



**Stantec Consulting Services, Inc.**  
20440 Century Blvd. STE 240  
Germantown, MD 20874

August 13, 2020  
File: 2026261913

**Attention: Joshua Penn, Planning Coordinator**  
M-NCPPC, Development Applications & Regulatory Coordination  
8787 Georgia Avenue  
Silver Spring, MD 20910

Dear DARC,

**Reference: 3731 Damascus Road- Request for Tree Variance for Conditional Use Project.  
Preliminary Forest Conservation Plan #420192170**

On behalf of the property contract purchaser, Metro Grounds Management, LLC and pursuant to Section 22A-21 Variance provisions of the Montgomery County Forest Conservation Ordinance and recent revisions to the State Forest Conservation Law enacted by S.B. 666, we are writing to request a variance(s) to allow impacts to or removal of the following tree identified on the Preliminary Forest Conservation Plan.

**Project Description:**

The applicant wishes to develop the site to serve as a Landscape Contracting business. The proposed site improvements are to construct a new field operations storage barn (10,000 s.f.), a temporary field operation trailer (780 s.f.), greenhouse facilities, a future 5,000 s.f. building, three sheds, and associated parking and work yard areas. The limit of disturbance accounts for all site impacts including the vehicular surfaces, new building area, sidewalk, parking facility, septic field, and stormwater management facility. The program was located within the site to avoid impacts to the priority environmental features such as existing wetlands and stream valley buffer. Additionally, the existing house, outbuildings, and impervious areas will be removed from the site.

**Preliminary Forest Conservation Plan**

We have prepared a Preliminary Forest Conservation Plan showing the proposed impacts to the tree we are requesting a variance for. The Plan shows the limit of disturbance and proposed improvements.

**Requirements for Justification of Variance:**

Section 22A-21(b) *Application requirements* states that the applicant must:

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



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2. *Describe how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas;*
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; and*
4. *Provide any other information appropriate to support the request.*

**Justification of Variance:**

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

It is the intent of the applicant to provide standardized and safe ingress/egress entering and exiting the site. We located the proposed driveway entrance based on the existing intersectional alignment and site distance along Damascus Road. This entrance location impacts tree #70 of this variance. If the applicant were forced to relocate the entrance, it would cause unwarranted hardship in the form of road safety caused by awkward entrance alignments along Damascus Road. Alternate site access from Howard Chapel Road is not practical due to the Master Plan designation as a Rustic Road. The existing house, gravel driveway/parking areas, and sheds will need to be removed from the site. The dwelling unit is uninhabitable and is being abandoned as part of this conditional use. The owner has no need to retain the impervious areas for the proposed use. If the variance is not granted for impacts to the adjacent trees (#66 & #63), the owner will inherit a hazardous structure and be denied his right to pursue Conditional Use application under county guidelines.

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

If the tree variance requests were not granted, the proposed improvements for the benefit of the applicant's landscape contracting business would not be able to be implemented thereby denying business rights shared by neighboring landscape companies.

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;*

This property will be developed in accordance with the latest Maryland Department of the Environment criteria for stormwater management. This includes Environmental Site Design to provide for protecting natural resources to the maximum extent practical. This includes limiting the impervious areas and providing on-site stormwater management systems. A Stormwater Management Concept is currently under review by the Montgomery County



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Department of Permitting Services to ensure that this criterion is enforced. Therefore, the proposed activity will not degrade the water quality in the downstream areas and will not result in measurable degradation in water quality.

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

Tree #70 of this variance is the species *Acer platanoides*/Norway Maple. This is a non-native species and is considered invasive. Due to the open and prominent location of the tree, the applicant would like take measures to protect the tree and is willing to provide the proper maintenance to prevent aggressive spreading. The initial impacts to the critical root zones to trees #68 & #63 caused by the removal of the existing house and impervious areas will be relatively minor given that most of the feeder roots are located outside the limit of disturbance. The removal of these elements will ultimately lead to better growing conditions for the adjacent trees by providing more available area for root growth.

As, Further basis for its variance request, the applicant can demonstrate that it meets the *Section 22A-21 (d) Minimum criteria, which states that a variance must not be granted if granting the request:*

1. *Will confer on the applicant a special privilege that would be denied to other applicants;*

The applicant's proposed improvements are in line with industry and regulatory design standards for driveway entrances. Allowing the applicant to construct a safe entry to the site does not confer on the applicant a special privilege. It is not a privilege for an owner to be able to remove unwanted structures.

2. *Is based on conditions or circumstances which are the result of the actions by the applicant;*

The applicant has taken no actions leading to the conditions or circumstances that are the subject of this variance request. The intersectional layout along Damascus Road is an existing condition. The existing uninhabitable structure was inherited from the previous owner.

3. *Arises from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; or*

The surrounding land uses do not have any inherent characteristics or conditions that have created or contributed to this particular need for a variance.



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4. Will violate State water quality standards or cause measurable degradation in water quality.

Granting this variance request will not violate State water quality standards or cause measurable degradation in water quality.

The tree list below lists the specimen tree impacted, which we are requesting variance for

**(1) Specimen Trees onsite with known impacts:**

ID		COMMON NAME	SIZE	BOTANICAL NAME	CONDITION	REMARKS	Impact
70	*	Norway Maple	30.5"	Acer platanoides	Good		24% of CRZ Impacted
66	*	Red Maple	40"	Acer rubrum	Good		28% of CRZ Impacted
63	*	Red Maple	35.5"	Acer rubrum	Good		13% of CRZ Impacted

Notes: Diameters are given for each trunk of multiple bole trees when division occurs below 4.5 feet. If major division occurs above 4.5 feet only the trunk diameter at 4.5 feet is given.

\* Indicates specimen trees for size per M-NCPPC Trees Technical Manual.  
Tree ID numbers correspond to those assigned on the Natural Resource Inventory/Forest Stand Delineation Map.

Enclosed you will find the following supporting materials:

- Preliminary Forest Conservation Plan (2 sheets)

Regards,

Devin Kennedy, PLA  
Landscape Architect, Certified Arborist  
devin.kennedy@stantec.com

Cc: Chris Kelley  
Nancy Regelin  
Phillip Estes

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