



# 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

November 7, 2022

MSR Patapsco Crossing, LLC  
1960 Gallows Road  
Suite 200  
Vienna, VA 22182

Dear Sir or Madam:

RE: WP-23-034 Patapsco Crossing, Lot 34

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.

The Department of Planning and Zoning hereby determines that you have demonstrated to its satisfaction that strict enforcement of Section 16.1205(a)(7) would result in an unreasonable hardship or practical difficulty. This determination is made with consideration of your alternative compliance application and the items you were required to address, pursuant to Section 16.104(a)(1).

The applicant is requesting alternative compliance to Section 16.1205(a)(7) of the Howard County Forest Conservation Regulations for the removal of 3 specimen trees (#5, #27 and #28).

**Justification for Recommendation:**

The alternative compliance request is reviewed for compliance with the regulations in effect at the time of preliminary equivalent sketch plan approval, which allows the Department of Planning and Zoning to grant alternative compliance requests based on the following:

**1. An unreasonable hardship or practical difficulty results from compliance with the regulation.**

A Certified Arborist who is also a Qualified Professional determined the specimen trees were dying and are at risk of breakage and/or failure which could cause serious impact to the new home. Because the trees are a known hazard, the impacts to these trees from construction of the bioretention pond, utility connection and the removal of the existing house will further impact the health of these trees. The new dwelling is compatible with newly constructed homes in the Patapsco Crossing subdivision. If these trees were not removed, the current owner could not practically construct a similar home as those constructed given the constraints with the public utility connections, driveway location, required setbacks and the storm water management requirements. In addition, the previous owner stored large spools of conduit within the critical root zone of Specimen Tree #5. This action was outside of the control of the current owner. Given the weight of these spools and the equipment required for their removal impacted the critical root zone of this tree. No protective fencing was installed during the construction of the homes near this lot as several 2" diameter root fragments were found during the Arborist inspection of the site. The Arborist estimated impact to the critical root zone for Specimen Trees #5, #27 and #28 were 75%, 50% and 60% respectively.

**2. The regulation will be served to a greater extent by an alternative proposal.**

Removal of the dead trees will require planting of six native trees. These trees will be placed appropriately on the site and will be part of the approved landscape plan. It will be required to maintain them in good growing condition and, whenever necessary, replaced with comparable new plant materials to ensure continued compliance with the landscape regulations.

**3. Granting of the waiver will not adversely affect water quality.**

The planting of six living trees will provide an increase in water quality because living trees absorb and filter water and nutrients that would otherwise wind up in waterways. The dead trees will not provide the same benefits of living trees. In addition, the existing house, driveway and accessory structures did not address storm water management. The new home will be required to comply with the current stormwater management requirements.

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

1. Approval is for removal of specimen tree #5, #27 and #28 as shown on the alternative compliance exhibit. No other specimen tree is approved to be removed under this request.
2. Removal of the specimen trees require replacement of six native trees of 2 different species with a DBH (diameter at breast height) of at least three inches. The mitigation planting must be shown on the landscape plan for Patapsco Crossing, Lot 34 (SDP-22-041) and be bonded as part of the landscaping surety. The replacement trees cannot count toward the landscaping obligation for the subdivision.

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 Luber at (410) 313-2350 or email at [BLuber@howardcountymd.gov](mailto:BLuber@howardcountymd.gov).

Sincerely,

DocuSigned by:



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Anthony Cataldo, AICP, Chief

Division of Land Development

AC/bl

cc: Research  
DLD - Julia Sauer  
Real Estate Services  
Marian Honecny- DNR  
Vogel Engineering + Timmons Engineering



DPZ Office Use only:
File No.
Date Filed

**ALTERNATIVE COMPLIANCE APPLICATION**

Site Description: POTRSCO CROSSING LOT 34

Subdivision Name/Property Identification: POTRSCO CROSSING

Location of property: 8524 SUNELL LANE

Existing Use: RESIDENTIAL Proposed Use: RESIDENTIAL

Tax Map: 18 Grid: 13 Parcel No: 25 Election District: 210

Zoning District: R-20 Total site area: 0.10 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-18-087  
EQP 22-030  
SDP 22-041

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
<u>16.1205 (a)(3)</u>	<u>FOREST CONSERVATION DIST PRIORITY PRIORITIES</u>

Section Reference No.	Brief Summary of Request

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**Signature of Property Owner:**  **Date:** 9/22/2022  
**Signature of Petitioner Preparer:**  **Date:** 9/22/22  
**Name of Property Owner:** MSR Patapsco Crossing, LLC **Name of Petition Preparer:** Vogel Engineering + Timmons Group  
**Address:** 1960 Gallows Road Suite 200 **Address:** 3300 North Ridge Road., Suite 110  
**City, State, Zip:** Vienna, VA 22182 **City, State, Zip:** Ellicott City, Maryland 21043  
**E-Mail:** saylor@millerandsmith.com **E-Mail:** Rob.Vogel@timmons.com  
**Phone No.:** 703-821-2500, x 234 **Phone No.:** 410-461-7666  
**Contact Person:** Steve Aylor **Contact Person:** Robert H. Vogel  
 **Owner's Authorization Attached**