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July 31, 2018

Maryland National Capital Park & Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910

Re: Wildwood Manor Shopping Center
Preliminary/Final FCP
MNCPPC #82008024B
MHG Project No. 04.314.55

To Whom It May Concern:

On behalf of Alvin L. Aubinoe, Inc., the applicant of the above referenced Forest Conservation Plan, we hereby request a variance for the removal of seven specimen trees and impact to three specimen trees, as required by the Maryland Natural Resources Article, Title 5, Subtitle 16, Forest Conservation, Section 5-1611, and in accordance with Chapter 22A-21(b) of the Montgomery County Code. In accordance with Chapter 22A-21(b) of the Montgomery County Code, the proposed removal/impact of ten trees over thirty inches in diameter would satisfy the variance requirements.

1. *Describe the special conditions peculiar to the property which would cause the unwarranted hardship;*

The subject property has a total tract area of 3.47 acres on Old Georgetown Road and has no forest. The site is currently developed with a 3-story medical office building and a bank with associated parking.. Afforestation requirements for this project will be 0.54 acres, which the applicant proposes to meet in an off-site forest mitigation bank. The property is zoned CRT 1.25 (C-0.5 R-0.75 H-50). The proposed residential construction is within the FAR allowed by zoning. Construction associated with these buildings includes parking and storm water management facilities as required, and these conform to the required setbacks.

The trees to be removed are within parking lot islands and other pockets of green space around the property. In order to construct these buildings and the associated facilities, it is necessary both to remove the existing parking lot islands and to disturb the existing perimeter areas. The current configuration of the site and the location of specimen trees within it provides very little flexibility in locating the proposed buildings; and this in turn allows only limited choices in locating the necessary parking and storm water facilities.

In order to meet the necessary stormwater management and parking requirements the specimen trees cannot be avoided. The three trees to be impacted but saved are

necessary to be impacted due to the need to remove existing parking lot and the additional required parking. These impacts are minimal and far enough away from the trees that with provided stress reduction measures will be saved. Not allowing these impacts and removals would be an unwarranted hardship given the above described constraints.

2. *Describe how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas;*

Adding residential structures on the site also requires the reconfiguration of parking and provisions for storm water management. The inability to remove the subject specimen trees would limit the development of the property to a much smaller fraction of the FAR allowed by the Zoning Ordinance, and perhaps even prohibit further construction on the site altogether. This creates a significant disadvantage for the applicant and deprives the applicant of the rights enjoyed by the neighboring and/or similar properties not subject to this approval process.

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

A Stormwater Management Plan will be submitted for the proposed improvements. Approval of this plan will confirm that the goals and objectives of the current state water quality standards are being met.

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

Pursuant to Section 22A 21(d) Minimum Criteria for Approval.

(1) The Applicant will receive no special privileges or benefits by the granting of the requested variance that would not be available by any other applicants.

The variance will not confer a special privilege because the removal and disturbance is due to the development of the site per the applicable zoning.

(2) The variance request is not based on conditions or circumstances which result from the actions of the applicant.

The variance is based upon site conditions and development constraints that developed and existed before the enactment of the specimen tree legislation and is not a result of actions by the applicant.

(3) The variance is not based on a condition relating to the land or building use, either permitted or nonconforming on a neighboring property.

The requested variance is a result of the proposed site design and layout on the property and not a result of land or building on a neighboring property.

(4) Will not violate State water standards or cause measurable degradation in water quality. Full ESD stormwater management will be provided as part of the proposed development.

The variance will not violate State water quality standards or cause measurable degradation in water quality. The specimen trees being removed or disturbed are not within a special protection area. We are confident that the Montgomery County Department of Permitting Services will find the storm water management concept for the proposed project to be acceptable even if conditionally approved.

As required, all specimen trees to be removed will be mitigated. The three specimen trees to be impacted will receive treatment with stress-reduction measures.

A copy of the Forest Conservation Plan and a variance tree spreadsheet has been provided as part of this variance request. Please let us know if any other information is necessary to support this request.

Please contact me via email, at fjohnson@mhgpa.com, or by phone, at (301) 670-0840 should you have any additional comments or concerns.

Thank you,

Frank Johnson

Frank Johnson

SPECIMEN TREE VARIANCE DETAIL TABLE

Tree ID # On the Forest Conservation Plan	Species	Inches Diameter at Breast Height "DBH"	Impact the Critical Root Zone ("CRZ") or Removed	% of CRZ Impacted	Existing Condition	Mitigation (inches)
1	Silver Maple	31	Impact only	8%	Good	0
2	Pin Oak	34	Remove	100%	Fair	34
3	Pin Oak	41	Remove	100%	Good/Fair	41
4	Silver Maple	42	Impact only	20%	Good/Fair	0
5	Silver Maple	36	Impact only	16%	Good	0
6	Pin Oak	36	Remove	100%	Good	36
9	Pin Oak	37	Remove	100%	Good	37
11	Pin Oak	36	Remove	100%	Good/Fair	36
12	Pin Oak	30	Remove	100%	Poor	30
13	Pin Oak	37	Remove	100%	Good/Fair	37
Total Mitigation Inches						251
Specimen Tree Mitigation Required in inches (rounded up to the nearest inch): 251/4 =						63
63 inches tree mitigation to be replaced with 3" DBH shade trees = 21 trees						