

NARRATIVE:

THE PROPOSED PROJECT INCLUDES THE CREATION OF TWO PARCELS - PARCEL 1 (156,990 SF, 3.604 AC) WEST OF ROCK SPRING DRIVE AND PARCEL 2 (70,720 SF, 1.6235 AC) EAST OF ROCK SPRING DRIVE. RENAMING OUTPARCEL 91 (2,050 SF / 0.0471 AC) TO OUTPARCEL 1. THE SITE IS LOCATED AT THE INTERSECTION OF WESTPHALIA ROAD AND ROCK SPRING DRIVE (PER PLAT BOOK ME 251, PLAT 65). THE TOTAL SITE AREA IS 5.28 ACRES, THIS INCLUDES PARCEL A, PARCEL 67, PARCEL 211 EAST AND WEST OF ROCK SPRING DRIVE AND OUTPARCEL 91. THE PROJECT PROPOSES A SINGLE CHURCH BUILDING OF 18,112 SF GROSS FLOOR AREA. WITH A HEIGHT OF 57'. THERE WILL BE SURFACE PARKING ON BOTH SIDES OF THE BUILDING. THE ENTRANCE TO THE SITE IS PROPOSED 450' WEST OF WESTPHALIA ROAD AND ROCK SPRING DRIVE INTERSECTION.

THE PROJECT SITE IS CURRENTLY ZONED AS RESIDENTIAL: R-R (TO VACATE), R-M AND COMMERCIAL: C-S-C. IN CURRENT CONDITION, MOST OF PARCEL A IS COVERED WITH TREES, PARCEL 67 IS CLEARED AND PARCEL 211 IS PARTLY COVERED WITH TREE AND PARTLY GRASSY.

THERE IS ONGOING DEVELOPMENT OF PUBLIC RIGHT OF WAY CALLED ROCK SPRING DRIVE ON THE EAST SIDE OF THE PROJECT. PARCEL 211 IS DIVIDED TO THE WEST AND EAST SIDE OF ROCK SPRING DRIVE. THERE IS NO DEVELOPMENT PROPOSED WITH THIS PROJECT ON PARCEL 211 LOCATED EAST OF ROCK SPRING DRIVE.

INCLUDED HEREIN IS PRELIMINARY PLAN DEPICTING PROPERTY BOUNDARIES SURVEYED BY DEWBERRY ON 02/20/2020 AND APPROVED PLAT FROM PLAT BOOK ME 251, PLAT 65. THIS PLAN DEPICTS THE DEDICATION OF PUBLIC RIGHT OF WAY ALONG WESTPHALIA ROAD, THE VACATION OF MELWOOD ROAD NORTH, AND THE TRANSFER OF LAND TO COMPLETE ROCK SPRING DRIVE PER APPROVED PLAT ME 251, PLAT 65.

GENERAL NOTES:

- TAX MAP 82 GRID E4 PARCEL 211
TAX MAP 90 GRID D1 PARCEL A
TAX MAP 90 GRID D1 PARCEL 0067
TAX MAP 82 GRID E4 PLAT 2, OUTPARCEL 91
- PARCEL DB/PG # PLAT #
A (R-R) 30646/00081 A-8826
0067 (C-S-C) 21814/00001
211 (C-S-C) (TWO EXISTING PARCELS) 21814/00001
PLAT 2 OUTPARCEL 91 (R-M) 21814/00001
- 200 FOOT MAP REFERENCE (WSSC): 205SE08
- PURPOSE OF SUBDIVISION: THE SUBDIVISION IS FOR TWO PARCELS AND ONE OUTPARCEL FOR INSTITUTIONAL DEVELOPMENT.
- PRIOR APPROVALS: NRI-197-2016-01,
NRI-123-2019,
PPS-4-17022,
DSP-21012,
TCP1-019-2020
- PROPERTY AREA: 5.28 AC
BY ZONE: R-R: PARCEL A: 82,779 SF (1.9003 AC)
C-S-C: PARCEL 67: 43,288 SF (0.9938 AC)
PARCEL 211 (WEST OF ROCK SPRING DRIVE): 30,923 SF (0.7099 AC)
PARCEL 211 (EAST OF ROCK SPRING DRIVE): 70,720 SF (1.6235 AC)
R-M: OUTPARCEL 91: 2,050 SF (0.0471 AC)
PROPOSED PARCEL 1
PROPOSED PARCEL 1
PROPOSED PARCEL 1
PROPOSED PARCEL 2
PROPOSED OUTPARCEL 1
- NET DEVELOPMENT AREA OUTSIDE PMA: 5.10 AC
- ACREAGE OF ENVIRONMENTAL REGULATED FEATURES: 0.18 AC
- ACREAGE OF 100-YEAR FLOODPLAIN: NONE
- ACREAGE OF ROAD DEDICATION: 350 SF / 0.008 AC
- EXISTING ZONING/USE: C-S-C, R-R & R-M

LOT REQUIREMENTS		
R-R RESIDENTIAL (1.90 AC)		
	REQUIRED	PROVIDED
MAXIMUM DENSITY	2.17	N/A
MINIMUM NET LOT AREA	10,000 SF	82,781 SF
MINIMUM LOT WIDTH (BRL)	100'	243'
C-S-C COMMERCIAL (3.37 AC)		

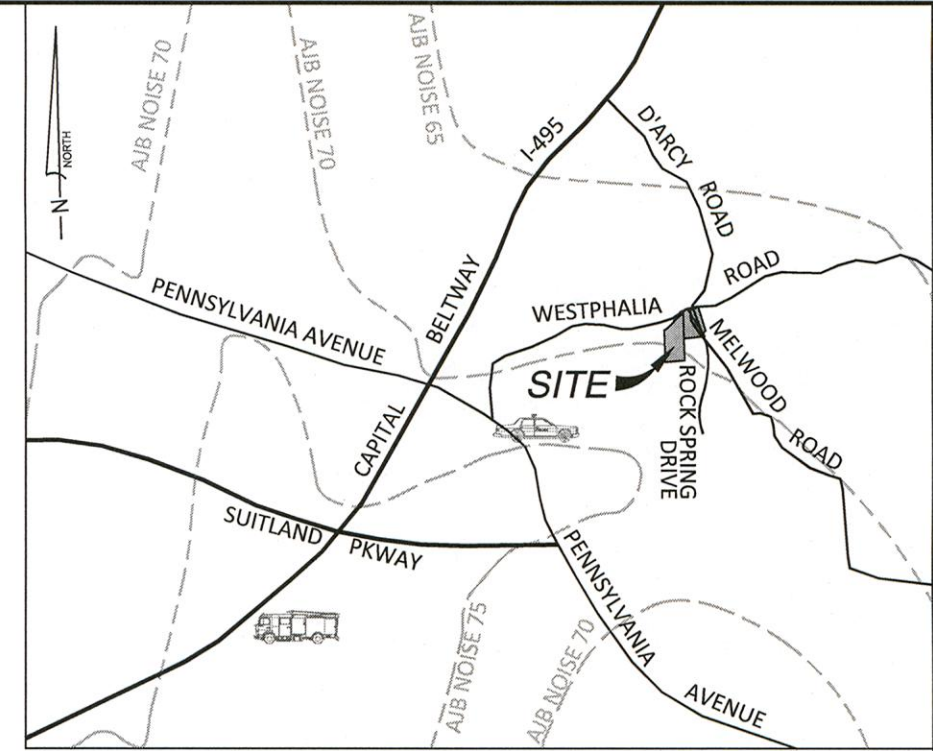
- PROPOSED USE OF PROPERTY: CHURCH
- BREAKDOWN OF PROPOSED DWELLING UNIT BY TYPE (RESIDENTIAL ONLY): N/A
- DENSITY CALCULATION (RESIDENTIAL ONLY): N/A
- MINIMUM LOT SIZE REQUIRED BY ZONING ORDINANCE AND SUBDIVISION REGULATION (24-130):
R-R: 20,000 SF C-S-C: N/A
- MINIMUM LOT WIDTH (R-R ZONE) AT FRONT BUILDING LINE = 100' AND FRONT STREET LINE = 70'.
17. FRONT BUILDING LINE: 243' FRONT STREET LINE: 272'
- SUSTAINABLE GROWTH TIER: TIER 1
- MILITARY INSTALLATION OVERLAY ZONE: HEIGHT- YES (E), NOISE- YES (60db - 74db)
- CENTER OR CORRIDOR LOCATION: NO
- EXISTING AND PROPOSED GROSS FLOOR AREA (NON-RESIDENTIAL ONLY):
EXISTING: N/A PROPOSED: 18,112 SF
- STORMWATER MANAGEMENT CONCEPT NUMBER AND APPROVAL DATE: 2314-2017 on 12/4/2019
- WATER/SEWER CATEGORY:
WATER CATEGORY: W-3 SEWER CATEGORY: S-3
- AVIATION POLICY AREA: N/A
- MANDATORY PARK DEDICATION AREA: NONE
- CEMETERIES: NO
- HISTORIC SITES: NO
- TYPE ONE CONSERVATION PLAN: YES, TCP1-019-2020
- WITHIN CHESAPEAKE BAY CRITICAL AREA: NO
- WETLANDS: NO
- STREAMS: NO
- SOILS: SOILS INFORMATION OBTAINED FROM THE UNITED STATES DEPARTMENT OF AGRICULTURE, NATURAL RESOURCES CONSERVATION SERVICE'S (USDA-NRCS) WEB SOIL SURVEY.
- IN OR ADJACENT TO AN EASEMENT HELD BY THE MARYLAND ENVIRONMENTAL TRUST, THE MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION, OR ANY LAND TRUST OR ORGANIZATION: NO

PARKING REQUIREMENT		
USE OF MEASUREMENT	# OF SPACES	REFERENCE
1 PER 4 SEATS IN MAIN AUDITORIUM	125	(MUNICODE SEC. 27-568)
1 PER 4 SEATS IN OTHER ROOMS OCCUPIED AT THE SAME TIME AS MAIN AUDITORIUM	0	(MUNICODE SEC. 27-568)
TOTAL PARKING REQUIRED	125	
ADA PARKING REQUIRED/PROVIDED (INCLUDED IN TOTAL)	5	4 CAR SPACES, 1 VAN SPACE
TOTAL PARKING PROVIDED	126	

LOADING REQUIREMENT		
USE OF MEASUREMENT	# OF SPACES	REFERENCE
HOSPITAL OR OTHER INSTITUTION (10,000 TO 100,000 SQ. FT. OF GFA)	1	(MUNICODE SEC. 27-582)
LOADING SPACE PROVIDED	1	

PRELIMINARY PLAN PPS-4-23027 SPIRIT OF GOD DELIVERANCE CHURCH

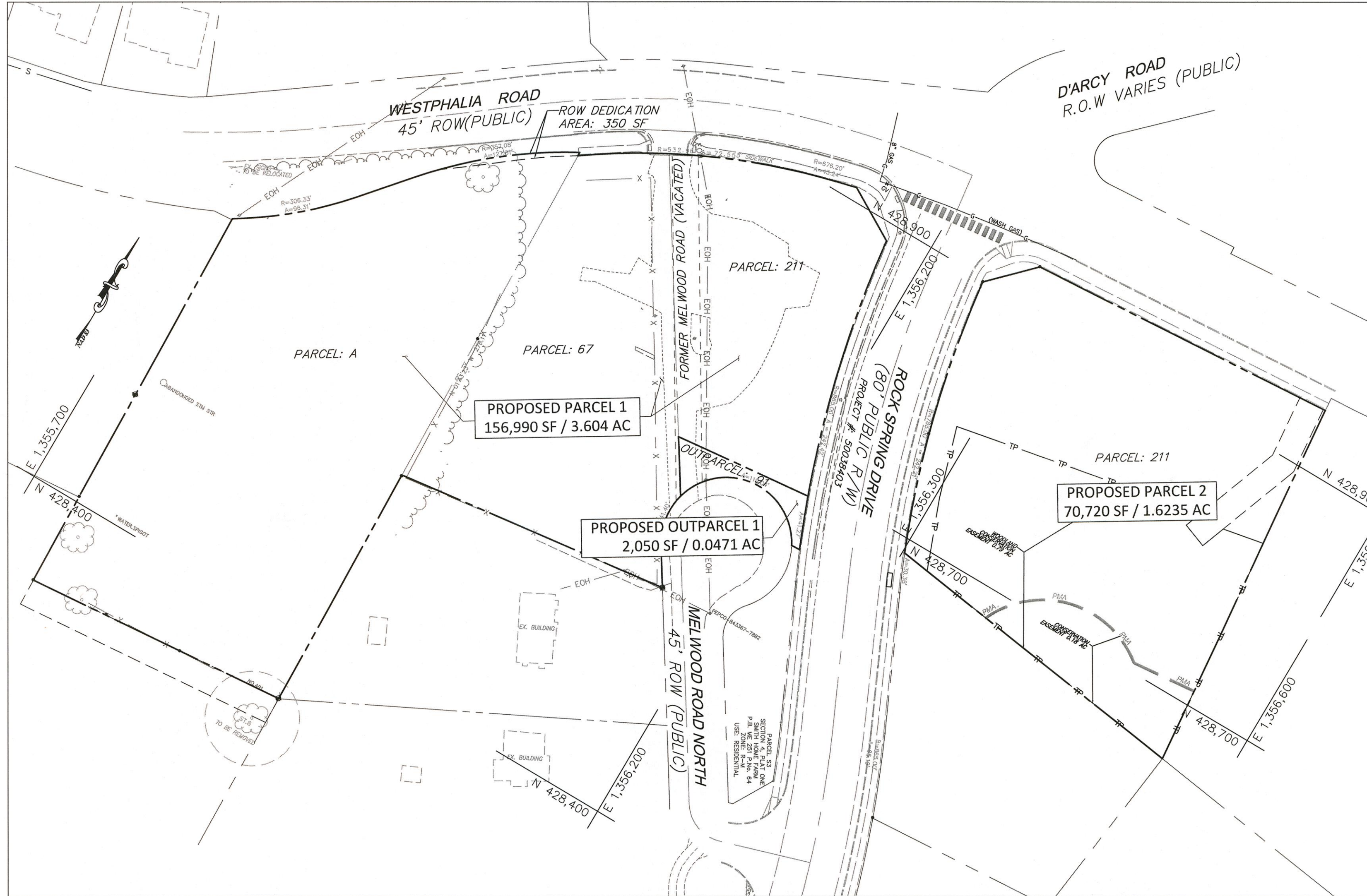
NOT FOR CONSTRUCTION



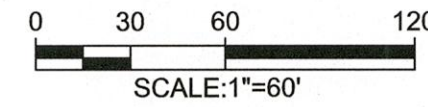
VICINITY MAP
SCALE: 1" = 2000'

LEGEND

- PROPERTY LINE
- EDGE OF PAVEMENT
- BUILDING RESTRICTION LINE
- EASEMENT LINE
- EXISTING BUILDING
- ROAD CENTERLINE
- LOT LABEL
- PROPOSED ROW



LOCATION MAP



OWNER:
SPIRIT OF GOD DELIVERANCE CHURCH
9207 WESTPHALIA RD.,
UPPER MARLBORO, MD 20772

APPLICANT:
ANNETTE DREHER
601 KAWA CT.,
FT WASHINGTON, MD 20774

SURVEYOR:
MICHAEL B. DAVIS, PLS
DEWBERRY ENGINEERING INC.
4801 FORBES BOULEVARD, SUITE 300
LANHAM, MD 20706

ENGINEER:
VICTORIA BALLESTERO, PE
ATCS, P.L.C.
9500 MEDICAL CENTER DR.
SUITE 370
LARGO, MD 20774

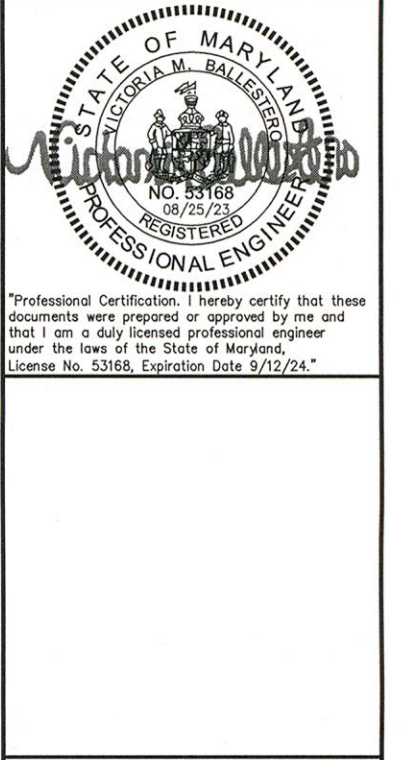
SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION AND BELIEF THAT THE BOUNDARY INFORMATION SHOWN HEREON IS CORRECT, THAT I PERSONALLY PREPARED IT AND THAT THE SURVEY WORK REFLECTED IN IT IS IN COMPLIANCE WITH THE REQUIREMENTS SET FORTH IN REGULATION 09.13.06.12 OF THE ANNOTATED CODE OF MARYLAND MINIMUM STANDARDS OF PRACTICE FOR LAND SURVEYORS.

DEWBERRY ENGINEERING INC.
MICHAEL B. DAVIS
PROFESSIONAL LAND SURVEYOR
MD REG. NO. 11093
LICENSE RENEWAL DATE: 9/10/24



REVISION		DESCRIPTION
NO.	DATE	COMMENTS RECEIVED
1	11/8/2017	COMMENTS RECEIVED
2	06/21/2018	COMMENTS RECEIVED
1	05/03/2019	COMMENTS RECEIVED
-	-	-
-	-	-
-	-	-



CLIENT
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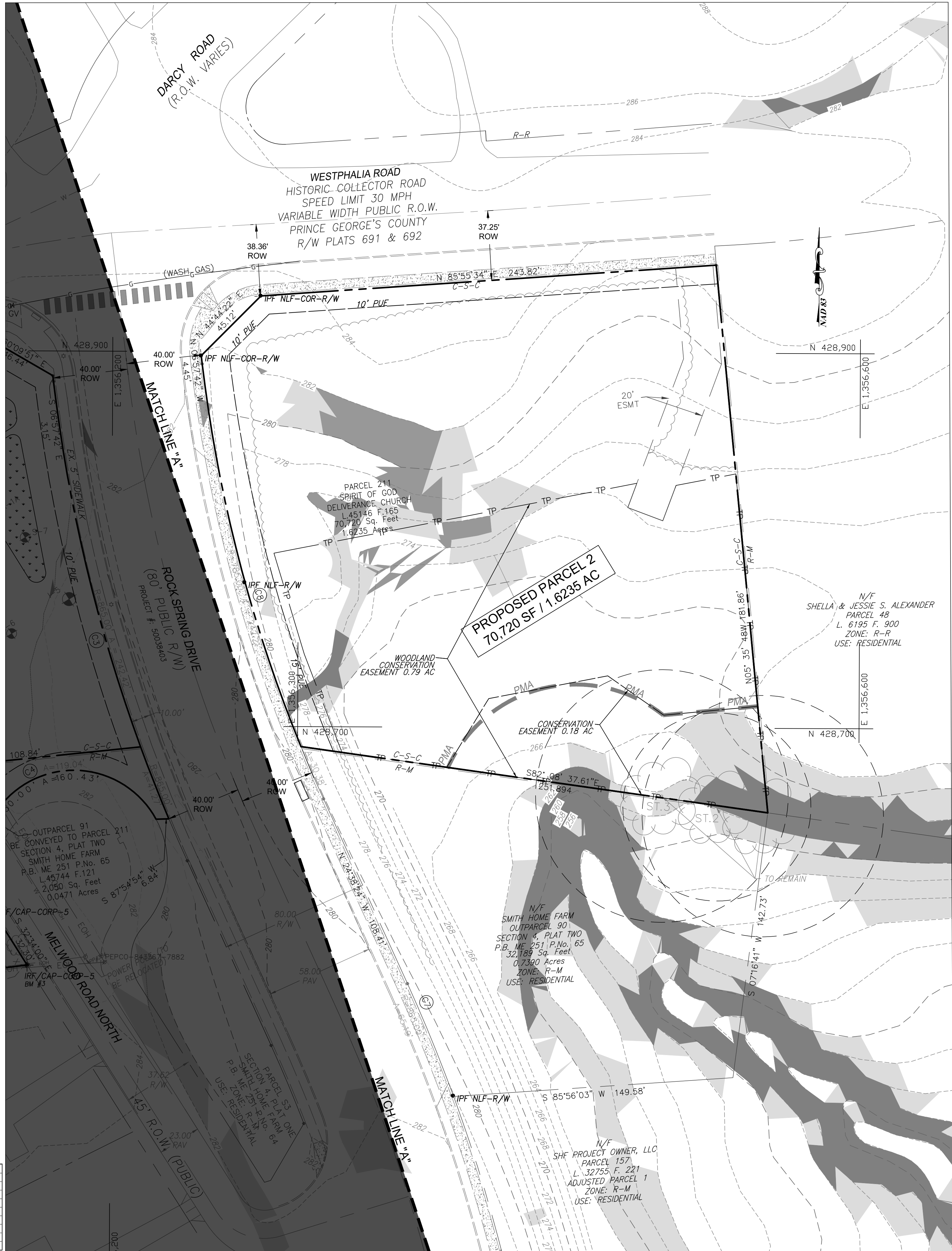
PRELIMINARY PLAN OF SUBDIVISION
PPS-4-23027
SPIRIT OF GOD
DELIVERANCE CHURCH
PARCEL: A, 67, 211, OUTPARCEL 91
LOCATION:
9207 WESTPHALIA RD. UPPER MARLBORO
PRINCE GEORGE'S COUNTY, MARYLAND

AUTHOR: MSV
CHECK: VMB
PROJ#: 2692
DATE: 08/25/2023
SCALE: AS SHOWN

SHEET
COVER SHEET
SHEET: 1 OF 3

FILE PATH: S:\Project\000892_Spirit of God\Civil\Design\Sheets\PP102_Preliminary Plan.dwg PLOT DATE: 12/22/2023 11:28:47 AM BY: MADISON VINYARD

CURVE DATA TABLE						
CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH	DELTA ANGLE	TANGENT
C1	532.96'	172.55'	N 63°33'41" E	171.80'	18°33'01"	87.04'
C2	676.20'	43.24'	N 74°40'06" E	43.23'	3°39'49"	21.63'
C3	865.00'	242.42'	S 14°59'25" E	241.63'	16°03'27"	122.01'
C4	50.00'	160.44'	S 59°22'41" W	99.94'	183°51'02"	1487.40'
C5	306.33'	96.31'	N 49°35'26" E	95.91'	18°00'47"	48.55'
C6	357.08'	127.81'	N 50°49'59" E	127.13'	20°30'29"	64.60'
C7	865.00'	65.19'	N 22°28'51" W	65.17'	4°19'05"	32.61'
C8	785.00'	242.21'	N 15°48'03" W	241.25'	17°40'42"	122.07'



LEGEND	
	PROPERTY BOUNDARY
	LOT LABEL
	ZONING BOUNDARY
	PARCEL BOUNDARY
	ADJACENT BOUNDARY
	EXISTING PAVEMENT
	EXISTING WATER LINE
	EXISTING SEWER LINE
	EXISTING BUILDING
	A/B NOISE LINE
	EXISTING BUILDING
	EXISTING TOPO MINOR
	EXISTING TOPO MAJOR
	EXISTING EASEMENT
	ROAD CENTERLINE
	BUILDING RESTRICTION LINE
	EXISTING TREELINE
	15% < SLOPES < 25%
	25% < SLOPES
	PROPOSED WATER LINE
	PROPOSED SEWER LINE
	PRIMARY MANAGEMENT AREA

IN RE: PRELIMINARY PLAN OF SUBDIVISION (4-23027)

APPLICANT: SPIRIT OF GOD DELIVERANCE CHURCH

**ENGINEER: Lanna Clement
ATCS, PLC
9500 Medical Center, Dr., Suite 370
Largo, MD 20774**

**STATEMENT OF JUSTIFICATION IN SUPPORT OF A
VARIANCE FOR THE REMOVAL OF SPECIMEN TREES**

I. VARIANCE REQUEST

The Applicant hereby requests a variance from Subtitle 25 of the Prince George's County Code (Woodland Conservation Ordinance) to permit the removal of four (4) specimen trees on approximately 5.27 acres of land on the south side of Westphalia Road and on the east and west corners of the intersection of Westphalia Road and Rock Spring Drive ("Subject Property" or "Property"). The Property is located in an unincorporated area of the County, and shown as Parcels A, 67, 211 and outparcel 91 on Prince George's County Tax Map 90, Grid D1 subject to Site Development Concept Plan No. SDCP-2314-2017-00 ("SDCP"). This request is being filed in conjunction with Preliminary Plan of Subdivision PPS-4-23027 ("PPS") for the proposed use as a place of worship. The previously approved PPS-4-17022 and TCP 1 for this property were approved in 2021 and are now being refiled due to expiration. The Subject Property is proposed to be improved with a single church building. The existing Property is largely undeveloped. Woodland Conservation area is proposed on the portion of Parcel 211 that is located to the east of Rock Spring Drive.

In accordance with the Woodland Conservation Ordinance, the Type 1 Tree Conservation Plan ("TCP 1") submitted in conjunction with the PPS denotes four (4) onsite specimen trees as necessary for removal. Specimen trees are defined in § 25-118 of the Woodland Conservation Ordinance as trees having a diameter of 30-inches or more at breast height. § 25-122(b)(1)(G), generally provides that specimen trees shall be preserved unless a variance is approved in accordance with § 25-119(d).

The four (4) specimen trees were approved for removal with the previously approved and certified PPS-4-17022 and associated approved and certified TCP1-019-2020. The previously approved PPS and variance request have since expired, and this application is being filed to once again allow for the removal of these four (4) specimen trees. All four (4) are proposed for removal due to their central location on the subject property and the resulting impacts from required grading, roadway construction, utility construction, and building footprint conflicts.

Three (3) out of the four (4) specimen trees to be removed were deemed to be in good condition. Those three (3) trees are identified as ST#4, ST#6, and ST#7. They consist of one (1) pin oak, and two (2) white oaks. The remaining specimen tree proposed for removal was deemed to be in poor condition. This specimen tree is identified as ST#5 and is a post oak.

One (1) specimen tree identified as ST#8 is located offsite. The percentage of critical rootzone impacted by disturbance and stormwater outfall is 35%. In subsequent reviews of TCPH-043-2021, removal of ST#8 was recommended by the M-NCPPC Environmental Planning Section due to the tree's condition. This is noted for informational purposes, but removal of ST#8 is outside the scope of this variance request.

The other three (3) specimen trees, identified as ST#1, ST#2, and ST#3, are located in the Woodland Preservation Area and the critical rootzones have no disturbance. Priority was given to the preservation of these three (3) specimen trees due to the connection to the larger woodland conservation area and buffer area to the 1st order stream located on the adjacent property to the south.

II. TREES SUBJECT TO REMOVAL

The four (4) specimen trees subject to this request are as follows:

No.	Common Name	Scientific Name	DBH (Inches)	Condition Rating	Reason for Removal	Critical Rootzone Impact (%)
ST#4	Pin oak	<i>Quercus palustris</i>	48	Good	Tree/CRZ within proposed building footprint and utility conflict.	100%
ST#5	Post oak	<i>Quercus stellata</i>	38	Poor	Tree/CRZ within proposed roadway and grading, and utility conflict.	100%
ST#6	White oak	<i>Quercus alba</i>	36	Good	Tree/CRZ within proposed roadway and grading, and utility conflict.	100%
ST#7	White oak	<i>Quercus alba</i>	33	Good	Tree/CRZ within proposed roadway and grading, and utility conflict.	100%

For purposes of this application, the required findings for a variance are set forth in Section III below.

III. CONFORMANCE WITH APPLICABLE CODE: § 25-119(d)

Pursuant to § 25-119(d), the Prince George's County Planning Board may approve a variance for the removal of specimen trees subject to findings in accordance with specific enumerated criteria. As analyzed below, the subject application satisfies the required findings under § 25-119(d).

(1) *An Applicant may request a variance from this Division as part of the review of a TCP where owing to special features of the site or other circumstances, implementation of this subtitle would result in unwarranted hardship to an applicant. To approve a variance, the approving authority shall find that:*

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

The specimen trees that are proposed for removal are located near Westphalia Road and are centrally located on the parcels to the west of Rock Spring Drive, where the church is proposed. The shape of the lots, site topography, vehicular access requirements, parking requirements, and stormwater management requirements for the site made it impractical to develop around the specimen trees. The site topography falls away from Westphalia Road, resulting in the only feasible locations for stormwater management practices to be located toward the southern and eastern perimeter of the property. The woodlands located on the portion of Parcel 211 located to the east of Rock Spring Drive (Forest Stand #1) were listed as high priority for preservation on NRI-197-2016. The Applicant has given priority to preserving woodlands adjacent to existing offsite conservation areas and also within and adjacent to the stream buffer associated with the 1st order stream located offsite to the south. The preservation of Forest Stand #1 provides for the preservation of three specimen trees (ST#1, ST#2, and ST#3) located near the property line.

ST#4 is proposed for removal due to the impacts resulting from the proposed building location and the water line through the site. The location of the building is limited based on the existing site topography, lot shape, and access locations. The viable locations for access and parking, and the stormwater management locations at the southern and eastern perimeter of the property have also limited the building location to the central area of the site. The building location was selected in order to provide ADA compliant parking and pathways along the building, meet parking design requirements, and meet stormwater management requirements. As a result, the location of the proposed building footprint was limited to the central portion of the site due to the exiting site topography and the resulting design requirements mentioned above, thus rendering the preservation of the centrally located tree infeasible.

ST#5 and ST#6 are both proposed for removal due to the impacts resulting from the proposed driveway for access to the eastern portion of the site and parking and for the proposed sanitary connection to the building. The critical rootzone of both trees is impacted by the public utility easement along the right-of-way and the sewer line. Providing access and ADA compliant parking requires that the site be graded to meet standards for parking dimensions, drive aisle widths, and grade slopes. The location of the building and parking

areas are limited based on the existing site topography, lot shape, and access locations. The existing site topography results in stormwater management being located at the southern and eastern perimeter of the site. This combined with slopes coming down from Westphalia Road limits the viable locations for the building and parking. The access points are limited to avoid conflict with the intersection of Westphalia Road and Rock Spring Drive. This limits the ability to shift access and drive aisles. As a result, grading will be required throughout the site to meet required standards, rendering the preservation of centrally located trees infeasible.

ST#7 is proposed for removal due to the impacts resulting from the proposed driveway needed for site access. The critical rootzone is impacted by the public utility easement along the right-of-way. The location of site access is limited by the site's proximity to the nearby intersection of Westphalia Road and Rock Spring Drive, and the resulting drive aisle will be required to provide access to facilities and parking. The viable building, parking, and stormwater management locations limit the ability to shift the access location. The critical root one of ST#7 will be heavily impacted by any access location to the west of the proposed building location. As a result, the preservation of the centrally located tree is infeasible.

Without the granting of this variance, which is the minimal necessary, the Applicant would be denied reasonable and significant use of the Property given the location of each of the specimen trees and the basis for removal of each, which would amount to an unwarranted hardship. Only specimen trees necessary to provide stormwater management and comply with the development standards for proposed access, driveways, and building are proposed to be removed.

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

The site layout was designed to prioritize minimize impacts to specimen trees located within forest conservation areas. Priority was given to the preservation of ST#1, ST#2, and ST#3, located on the portion of Parcel 211 located to the east of Rock Spring Drive, due to the connection to the larger woodland conservation area and buffer area to the 1st order stream located on the adjacent property to the south.

As previously described, ST#4 is proposed for removal due to the impacts resulting from the proposed building location and the water line through the site. The location of the building is limited based on the existing site topography, lot shape, and access locations. The viable locations for access and parking, and the stormwater management locations at the southern and eastern perimeter of the property have also limited the building location to the central area of the site. The building location was selected in order to provide ADA compliant parking and pathways along the building, meet parking design requirements, and meet stormwater management requirements. As a result, the location of the proposed building footprint was limited to the central portion of the site due to the exiting site topography and the resulting design requirements mentioned above, thus rendering the preservation of the centrally located tree infeasible.

ST#5 and ST#6 are both proposed for removal due to the impacts resulting from the proposed driveway for access to the eastern portion of the site and parking. Providing access and ADA compliant parking requires that the site be graded to meet standards for parking dimensions, drive aisle widths, and grade slopes. The location of the building and parking areas are limited based on the existing site topography, lot shape, and access locations. The existing site topography results in stormwater management being located at the southern and eastern perimeter of the site. This combined with slopes coming down from Westphalia Road limits the viable locations for the building and parking. The access points are limited to avoid conflict with the intersection of Westphalia Road and Rock Spring Drive. This limits the ability to shift access and drive aisles. As a result, grading will be required throughout the site to meet required standards, rendering the preservation of centrally located trees infeasible.

ST#7 is proposed for removal due to the impacts resulting from the proposed driveway needed for site access. The location of site access is limited by the site's proximity to the nearby intersection of Westphalia Road and Rock Spring Drive, and the resulting drive aisle will be required to provide access to facilities and parking. The viable building, parking, and stormwater management locations limit the ability to shift the access location. The critical root one of ST#7 will be heavily impacted by any access location to the west of the proposed building location. As a result, the preservation of the centrally located tree is infeasible.

This variance is necessary because the tree critical root zones are located in the proposed building footprints, proposed streets, proposed stormwater management facilities, and other areas in which their removal is necessary to grade the Subject Property or any combination thereof. Should the preservation of these specimen trees be required, the Applicant would be denied reasonable and significant use of the parcel, and the Subject Property would be largely undevelopable. Reasonable and significant use of the entire lot or parcel, such as the ability to perform grading and installation of required stormwater facilities and roadways, is a right commonly enjoyed by others.

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

The unique locations of environmental and topographic features present on the Subject Property and the location of the specimen trees make the removal of specimen trees necessary for construction and grading would be encountered by any applicant seeking to make reasonable and significant use of the entire parcel.

As previously described, ST#4 is proposed for removal due to the impacts resulting from the proposed building location and the water line through the site. The location of the building is limited based on the existing site topography, lot shape, and access locations. The viable locations for access and parking, and the stormwater management locations at the southern and eastern perimeter of the property have also limited the building location to the central area of the site. The building location was selected in order to provide ADA compliant parking and pathways along the building, meet parking design requirements, and meet stormwater management requirements. As a result, the location of the proposed building

footprint was limited to the central portion of the site due to the exiting site topography and the resulting design requirements mentioned above, thus rendering the preservation of the centrally located tree infeasible.

ST#5 and ST#6 are both proposed for removal due to the impacts resulting from the proposed driveway for access to the eastern portion of the site and parking. Providing access and ADA compliant parking requires that the site be graded to meet standards for parking dimensions, drive aisle widths, and grade slopes. The location of the building and parking areas are limited based on the existing site topography, lot shape, and access locations. The existing site topography results in stormwater management being located at the southern and eastern perimeter of the site. This combined with slopes coming down from Westphalia Road limits the viable locations for the building and parking. The access points are limited to avoid conflict with the intersection of Westphalia Road and Rock Spring Drive. This limits the ability to shift access and drive aisles. As a result, grading will be required throughout the site to meet required standards, rendering the preservation of centrally located trees infeasible.

ST#7 is proposed for removal due to the impacts resulting from the proposed driveway needed for site access. The location of site access is limited by the site's proximity to the nearby intersection of Westphalia Road and Rock Spring Drive, and the resulting drive aisle will be required to provide access to facilities and parking. The viable building, parking, and stormwater management locations limit the ability to shift the access location. The critical root one of ST#7 will be heavily impacted by any access location to the west of the proposed building location. As a result, the preservation of the centrally located tree is infeasible.

The right to reasonable and significant use of the entire lot or parcel is not a special privilege unique to the Applicant. Therefore, the granting of this variance request will not confer on the Applicant a special privilege that would be denied to other applicants.

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

The request is not based on conditions or circumstances which are the result of actions by the Applicant. As previously stated, the unique environmental and topographic features present on the Subject Property and the location of the specimen trees make the removal of specimen trees necessary for construction and grading would be encountered by any applicant seeking to make reasonable and significant use of the entire parcel. The existing conditions of Subject Property are not a result of actions 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

This request does not arise from any condition relating to the land or building use on neighboring properties. While consideration was given to the forested areas present on adjacent property, the need for this variance is not related to that consideration. Three (3) specimen trees that are to be preserved are located on Parcel 211, east of Rock Spring Drive,

in the woodland conservation area that is adjacent to the conservation area on the neighboring property. This variance request for the removal of four (4) specimen trees is a result of the unique features of the Subject Property, and the specimen trees proposed to be removed are based only on the reasonable and significant use of the Subject Property. The uses of the surrounding properties have no bearing on the need for Specimen Tree removal.

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

The proposed development will comply with County and State requirements for stormwater management, and compliance with those requirements will prevent negative impacts to the water quality in the downstream tributary. Additionally, the site layout prioritizes the preservation of contiguous wooded areas in accordance with the priorities for woodland conservation identified in § 25-121(b) on the east side of Parcel 211. Moreover, the TCP1 contemplates the retention of three (3) specimen trees located within this contiguous wooded area.

The granting of this variance will make it possible for the site to comply with County and State requirements for stormwater management. Granting this variance will not adversely affect water quality, but instead improve quality by allowing for conformance with the applicable requirements for water quality and quantity treatment.

IV. CONCLUSION

For all of the above-stated reasons, the Applicant respectfully requests approval of this variance for the removal of the four (4) specimen trees as denoted above.

Respectfully submitted,

By: Lanna Clement
Lanna Clement
ATCS, PLC
9500 Medical Center, Dr., Suite 370
Largo, MD 20774