



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Court House Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Lynda D. Eisenberg, AICP, Director

FAX 410-313-3467

March 19, 2024

South Trotter LLC
attn: Brandon Boy
9693 Gerwig Lane, Suite L
Columbia MD 21046

RE: WP-23-015 Scott Property (Trotter's Retreat)

Dear Mr. Boy:

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 14, 2024, 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 County Code to remove one (1) specimen tree – a 38" white pine tree. Please see the attached Final Decision Action Report for more information.

If you have any questions, please contact Derrick Jones at (410) 313-2350 or email at djones@howardcountymd.gov.

Sincerely,

DocuSigned by:

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Anthony Cataldo, AICP, Chief
Division of Land Development

AC/dj
Attached: DAR
cc: Research
DLD - Julia Sauer
Real Estate Services
DNR – fca.dnr@maryland.gov
Benchmark Engineering
File: SDP-24-017



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Court House Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Lynda D. Eisenberg, AICP, 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-23-015 Scott Property (Trotter's Retreat)**
Request for a variance to Section 16-1205(a)(3) of the Howard County Code.

Applicant: South Trotter LLC
c/o Brandon Boy
9693 Gerwig Lane, Suite L
Columbia MD 21046

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 one (1) specimen tree – a 38" white-pine tree. The Directors deliberated the application in a meeting on March 14, 2024.

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 site contains a farm pond that is situated in the middle of the property and a 38-inch diameter white pine tree (specimen tree). The pond is planned for removal and shall be replaced with a stream channel and associated buffers as part of a stream restoration project to restore the existing stream channel that traversed the site prior to the pond construction. The stream restoration project shall also include afforestation within the riparian area that will bifurcate the property and constrain the site's developable area. The location of the 38-inch white pine tree and the associated critical root zone occupy an area of the site where grading and land development activities are proposed.

A practical difficulty arises in developing the site due to the location of the tree relative to the required stormwater management, its associated grading and the reestablishment of the stream channel. Currently, the site is unforested and the re-established 50-foot intermittent stream buffer will be planted to meet the 1.3-acre afforestation onsite requirement. Through the DAP review process, the plan was revised to site the homes farther back from South Trotter Road to allow for a larger landscape buffer between the road and the houses. This moves the house immediately adjacent to the tree and creates more impact to the critical root zone due to the need for additional earth fill to raise the houses to provide gravity sewer service for the basements. The proposed submerged gravel wetland stormwater management facility adjacent to the stream buffer will capture the runoff from the proposed impervious areas and needs to be near the lowest elevation of the site, which is between the

specimen tree and stream buffer. The grading associated with this submerged gravel wetland, existing pond embankment removal and restoration of the stream channel with encroach within the critical root zone approximately 41% which more than the 30% maximum allowed.

The team investigated an alternative layout and although eliminating the residential units adjacent to the tree would reduce the development grading, the stormwater management would still be necessary in this location and, thus, would impact the tree. In addition, the applicant has agreed to provide stormwater quality control for off-site properties to help minimize the current erosion concerns downstream which were raised in the review process. The constraints are such that avoidance is not possible while maintaining the reasonable development potential of the site. The retention of the specimen tree could not be accomplished without restricting or eliminating the proposed and intended use of the site within this area. Strict conformance with the requirements would deprive the applicant from reasonably developing the property and would create cause for an unwarranted hardship.

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

This property has unique site conditions, as described above, that creates site constraints related to the location of the tree relative to the stream restoration, required storm water management facility and grading. Strict enforcement to the regulations would impact the stream restoration intended to have a significant positive environmental impact and the requisite SWM facilities.

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

The request to remove the one specimen tree will not adversely impact water quality for this project. The proposed development will be subject to the current Environmental Site Design criteria, which includes small filtering processes to address water quality as part of the stream restoration project. Stormwater management and soil erosion and sediment control measures will be implemented under the grading permit. The applicant's justification states that a tree's ability to enhance water quality is primarily determined by the tree canopy protection of the ground surface by intercepting precipitation, the transpiration of water moving up through the trees to its leaves and the stability that the roots provide to the ground surface. The ultimate stream restoration condition in the site will provide extensive canopy coverage and does not appear to have a unique or specific adverse impact on the water quality of the site.

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

Given the limitations of the site associated grading required for stormwater management devices and grading, the environmental benefits of the stream restoration, and the location of the tree, it is not practical to reasonably develop the site and restore the stream channel. Granting the variance to remove one specimen tree does not confer a special privilege on the applicant.

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 based on site conditions and/or circumstances, and not a result of actions by the applicant. The relatively flat topography of the site and the requirement for swm facilities to be at the low points provide site constraints limit the developable area of the property. The removal of the white pine specimen tree is required for reasonable development 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.

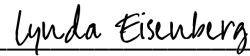
7. Provide any other information appropriate to support the request.

According to the specimen tree assessment, the 38-inch white pine tree is in fair to good condition and has a large girdling root system. A girdling root system ‘choke’ off the flow of water and nutrients between the roots and branches and food produced in the leaves from reaching the roots. Girdling can also compress and weaken the trunk of a tree causing it to lean and lost its stability. Lastly, the report states that a portion of the tree is suffering branch loss that is likely due to drought conditions and root girdling.

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

1. The removal of the 38” white pine specimen tree is hereby permitted, as shown on the Alternative Compliance Plan Exhibits A and B.
2. The removal of one specimen tree is permitted and requires the planting of two 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 agreement for the required landscaping obligation.

DocuSigned by:



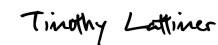
Lynda Eisenberg, AICP, Director
Department of Planning and Zoning

DocuSigned by:



Nicholas Mooneyhan, Director
Department of Recreation and Parks

DocuSigned by:



Timothy Lattimer, Administrator
Office of Community Sustainability

cc: Research
OCS
DRP



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

September 21, 2022

South Trotter LLC
attn: Brandon Boy
9693 Geerwig Lane, Suite L
Columbia MD 21046


RE: WP-23-015 Scott Property (ARAH)

Dear Mr. Boy:

This letter is to inform you that your request for alternative compliance to Section 16.1205(a)(3) of the County Code for the removal of a specimen tree at the above referenced property has been reviewed. At this time, **no action** can be taken on this alternative compliance. Before action can be taken on this request, an Environmental Concept Plan (ECP) must be approved and a Site Development Plan (SDP) must be submitted.

If you have any questions, please contact Derrick Jones at (410) 313-2350 or email at djones@howardcountymd.gov.

Sincerely,

DocuSigned by:

1EB75478A22B49A...

Anthony Cataldo, AICP, Chief
Division of Land Development

AC/dj
cc:
Research
DLD - Julia Sauer
Benchmark Engineering



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 23-05*
 Date Filed

ALTERNATIVE COMPLIANCE APPLICATION

Site Description: Development of 25 Age restricted Adult Housing Units

Subdivision Name/Property Identification: Scott Property

Location of property: South Trotter Road

Existing Use: Residential Lots

Proposed Use: Age Restricted Adult SFD housing

Tax Map: 35

Grid: 20

Parcel No: 338

Election District: 5th

Zoning District: R-20 with a Conditional Use approval

Total site area: 9.75 Ac.

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:

F-76-64

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
16.1205(a)	Removal of one (1) specimen tree

Section Reference No.	Brief Summary of Request

Signature of Property Owner:

Brandon Boy

Date:

8-8-22

Signature of Petitioner Preparer:

Chris Ogle

Date:

8.9.22

Name of Property Owner:

South Trotter LLC

Name of Petition Preparer:

Benchmark Engineering, Inc

Address:

9693 Geerwig lane, Suite L

Address:

3300 N. Ridge Road
Suite 140

City, State, Zip:

Columbia, MD. 21046

City, State, Zip:

Ellicott City, MD. 21043

E-Mail:

brandondboy@gmail.com

E-Mail:

bei@bei-civilengineering.com

Phone No.:

410-792-2565

Phone No.:

410-465-6105

Contact Person:

Brandon Boy

Contact Person:

Chris Ogle

Owner's Authorization Attached