



# 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

August 17, 2021

Mr. Jim Greenfield  
6420 Autumn Sky Way  
Columbia, Maryland 21044

RE: WP-21-100 Ten Oaks Farm (F-16-123)

Dear Applicant:

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 June 30, 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 remove specimen tree ST1 on Lot 2. 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 Nicholas Haines at (410) 313-4333 or email at [nhaines@howardcountymd.gov](mailto:nhaines@howardcountymd.gov).

Sincerely,

DocuSigned by:  


Anthony Cataldo, AICP, Chief  
Division of Land Development

AC/NH

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



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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-21-100 Ten oaks Farm (F-16-123)**  
*Request for a variance to Section 16.1205(a)(3) of the Howard County Forest Conservation Regulations*

**APPLICANT:** Mr. Jim Greenfield  
6420 Autumn Sky Way  
Columbia, Maryland 21044

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 applicant's request for a variance with respect to **Section 16.1205(a)(3)** of the Howard County Forest Conservation Regulations. The purpose is to utilize the limits of disturbance for the water tower construction for the purposes of satisfying the forest conservation requirements, and for the removal of one specimen tree. The Directors deliberated the application in a meeting on June 30, 2020. 2021

Each Department hereby determines that the applicant has 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 critical root zone of the specimen ST1 is forcing the citing of the proposed house toward rear of the property. The size of Specimen Tree ST1 would allow for 20% max impact to the CRZ. The shared driveway already encroaches the allowable 20% into the existing CRZ. The option to use the 20% impact to move the siting of the proposed house forward was not available with the initial design. The unwarranted hardship is the house requiring a grinding pumping system for the septic area because of the house siting. The specimen tree also forces the house to be sited further rear into the property than the adjacent two lots. The sight lines for the proposed House on Lot 2 will have front to rear sight lines of the adjacent two lots. The proposal would bring the proposed house further forward in the lot and more in line with the adjacent homes.

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

Enforcement of the Regulations would deprive the applicant from rights commonly utilized in similar areas. If the proposed house is constructed completely outside of the critical root zone the home will

have sight views into the two adjacent rear yards of Lots 1 and 3. The primary views “would deprive the landowner of rights commonly enjoyed by others in similar areas” not only in this particular subdivision but in any typical subdivision. Views from the fronts of the homes are not intended to be into rear yards and elevations of adjacent homes. In order to place the home in a more forward location approval of the request to remove Specimen Tree ST1 must be approved.

**3. Verify that the approval 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. Stormwater management and soil erosion and sediment control measures will be implemented under the grading permit. Significant forest buffers will remain around much of the proposed water tank and the roadway to provide visual buffers and to maintain the water quality benefits from forest areas. The 40 feet of forest clearing around the proposed tank will provide access for construction and a clear zone to reduce the potential for damage to the new water tower from falling trees or branches.

**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 request will not confer a special privilege on to the applicant that would be denied to other applicants. Utilizing the forward house location will place the proposed home more in line with the adjacent homes that is typical of house alignments between adjacent properties in subdivisions in Howard County. Approval for removal of the specimen tree will keep the development more in line with the regulations and “will not confer on the applicant a special privilege that would be denied to 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 critical root zone of the specimen ST1 is forcing the siting of the proposed house toward rear of the property. The size of Specimen Tree ST1 would allow for 20% max impact to the CRZ. The shared driveway already encroaches the allowable 20% into the existing CRZ. The option to use the 20% impact to move the siting of the proposed house forward was not available with the initial design. The variance request is due to the existing site conditions. The topography, ground cover and tree stand have existed on the property for many years and is currently undisturbed.

**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 request for the alternative compliance was the result from a condition relating to land or building use, either permitted or non-conforming, on a neighboring property. Both of the neighboring properties (Lots 1 and 3 on the supplemental plan F-16-123) exist in a natural undisturbed condition verifying that the condition did not arise from a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.

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

As discussed briefly under the previous sections the house siting required by the location of the specimen tree places all site lines from the front of the proposed home on Lot 2 as well as the side site lines directly into the rear yards of the adjacent properties. The rear yard site line condition is generally discouraged and denied under standard site plan review and approvals. The views from the fronts of the homes are not meant to be into the rear elevations and yards of adjacent properties. To remedy this situation the proposed house must be moved forward in Lot 2 requiring the removal of specimen tree ST1. The alternative proposal will provide for the replacement of the removed specimen tree with two additional trees to be placed on the property.

**Directors Action:** Approval of this alternative compliance is subject to the following conditions:

1. The specimen tree removal is subject only to the requested tree ST1. Another alternative compliance request must be submitted to propose the removal of any additional specimen trees associated with the project. Provide (2) replacement trees a DBH of at least 3" on site in addition to the required landscaping in place of the removed tree as mitigation.
2. The alternative compliance file number, requested sections, decision date and conditions of approval shall be indicated on the plat as a general note.

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:

*Josh Feldmark*

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Joshua Feldmark, Administrator  
Office of Community Sustainability



**DPZ Office Use only:**  
 File No. *WP. 21-100*  
 Date Filed

**ALTERNATIVE COMPLIANCE APPLICATION**

**Site Description:** Lot 2

**Subdivision Name/Property Identification:** Ten Oaks Farm

**Location of property:** 5016 Ten Oaks Road

**Existing Use:** Residential      **Proposed Use:** Residential

**Tax Map:** 28      **Grid:** 14      **Parcel No:** 140      **Election District:** Fifth

**Zoning District:** RR-DEO      **Total site area:** 3.103

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-16-013, WP-16-108, F-16-123

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) | (a) On-Site Forest Retention Required.<br>(3) State champion trees, trees 75 percent of the diameter of state champion trees, and trees 30 inches in diameter or larger.<br><br>Request removal of 1 Specimen Tree |
|                        |  |



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

Signature of Property Owner:

*B. Jane C. Felt*

Date:

3/12/21

Signature of Petitioner Preparer:

Date:

Name of Property Owner: Jim Greenfield

Name of Petition Preparer: Fisher, Collins, & Carter

Address: 6420 Autumn Sky Way

Address: 10272 Baltimore National Pike

City, State, Zip: Columbia, Md 21044

City, State, Zip: Ellicott City, MD 21042

E-Mail: jgreenfield@columbiabuildersinc.com

E-Mail: frankm@fcc-eng.com

Phone No.: 443-324-4732

Phone No.: 410-461-2855

Contact Person: Jim Greenfield

Contact Person: Frank Manalansan II

Owner's Authorization Attached