



# 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 16, 2022

Dave Sapariya  
304 Waterloo Walk  
Laurel, MD 20707  
Sent via email: [sapariya@gmail.com](mailto:sapariya@gmail.com)

RE: WP-22-031 Sapariya Property, Lots 1 & 2

Dear Mr. Sapariya:

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 March 10, 2022 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** the removal of three (3) specimen trees and **denied** the removal of two (2) specimen trees for your request for a variance with respect to **Section 16.1205(a)(3)** of the Subdivision and Land Development Regulations to subdivide the property into two lots with single-family dwellings along a scenic road, which proposed the removal of five (5) specimen trees. Please see the attached Final Decision Action Report for more information.

Approval of this Alternative Compliance is subject to the following conditions:

1. The Alternative Compliance approval is limited to the removal of Specimen Trees #1, #2, and #10 only 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. Specimen Trees #8 and #9 will be preserved onsite. Individual tree protection devices (tree fencing) shall be placed completely around the trees prior to the commencement of any grading. Root pruning, as approved in Exhibit G-15 in the Forest Conservation Manual, shall be attempted.
3. A minimum of six (6), native 3" caliper, shade trees shall be provided as mitigation for the removal of the three (3) specimen trees from the property. Landscaping surety in the amount of \$300.00 per tree shall be provided with the applicant's grading permit as part of the site development plan.

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:  
  
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Anthony Cataldo, AICP, Chief  
Division of Land Development

AC/kb

cc: Research  
DLD - Julia Sauer  
Real Estate Services  
Marian Honeczy- DNR  
FCC



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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-22-031 Sapariya Property, Lots 1 & 2**  
*Request for a variance to Section 16.1205(a)(3) of the Subdivision and Land Development Regulations.*

**Applicant:** Dave Sapariya  
304 Waterloo Walk  
Laurel, Maryland 20707

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 removal of three (3) specimen trees and **DENIED** the removal of two (2) specimen trees of the proposed five (5) trees included in the applicants request for a variance with respect to **Section 16.1205(a)(3)** of the Forest Conservation Regulations. The purpose is to subdivide the property into two lots with single-family dwellings along a scenic road, which proposed the removal of five (5) specimen trees. The Directors deliberated the application in a meeting on March 10, 2022.

In regard to specimen trees #1, #2, and #10, 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 ten (10) specimen trees on the property which is proposed to be developed into a two-lot subdivision. The applicant has requested five (5) of those trees to be removed to develop the property. Specimen Trees #1, #2, and #10 are located central to the developable area of the site, and any development of the site would result in significant impact to the trees and their critical root zones (CRZ). The homes cannot be shifted to the rear without impacting more specimen trees and cannot be shifted forward due to the location along a scenic road. The site fronts Trotter Road, a scenic road, so the proposed dwellings are set back from the roadway to maintain the scenic character of the road by matching the surrounding community and retaining scenic views in this area.

DPZ, however, does not find that sufficient evidence has been presented to warrant removal of Specimen Trees #8 and #9 in accordance with this criteria. An alternative plan was submitted with the application that moved the proposed house forward on Lot 1, outside of the CRZ for Specimen Trees #8 and #9 and retaining a buffer area between the home and the scenic road. The alternative house location remains consistent with the character of the surrounding neighborhood and the associated drywell can be relocated to avoid detrimental impacts to those CRZ. Root pruning and other tree saving measures, like fencing, should be used to reduce the impacts to these specimen trees.

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

The property has a total of ten (10) specimen trees onsite and fronts a scenic road, which greatly reduces the developable area of the site. The area encumbered by these and their CRZ accounts for the majority of the site. To meet scenic road requirements, the houses were setback from the right-of-way at a similar distance as the existing neighborhood, while maintaining scenic views from the roadway. If forced to retain all of the specimen trees onsite, the owner would be denied rights commonly enjoyed by others in similar areas because there would not be adequate area to develop the property. Approving the removal of Specimen Trees #1, #2, and #10 allows for reasonable development as permitted by right under zoning, which would otherwise be deprived.

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

There is no evidence that the partial granting of the variance will adversely affect water quality. The development is subject to the current Environmental Site Design criteria, which includes small filtering processes to address water quality. Stormwater management and soil erosion and sediment control measures will be implemented under the grading permit.

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

Partial approval of this variance will provide the applicant with the ability to subdivide properties which are similar in size and configuration to the lots of the surrounding area. The subdivision proposed is consistent with subdivisions that have occurred along Trotter Road.

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

The majority of the specimen trees proposed for removal are centrally located on the site. The applicant would not be allowed reasonable use of the property if Specimen Trees #1, #2, and #10 were required 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 by a neighboring property. The conditions are a result from the uniqueness of the environmental features onsite and location along a scenic road.

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

The applicant has provided exhibits showing two locations for the proposed house on Lot 1. The alternative design moving the house closer towards Trotter Road, a scenic road, will allow for Specimen Trees #8 and #9 to remain by reducing the impact to their CRZ. This proposed layout will meet the intent of the scenic road requirements, while allowing seven (7) of the specimen trees to remain onsite. DPZ supports the removal of Specimen Trees #1, #2, and #10 in order to allow reasonable development of the site while retaining the majority of the existing specimen trees.

**Directors Action:** Approval of alternative compliance of Section 16. 1205(a)(3) is subject to the following conditions:

1. The Alternative Compliance approval is limited to the removal of Specimen Trees #1, #2, and #10 only 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. Specimen Trees #8 and #9 will be preserved onsite. Individual tree protection devices (tree fencing) shall be placed completely around the trees prior to the commencement of any grading. Root pruning, as approved in Exhibit G-15 in the Forest Conservation Manual, shall be attempted.

3. A minimum of six (6), native 3" caliper, shade trees shall be provided as mitigation for the removal of the three (3) specimen trees from the property. Landscaping surety in the amount of \$300.00 per tree shall be provided with the applicant's grading permit as part of the site development plan.

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  
OCS, Joshua Feldmark  
DRP, Raul Delerme  
FCC



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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-22-031 Sapariya Property, Lots 1 & 2**  
*Request for a variance to Section 16.1205(a)(3) of the Subdivision and Land Development Regulations.*

**Applicant:** Dave Sapariya  
304 Waterloo Walk  
Laurel, Maryland 20707

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 removal of three (3) specimen trees and **DENIED** the removal of two (2) specimen trees of the proposed five (5) trees included in the applicants request for a variance with respect to **Section 16.1205(a)(3)** of the Forest Conservation Regulations. The purpose is to subdivide the property into two lots with single-family dwellings along a scenic road, which proposed the removal of five (5) specimen trees. The Directors deliberated the application in a meeting on March 10, 2022.

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**Directors Action:** Approval of alternative compliance of Section 16. 1205(a)(3) is subject to the following conditions:

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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  
OCS, Joshua Feldmark  
DRP, Raul Delerme  
FCC



**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-22-031*  
 Date Filed *9/26/21*

**ALTERNATIVE COMPLIANCE APPLICATION**

**Site Description:** Sapariya Property Lots 1 & 2

**Subdivision Name/Property Identification:** Resubdivision of Criswood Manor Section Two - Lot 65

**Location of property:** 5669 Trotter Road, Clarksville MD 21029

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

**Tax Map:** 0035      **Grid:** 02      **Parcel No:** 0180      **Election District:** 2nd

**Zoning District:** r-20      **Total site area:** 1.37

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:

The Sapayari Property consists of a Resubdivision of Criswood Manor Section Two - Lot 65 as recorded in the Land Records of Howard County as Pb 5, Page 52 to create two proposed lots. The existing house circa 1958 will be razed and two single family detached homes are proposed.

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. (3) State champion trees, trees 75 percent of the diameter of state champion trees, and trees 30 inches in diameter or larger.

Section Reference No.	Brief Summary of Request

Signature of Property Owner: *Divyesh Sapariya* Date: *06/19/2021*

Signature of Petitioner Preparer: *[Signature]* Date: *JUNE 20, 2021*

Name of Property Owner: *Divyesh Sapariya et al* Name of Petition Preparer: *Fisher, Collins and Carter Inc.*

Address: *304 Waterloo Walk* Address: *10272 Baltimore National Pike*

City, State, Zip: *Laurel, MD. 20707* City, State, Zip: *Ellicott City, MD. 20142*

E-Mail: *sapariya@gmail.com* E-Mail: *Frankm@fcc-eng.com*

Phone No.: *301 275 0762* Phone No.: *410 461 2855*

Contact Person: *Dave Sapariya* Contact Person: *Frank Manalansan II*

Owner's Authorization Attached