

March 4, 2021

Environmental Planning Section  
Maryland-National Capital Park and Planning Commission  
14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772

Re: Clay Property CSP-20007  
Variance from Section 25-122(b)(1)(G)  
Soltesz, No.: 1866-01-00

The following information is provided pursuant to the need to apply for a variance from Section 25-122(b)(1)(G) for the removal of sixteen (16) specimen trees in the development of the above referenced project. The intent of the variance request is to provide justification for this removal in accordance with the requirements of Section 25-119(d)(1).

The subject property is composed of one (1) existing parcel known as Parcel 102. The overall parcel acreage is 12.95 acres. Parcel 102 is located at the northern end of Dean Drive, to the south of Rosemary Lane and is currently zoned R-80. The CSP seeks to rezone the property to R-20.

There are twenty-six (26) specimen trees, or trees with CRZ's, located within the proposed LOD, on the property, or within 100 feet adjacent to the property line. Sixteen (16) of the specimen trees within the LOD are proposed to be removed. The trees to be removed have been rated as being in very poor (#30), poor (#9, #25, #26), fair (#1, #3), and good (#4, #5, #6, #7, #22, #23, #24, #27, #28, #29) condition.

The intent of this letter is to provide justification for these impacts in accordance with the requirements of new Section 25-119(d)(1).

(A) Special conditions peculiar to the property have caused the unwarranted hardship;

The site is 97% woodland. Naturally, the specimen trees are located sporadically throughout the site. In order to have developable and functional use for residential development, the specimen trees located within the LOD must be removed. Any additional loss in developable area for specimen tree retention will cause the site to not meet its development requirements and will cause the applicant an unwarranted hardship.

- (B) Enforcement of these rules will deprive the applicant of rights commonly enjoyed by others in similar areas;

The development of this site proposes the removal of certain specimen trees that hinder the design of residential development. The decision to remove specimen trees are in keeping with the surrounding area's development character of residential single-family, townhouse, and multifamily. Limiting of developable area by protecting the root zones and specimen trees will deprive the applicant of the opportunity to create a functional development.

- (C) Granting the variance will not confer on the applicant a special privilege that would be denied to other applicants;

As explained in (A) and (B) above, not granting this variance will prevent the project from being developed in a functional and efficient manner. It is very important that this happens while also meeting the development requirements for the site. Granting this variance will not confer a special privilege to the applicant, but instead will allow the applicant to develop the most functional and efficient development for the surrounding community.

- (D) The request is not based on conditions or circumstances which are the result of actions by the applicant;

The request is based on the existing conditions of the site and the associated requirements for development. The applicant has attempted to provide a layout that meets zoning requirements and provide an efficient layout based upon the zone's goals. That this project proposes to remove specimen trees, is not a condition or circumstance which was the result of any action by the applicant.

- (E) The request does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; and

The request to remove the specimen trees does not arise from any condition on a neighboring property.

- (F) Granting of the variance will not adversely affect water quality.

The site is governed by the new Stormwater Management Regulations that went into effect May 5, 2010. These regulations require that stormwater management measures be designed such that post-development conditions mimic a pre-development condition of a site as "woods in good condition". Because the site is required to meet these water quality requirements, the loss of the specimen trees will not adversely affect the water quality.



Based upon the above, this property meets the criteria for a variance for specimen tree removal. Rejection will result in an unwarranted hardship to the applicant. If you have any further questions or concerns, please do not hesitate to contact our office.

Sincerely,

Soltesz, LLC

David J. Bickel, RLA  
Director of Planning