



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

January 5, 2023

Anna Lancaster
Enterprise Community Homes, LLC
875 Hollins Street, Suite 202
Baltimore, MD 21201

RE: WP-23-043

Dear Ms. Lancaster

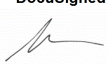
This letter is to inform you that your request for alternative compliance to the Howard County Subdivision and Land Development Regulations for the subject project was reviewed.

On December 22, 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** your request for a variance with respect to **Section 16.1205(a)(3)** of the Subdivision and Land Development Regulations to remove one specimen tree (a 35" Red Maple in fair-to-good condition). 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 Jill Manion at (410) 313-2350 or email at jmanion@howardcountymd.gov.

Sincerely,

DocuSigned by:

1EB75478A22B49A...

Anthony Cataldo, AICP, Chief
Division of Land Development

AC/jam

cc: Research
DLD - Julia Sauer
Marian Honeczy- DNR
GLW



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

23

RE: **WP-22-043, Village of Harpers Choice**
Request for a variance to Section 16.1205(a)(3) of the Subdivision and Land Development Regulations.

Applicant: Enterprise Community Homes, LLC
875 Hollins Street, Suite 202
Baltimore, MD 21201
Contact: Anna Lancaster

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 specimen tree (a 35" Red Maple in fair to good condition). The Directors deliberated the application in a meeting on December 22, 2022.

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 has been identified and approved with ZB1120 for redevelopment of affordable housing. The building's orientation is situated with a façade along Little Patuxent Parkway and surface parking north of the building. In addition, the building will have a ground level garage. As the site slopes from the south (high) side to the north (low) side, the entrance to the ground level ideally situated at the lower part of the site, where the main entrance (first floor) is on the higher end of the site.

When the property was first purchased by the applicant and approved for redevelopment through ZB1120, the site was exempt from all Forest Conservation requirements. Concepts had already been considered for viable redevelopment of the site meeting the decision and order parameters. As such, the location of a specimen tree on site was not initially considered. The County Council removed the prior exemption to the Forest Conservation Regulations which this project previously was availed of.

The location of the tree and its critical root zone at the center of the 2-acre property severely impacts the buildable area of this site. A reorientation of the building to accommodate the tree would bring surface parking toward Little Patuxent Parkway and the tree and its CRZ would still be significantly impacted and surrounded by

asphalt. The tree has a split trunk and the hazard risk to property and safety would be increased as the disturbances from the redevelopment could further weaken the tree. Due to its location on site and current condition, attempts to preserve the tree would create unwarranted hardship for this development.

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

Strict enforcement of the regulation would require the applicant to redesign the development site to maintain the required site access off of Turnabout Lane, reasonable development of new units with required parking, and the required SWM facilities. Redesign of the site would result in potential parking along Little Patuxent Parkway which would be less desirable from an urban design perspective while also impacting a significant portion of the CRZ of the Specimen Tree. This would likely cause a future hazardous condition. Landowners are typically afforded the opportunity to eliminate a potentially hazardous condition from their property.

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

There is no evidence that the granting of a variance will adversely affect water quality. As the site 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.

The granting of this variance for site access will not confer a special privilege to the applicant. Given the structural integrity of the tree, it is more likely efforts to retain the tree would still result in a weakened tree considering impacts to the critical root zone to reasonably accommodate redevelopment. The proposed project will be required to plant 2 native shade trees onsite as mitigation for the removal of the specimen tree.

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

The conditions of the specimen tree location and optimal arrangements of buildings and site features given the bulk regulations and topography were not created by the Applicant.

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.

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

- 1. The removal of the specimen tree shall be mitigated with a 2:1 replacement with native 3" DBH trees. The trees are to be identified on the Site Development Plan prior to Planning Board.*

DocuSigned by:

Amy Gowan

5B4D5DD947064D4...

Amy Gowan, Director
Department of Planning and Zoning

DocuSigned by:

Scott Bowen

D1E043D0DA7543E...

For Raul Delerme, Director
Department of Recreation and Parks

DocuSigned by:

Joshua Feldmark

3241B074513F4B7...

Joshua Feldmark, Administrator
Office of Community Sustainability

cc: Research
OCS, Joshua Feldmark
DRP, Raul Delerme