



# 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

July 12, 2024

Divyesh Sapariya  
5669 Trotter Rd.  
Clarksville, MD 21029  
Email: [sapariya@gmail.com](mailto:sapariya@gmail.com)

RE: WP-24-108 Sapariya Property

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 July 3, 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 Subdivision and Land Development Regulations to remove Specimen Tree #5. 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 Tree #5 only, as depicted on the exhibit. Removal of any other specimen tree will require a new alternative compliance request or an amendment to this alternative compliance request.
2. A minimum of 2 (two), native 3" caliper, shade trees shall be provided as mitigation for the removal of the one (1) specimen tree from the property.
3. A redline revision to SDP-23-023 showing the two (2) mitigation trees that are required must be submitted within 60 days of the approval of this alternative compliance.

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) 313-3369 or email at [kbolton@howardcountymd.gov](mailto:kbolton@howardcountymd.gov).

Sincerely,  
DocuSigned by:

Anthony Cataldo, AICP, Chief  
Division of Land Development

AC/kb

cc: Research  
DLD - Julia Sauer  
Real Estate Services  
DNR – [fca.dnr@maryland.gov](mailto:fca.dnr@maryland.gov)



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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-24-108 Sapariya Property**  
*Request for a variance to Section 16.1205(a)(3) of the Howard County Code.*

**Applicant:** Divyesh Sapariya  
5669 Trotter Rd.  
Clarksville, MD 21029  
Email: [sapariya@gmail.com](mailto:sapariya@gmail.com)

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 specimen tree #5. The Directors deliberated the application in a meeting on July 3, 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 subject property, which has been approved for subdivision into two buildable lots with a proposed single-family dwelling on each lot under F-21-046 identifies ten (10) specimen trees onsite. Under WP-22-031, Specimen Trees #1, #2, and #10 were approved to be removed with the condition that six (6) mitigation trees would be planted onsite. Specimen Tree, ST #5 was not included in this request as it was noted to be in good condition and the critical root zone, CRZ would not be impacted by the proposed development. Before site work was initiated, it was determined that ST #5 had died. The tree is located just outside of the LOD but is tall enough that it would be a hazard to the work zone or the proposed structures if it were to fall. Prohibiting the removal of ST #5 would cause an unwarranted hardship for the property.
- 2. Describe how enforcement of the regulations would deprive the landowner of rights commonly enjoyed by others in similar areas.**  
Large dead trees pose a hazard to properties and are commonly removed because of safety concerns. Strict enforcement of the regulations would require the dead specimen tree to remain in proximity to the limit of disturbance which could create a potential safety hazard to anyone onsite.
- 3. Verify that the granting of a variance will not adversely affect water quality.**  
There is no evidence that the approval of this variance will adversely affect water quality. The development was subject to the current Environmental Site Design criteria, which include small filtering processes to address water

quality at time of SDP approval. 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.**

Granting this variance will allow the applicant to continue development of the site as shown on the approved plans. Approval of this variance would not confer a special privilege that would be denied to other applicants, as the removal of dead trees is a common practice on all properties to ensure the safety of persons and structures onsite.

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

The request to remove ST #5 is not based on conditions or circumstances which are a result of actions of the applicant. The tree had died of natural causes before any site work was initiated and the site has remained in its original state.

**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 updated exhibits of the SDP showing the location of ST #5 and pictures depicting the state of the tree. Rapid and unexpected death of oak trees has been highlighted in other alternative compliance cases. In some of those cases, report information from the University of Maryland Exchange was discussed. The University of Maryland Exchange reports rapid browning and the death of many oak trees in Maryland. They hypothesize this is due to extreme weather conditions in recent years and are currently studying the occurrences. The applicant included that ST#2 (white oak) and ST#10 (black oak), which were both approved to be removed under WP-22-031 have also died. ST#2 was blown over by a storm and ST#10 has died of natural causes.

**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 Tree #5 only, as depicted on the exhibit. Removal of any other specimen tree will require a new alternative compliance request or an amendment to this alternative compliance request.
2. A minimum of 2 (two), native 3" caliper, shade trees shall be provided as mitigation for the removal of the one (1) specimen tree from the property.
3. A redline revision to SDP-23-023 showing the two (2) mitigation trees that are required must be submitted within 60 days of the approval of this alternative compliance.

DocuSigned by:

*Lynda Eisenberg*

Lynda Eisenberg, AICP, Director  
Department of Planning and Zoning

DocuSigned by:

*Nicholas Mooneyhan*

Nicholas Mooneyhan, Director  
Department of Recreation and Parks

DocuSigned by:

*Timothy Lattimer*

Timothy Lattimer, Administrator  
Office of Community Sustainability

cc: Research  
OCS  
DRP



**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:** Sapariya Property Lots 1 & 2

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

**Location of property:** 5673 Trotter Rd, Clarksville MD 21029

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

**Tax Map:** 0035      **Grid:** 0002      **Parcel No:** 0486      **Election District:** 2nd

**Zoning District:** R-20      **Total site area:** 0.782

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-21-046  
 WP-22-031  
 SDP-23-023

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
Subtitel 12 Section 16.1216 Forest Conservation	The property owner is seeking approval to remove a dead specimen tree. the tree was slated for retention as part of a re-subdivision project but died before any site work occurred. The property owner would like to remove the tree as it poses a danger to visitors of the property.

Section Reference No.	Brief Summary of Request

Signature of Property Owner:

*Divyesh Sapariya*

Date:

05/21/2024

Signature of Petitioner Preparer:

Date:

Name of Property Owner:

Divyesh Sapariya

Name of Petitioner Preparer:

Address: 5669 Trotter Rd

Address:

City, State, Zip: Clarksville, MD 21029

City, State, Zip:

E-Mail: Sapariya@gmail.com

E-Mail:

Phone No.: 301-275-0762

Phone No.:

Contact Person: Divyesh Sapariya

Contact Person:

Owner's Authorization Attached

Section Reference No.	Brief Summary of Request