



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 6, 2021

Sparrow's Landing LLC
c/o William Green
10821 Red Run Boulevard, Unit 3
Owings Mills, MD 21117

Dear Mr. Green:

RE: **WP-21-141, Sparrows Landing**


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 August 3, 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 2 specimen trees. 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 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 Honeczy- DNR



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-21-141, Sparrows Landing**
Request for a variance to Section 16.1205(a)(3) of the Subdivision and Land Development Regulations.

Applicant: **Sparrow's Landing LLC**
c/o William Green
10821 Red Run Boulevard, Unit 3
Owings Mills, MD 21117

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 of the 3 specimen trees located on site. The Directors deliberated the application in a meeting on August 3, 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;

The property contains an existing dwelling which fronts on Meadowridge Road (classified as a minor arterial highway). The property slopes toward the rear of the site where a stream, stream buffer, wetland, wetland buffer and floodplain are located. The site contains 3 specimen trees. Specimen Trees #2 and 3 are in poor condition, as confirmed by the Department of Recreation and Parks, and are located in the lawn area of the existing house. Specimen Tree #1 is located within the forested floodplain at the rear of the parcel and is proposed to remain with the redevelopment of the parcel.

The development area is limited due to the location of the existing house and the presence of onsite environmental features. Since Meadowridge Road is a minor arterial highway only one point of access is permitted to serve these lots. The access is proposed in the location of Specimen Trees #2 and #3 which provides the existing home the ability to maintain a portion of their yard and accessory structures intact while providing access to the newly created lots. Retaining these trees onsite, specifically Specimen Tree #3, would restrict construction of a use-in-common driveway to the west side of the existing home. This would require the removal of the existing shed/garage structures on site and resulting in an unwarranted hardship for the home which is to remain.

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

The enforcement of the regulations would deprive the landowner rights commonly enjoyed by others. The existing house is proposed to remain. As such, the retention of the 2 specimen trees would impose a significant constraint on the alignment of the proposed shared driveway, infrastructure and siting of the proposed dwellings. The current condition of the trees is poor, as observed and confirmed by the Department of Recreation and Parks staff. The continued deterioration of the health of the trees poses a hazard to the existing site as well as any future development. The removal of the specimen trees would eliminate the hazard and allow for the advantageous location of the proposed shared use-in-common driveway.

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

There is no evidence that granting of this variance will adversely affect water quality. The specimen trees are located in the upland portion of the property. Their removal is necessary for a compact development layout that minimizes impacts to the environmental features located at the rear of the property. Their removal will be mitigated with the plantings of four 3" DBH native trees.

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

Granting of a variance will not confer on the applicant a special privilege that would be denied to other applicants. Trees that are in poor condition within a developed area is considered a hazard to residents and are recommended to be removed. Two specimen trees have reached a state of decline at which the level of tree care necessary to protect the public is very high, and their amenity value significantly diminished.

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

The variance request is not based on conditions or circumstances which are the result of actions by the applicant. The condition of the trees is a result of their natural life cycle, and possibly lighting strike.

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; and

The variance request is a result of the property's physical characteristics and 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.

The applicant provided supporting data that includes a tree assessment, photos of the specimen trees to be removed, forest stand delineation, and plan exhibits that details the environmental features, specimen trees to be removed, and specimen tree to remain.

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

1. The alternative compliance approval applies only to the proposed development and grants the applicant the authority to remove the 2 specimen trees identified as ST-2 and ST-3 on the alternative compliance exhibit. The removal of any other specimen tree on the subject property is not permitted under this approval.
2. The removal of 2 specimen trees is permitted and requires the planting of 4 native shade trees onsite per Section 16.1216(d) of the Forest Conservation regulations. The trees shall be a minimum of 3" DBH and shall be shown on the final subdivision landscape and forest conservation plan sheets. The trees must be bonded along with the developer's required landscaping or forest conservation.
3. Protective measures shall be utilized during construction to protect the specimen tree that is to remain, including how the critical root zones are to be protected. Include details of the proposed tree protection measure on the final subdivision plan.

DocuSigned by:

Amy Gowan

584D5DD9470C4D4...

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 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:

Subdivision Name/Property Identification:

Location of property:

Existing Use:

Proposed Use:

Tax Map:

Grid:

Parcel No:

Election District:

Zoning District:

Total site area:

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:

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 Reference No.	Brief Summary of Request

Signature of Property Owner:

Date:

Signature of Petitioner Preparer:

Date:

Name of Property Owner:

Name of Petition Preparer:

Address:

Address:

City, State, Zip:

City, State, Zip:

E-Mail:

E-Mail:

Phone No.:

Phone No.:

Contact Person:

Contact Person:

Owner's Authorization Attached

Section Reference No.	Brief Summary of Request