjacent to Scaggsville Road and is in poor condition due to damaged trunks and disease. This tree is proposed to be removed to provide an entry point to access the site at the only location with good sight distances along Scaggsville Road. The Development Engineering Division supports the request to remove both specimen trees. They also concur that Specimen tree 4 is within the area of the site where the access to the subdivision is provided and deemed the safest. Retaining this tree would significantly limit the applicant’s ability to access their site thereby creating an unwarranted hardship related to the development of the approved conditional use plan.

The Department of Recreation and Parks has determined that the trees are in poor condition and contain targets which make them hazardous. A hardship would be endured if the subdivision layout was impacted or constrained to retain hazardous trees.

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

Not granting the removal of specimen trees ST-3 and ST-4 would severely impact/constrain site development of the subject property. ST 4 is located at what was deemed to be the safest entry point to the site and ST-3 is located within the proposed internal road network. Not removing these two trees would hinder site development, safe access, and completion of the previously approved conditional use layout of the site.

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

There is no evidence that water quality will be affected by the granting of this variance to remove specimen trees ST-3 and ST-4. The site is being designed using the most up to date stormwater design features to retain more water and recharge the water table on site. Improvements are proposed that will result in better water runoff which also attempt to address existing drainage issues in the rear yard of adjacent Lot 17. These improvements, in particular the extensive disturbance around existing specimen tree ST-2 and proposed on-site afforestation areas, should only improve the current water quality of the subject property.

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

The removal of specimen trees ST-3 and ST-4 in the front of the site will not confer to the applicant any special privilege that would be denied to other applicants since this is a site-specific condition; ST-3 is located near existing site structures that are not historic and are proposed to be removed and ST-4 is along the ROW at the safest access point to the property. As required by Section 16.1216(d), four additional native trees with a DBH of at least 3" for each specimen tree being removed will be provided as mitigation.

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

The need to remove 2 of the 4 specimen trees is due to the uniqueness of the conditions that exist currently, before any changes proposed by the applicant. Specimen trees ST-3 and ST-4 are centrally located on the site; adjacent to the existing structures and located in the center of the site near Scaggsville Road ROW. Not removing these 2 trees would hinder site development, safe access, and completion of a previously approved conditional use layout of the site.

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. Both trees identified for removal in this Alternative Compliance have been deemed in poor condition by the Department of Recreation and Parks.

Although the applicant did not request to remove specimen tree ST-1, the Department of Recreation and Parks performed a site visit and recommends the removal of this Green Ash Tree as this tree is in poor health with signs of limb loss and trunk damage and is susceptible to the emerald ash beetle. The Directors deliberated that although attempts to save this tree could be taken, its failing health would ultimately lead to its removal and determined it would be an unwarranted hardship for the owner to apply for a subsequent Alternative Compliance for those future conditions. The failing health also poses a public safety concern that would need to be remedied quickly if limbs began to fail. As such, the Directors determined that ST-1 should be included within this Alternative Compliance approval in concert with the required criteria listed above. Mitigation for the removal of this tree must be included on the forest conservation plan for this subdivision (2 additional native shade trees with a minimum 3" DBH) so that future alternative compliance action is not required for its eventual removal.

Directors Action: Approval of alternative compliance of Section 12.1205(a)(3) is subject to the following conditions:

1. The alternative compliance approval applies only to specimen trees ST-3, ST-4 and ST-1, as shown on the alternative compliance plan exhibit. The removal of any other specimen tree on the subject property is not permitted under this approval. Protective measures shall be utilized during construction to protect the specimen trees that are proposed to remain. Include details of the proposed tree protection measures on the Final subdivision plans.
2. The removal of specimen trees ST-3, ST-4, and ST-1 will require the planting of 6 native shade trees on site. The trees shall be a minimum of 3" diameter at breast height and shall be shown on the landscaping and forest conservation plans sheets as part of the final subdivision plans. The trees will be bonded along with the required perimeter landscaping or forest conservation planting.
3. The Directors approved removal of ST-1 specifically at such time as the applicant determines that ST-1 creates a public safety concern. Mitigation for the removal of this tree must be included on the forest conservation plan for this subdivision so that future alternative compliance action is not required for its eventual removal. The applicant must notify DPZ prior to the removal of this tree.

DocuSigned by:

Amy Gowan

5B4D5DD9470C4D4...

Amy Gowan, Director
Department of Planning and Zoning

DocuSigned by:

Raul Delerme

88D74370827248A...

Raul Delerme, Director
Department of Recreation and Parks

DocuSigned by:

Joshua Feldmark

3241B974513F4B7...

Joshua Feldmark, Administrator
Office of Community Sustainability

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



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 4, 2021

John Hines Residuary Trust and Estate of Edith Hines
10752 Scaggsville Road
Laurel, MD 20723

Dear Sir or Madam:

RE: WP-21-068, Hines Property

Regarding the above referenced alternative compliance petition, this Division is advising you that no action can be taken until the alternative compliance request has been fully justified by explaining how the required criteria has been met (see the attached comments). Once submitted, this information will need to be uploaded into ProjectDox for the SRC agencies to review. **Please be advised that a decision on ECP-21-015 will not be made until the associated Alternative Compliance application (WP-21-068) has been resubmitted and evaluated.**

Copies of the exhibit/plan and the supplemental information and a response letter to the comments for each agency should be submitted to this Division for distribution in the following manner:

<u>Agency</u>	<u>#Copies</u>
DLD	1
Research	1
OCS	1
R&P	1

The requested information/**revised plans** must be submitted to this Division within **45 days*** of the date of this letter (**on or before February 18, 2021**), or this Division will recommend that the Planning Director deny this alternative compliance petition.

Please refer to the Department of Planning and Zoning website for current business processes during this time. Originals can be mailed to the Howard County Planning and Zoning, 3430 Court House Drive, Ellicott City, MD 21043 or dropped into the bin labeled 'DPZ' in the George Howard Building lobby. Submission material can also be emailed to planning@howardcountymd.gov for processing.

***Deadlines for submission are pursuant to the Fifth Edition of the Subdivision and Land Development Regulations. Pursuant to Executive Order 2020-04, and as per DPZ Director Department Order dated April 14, 2020, certain deadlines are reinstated. Should those deadlines lapse while Executive Order 2020-03 is in effect, those deadlines are automatically extended to (30 days) beyond the termination of the order.**

Once the requested information has been received and reviewed, this office will coordinate agency comments and will prepare a recommendation for the Planning Director's action.

Please include a copy of this letter with your submission.

If you have any questions, please contact Brenda Luber at (410) 313-2350 or email at BLuber@howardcountymd.gov.

Sincerely,



Anthony Cataldo, AICP, Chief
Division of Land Development

AC/bl

cc: Research
Morris and Ritchie – mmitchell@mragta.com
Gail Williams gailswilliams17@verizon.net
File
DLD – Julia Sauer



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

(410) 313-2350

DPZ Office Use only:
 File No. *WP-21-008*
 Date Filed *12/15/20*

ALTERNATIVE COMPLIANCE APPLICATION

Site Description: 69 Age-restricted Adult Housing units approved conditional use, mix of townhouse and sfd, condo with no individual lots

Subdivision Name/Property Identification: Hines Property - Parcel 5

Location of property: 10752 Scaggsville Road, approximately 0.3 miles southeast of intersection of Scaggsville Rd and Crest Rd.

Existing Use: active farm with sfd, garage, barn **Proposed Use:** Age-restricted Adult Housing, mix of sfd and townhouses

Tax Map: 46 **Grid:** 11 **Parcel No:** 5 **Election District:** 6-32

Zoning District: R-20 **Total site area:** 15.81 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:

Conditional Use Plan, Approved with BA-18-025C August 18, 2020
 ECP (Environmental Concept Plan) #21-015, currently in review
 -Exhibit enclosed showing specimen tree disposition and proposed layout and grading

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
Section 16.1205(a)(3)	We are requesting approval of an alternative compliance to remove 3 of the 4 existing on-site specimen trees found on subject property. ST-3 and ST-4 are centrally located on the site and hinder site development, safe access, and the approved layout of the site. The 3rd proposed to be removed is due to the extensive disturbance around specimen tree ST-2 required to address the drainage issues in the neighbor's rear yard, this tree will be significantly impacted. The one to be preserved is found along the site perimeter. All four specimen trees are considered in "poor" condition.

Section Reference No.	Brief Summary of Request

Signature of Property Owner: (see below)

Date:

Signature of Petitioner Preparer:



Date:

12-8-2020

Name of Property Owner: John T. Hines Residuary Trust and The Estate of Ida Elizabeth Hines.

Name of Petitioner Preparer: Morris & Ritchie Assoc, Inc.

Address: 10752 Scaggsville Road

Address: 14280 Park Center Drive, Suite A

City, State, Zip: Laurel, MD 20723-1224

City, State, Zip: Laurel, MD 20707

E-Mail:

E-Mail: mmitchell@mragta.com

Phone No.:

Phone No.: 410-792-9792

Contact Person:

Contact Person: Michael A. Mitchell, RLA, AICP, LEED AP



Owner's Authorization Attached

Authentisign
 Monica Haltmeyer, Trustee
 John T. Hines Residuary Trust
 12/8/2020 2:24:02 PM EST

Authentisign
 Wanda Allis, Trustee
 John T. Hines Residuary Trust
 12/8/2020 2:24:24 PM EST

Authentisign
 Donna Hurlford, Trustee
 Estate of Ida Elizabeth Hines
 12/8/2020 2:24:02 PM EST

Authentisign
 Monica Haltmeyer, Trustee
 Estate of Ida Elizabeth Hines
 12/8/2020 2:24:02 PM EST

Authentisign
 Wanda Allis, Trustee
 Estate of Ida Elizabeth Hines
 12/8/2020 2:24:02 PM EST

Authentisign
 Donna Hurlford, Trustee
 Estate of Ida Elizabeth Hines
 12/8/2020 2:24:02 PM EST