

Introduction

The project associated with this variance request is Applicant’s redevelopment of **7501** Standish Place (the “Property”) in Derwood, which consists of approximately **12.72** acres currently improved with four (4) office buildings ranging from 1 to 3 stories and associated surface parking. The Property is bounded by Standish Place along the north and southwest frontage, and by Crabbs Branch Way along the north and southeast frontage. The Property is approximately 500 feet from the intersection of Crabbs Branch Way and Gude Drive. There are no significant environmental buffers located on the Property. The Property will be redeveloped with a combination of two-over-two condominiums and townhomes on a compact tree-lined street block system supporting a pedestrian promenade, open park space, children’s play area, and a dog park (the “Project”).

As part of the proposed Project, Applicant seeks a variance for removal of six (6) specimen trees on the Property. This variance request complies with the M-NCPPC and Maryland state law, which require Applicant to file for a variance from these laws to remove or impact any specimen tree (tree 30” or greater at Diameter at Breast Height [DBH] or a tree with a DBH equal to or greater than 75% of the current State Champion of its species as designated by MDNR); trees that are a part of a historic site or associated with a historic structure; any tree designated by the State or County as a national, State, or County champion tree; or any tree, shrub, or plant identified on the Rare, Threatened, or Endangered (RTE) species list provided by the U.S. Fish and Wildlife Service or the Maryland Department of Natural P

The following table lists the 6 specimen trees for which Applicant seeks a variance to remove or impact the CRZ:

<b>Tree No.</b>	<b>Botanical Name</b>	<b>Common Name</b>	<b>D.B.H. (in.)</b>	<b>CONDITION</b>	<b>RECOMMENDATION</b>
6	<i>Quercus phellos</i>	Willow Oak	30.5	Good	Remove (77% CRZ Impact)
13	<i>Quercus phellos</i>	Willow Oak	31	Fair	Remove (82% CRZ impact)
14	<i>Quercus phellos</i>	Willow Oak	30.5	Good/Fair	Remove (98% CRZ impact)
28	<i>Fagus grandifolia</i>	American Beech	35.5	Good/Fair	Remove (78% CRZ impact)
33	<i>Quercus rubra</i>	Northern Red Oak	31	Good	Remove (100% CRZ impact)
36	<i>Quercus phellos</i>	Willow Oak	30	Good/Fair	Remove (100% CRZ impact)

\* Diameter at Breast Height

Justification of Variance

Section 22A-21 of the County Ordinance authorizes the County to approve variances to the Forest Conservation Law allowing disturbances to certain trees, including specimen trees. An applicant seeking a variance must present a request in writing and the applicable approving authority must make certain findings and descriptions prior to approval. Applicant’s variance request satisfies the required findings as follows:

- (1) Describe the special conditions prior to the property which would cause the unwarranted hardship;

The site is dominated by impervious cover (office buildings and associated parking), the existing landscaping and mature trees are constrained to existing landscape areas within the office park, or along the perimeter of Crabbs Branch Way. Where trees are located within landscaped areas on portions of the Property that are currently improved, such as within the vicinity of existing parking lots, or in landscaped areas that will require grading. Removal of existing improvements alone would cause impacts to these trees. Grading and other design considerations impacting the trees were minimized to the extent practicable. Denial of the variance would cause unwarranted hardship by significantly reducing the area of the Property that could be redeveloped. This would preclude implementation of the Project, considerably undermine the economic viability of any redevelopment of the Property and prevent achievement of the County's adopted planning goals.

The Project will require the removal of six (6) specimen trees. Impacts to the specimen trees are as follows:

Tree 6, Tree 13, and Tree 14

- **CRZ Impact:** Severe, 77% impact, 80% impact, 78% impact, respectively.
- **Tree Condition:** Good, Fair, and Good/Fair respectively.
- **Waiver Request:** Approve for removal.

These trees are proposed for removal as they are located on the landscaped edge along Crabbs Branch Way within the proposed Limits of Disturbance (L.O.D.). This edge has a substantial grade differential ranging from 10 feet in height at the midblock, 3 feet in height at the northern end and 5 feet in height at the southern end of Crabbs Branch Way. An effort to save these trees would require a significant reduction in useable building area to clear the CRZs and would not be reasonably feasible within the scope of the Project's design.

Tree 28, Tree 33, and Tree 36

- **CRZ Impact:** Severe, 78% impact, and 100% impact respectively.
- **Tree Condition:** Good/Fair, Good, and Good/Fair respectively
- **Waiver Request:** Approve for removal.

These trees are proposed for removal as they are in landscape areas within the proposed Limits of Disturbance (L.O.D.). An effort to save these trees would require a significant reduction in usable building space to clear the CRZs and would not be reasonably feasible within the scope of the Project's design.

(2) *Describe how enforcement of this Chapter will deprive the Applicant of rights commonly enjoyed by others in similar areas;*

Denial of the variance would deprive Applicant of rights commonly enjoyed by others in similar areas. Avoiding any impacts to trees would significantly impact any compatible

redevelopment. Therefore, strict enforcement of the County Code would unfairly prevent the redevelopment of the Property.

Approval of the variance would allow Applicant to create a residential area that provides a range of housing types, including 28 moderately priced dwelling units that increases the stock of affordable housing options for County residents, amenities that benefit both the residents and surrounding community.

(3) *Verify that State water quality standards will not be violated and that a measurable degradation in water quality will not occur as a result of the granting of the variance;*

The granting of Applicant's variance request will not result in a violation of State water quality standards, nor will a measurable degradation in water quality occur as a result. On the contrary, the Project will implement measures to improve water quality by integrating state-of-the-art stormwater management practices which will improve upon the Property's previous stormwater management system and enhance water quality.

(4) *Provide any other information appropriate to support the request.*

The proposed Project supports the County's long-term planning goals for the area through the development of a mix of townhouses and two-over-two housing near Shady Grove Station, a major transit center. The open space is organized along a pedestrian promenade that is aligned to the mid-block entrance of Standish Place which could form an organizing feature for future development of the neighboring office parks. Furthermore, the variance does not arise from a condition related to land or building use, either permitted or nonconforming, or a neighboring property.

Thank you for your consideration of the Applicant's tree variance request. The supporting information provided in this letter establishes that the denial of the variance request would result in unwarranted hardship or practical difficulty, as well as demonstrates Applicant's extensive efforts to minimize impacts. Please contact me with any questions, or if you require any further information.