



Loiederman  
Soltesz Associates, Inc.

November 29, 2012

Ms. Quynn Nguyen  
Maryland-National Capital Park and Planning Commission  
14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772

Re: Cafritz Property  
Variance from Section 25-122(b)(1)(G)  
LSA No.: 2411-01-00

Dear Quynn:

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 (24) specimen trees out of (35) existing 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 Cafritz Property consists of 37.35 acres of land located in Prince George's County, in Riverdale, MD. The sites western border is with Baltimore Avenue, north of the intersection with East-West Highway. The eastern edge of the site runs along the existing CSX line. The northern border abuts WMATA property and the southern edge abuts institutional and commercial uses. The site is comprised of one parcel on Prince George's County Tax Map 42 Grid D2, Parcels 81. Approximately 90% of the property is forested. The remaining area consists of small open areas. The site is zoned MUTC (Riverdale Park) MD R-55 (College Park).

This site did not have final Preliminary Plan approval prior to September 1, 2010. Therefore, the new requirements for Subtitle 25 are now applicable to the site. There are (35) specimen trees located within the property. The applicant will retain (11) specimen trees. The specimen trees to remain are located in forest stand 1 and forest stand 3.

The intent of this letter is to provide justification for these impacts in accordance with the requirements of new Section 25-119(d)(1). The applicant has included a copy of The TCP plans which outlines the exact location of each of the specimen trees.

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

The site is bordered on the east by railroad and partially on the north by metro rail. The development along those two edges has somewhat been limited in order to reduce noise exposure to future residents and visitors. To reduce this noise exposure, the proximity of most future residences to the existing railroad and metro rail has been increased. This larger space that is now between the proposed residential and rails has become an ideal location for the stormwater and bio-retention practices as well as the proposed CSX crossing. The revised plan does propose

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to save some trees including specimens in forest stand 3 along the CSX right-of-way. Unfortunately, there are several specimen trees that are located in these areas that cannot remain because of the proposed stormwater and ESD and the CSX Crossing. However change in the SWM configuration and layout make additional save areas possible.

The property's proximity to neighboring railroad and metro rail and the need for adequate stormwater management and ESD practices are conditions that are peculiar to this property. 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. The configuration of the site and grading constraint on the site create limitation to grading on the site.

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

Residential and commercial uses exist in some of the site's surrounding area. Forested area exists as well. The development of this site proposes the removal of certain specimen trees that hinder the design of residential and commercial development. The decision to remove specimen trees is in keeping with the surrounding area's development character of residential/commercial/retail or undeveloped forest. With the existing site constraints already dictating and limiting developable area, further limiting of developable area by protecting the root zones and specimen trees will deprive the applicant of the opportunity to create a functional and efficient mixed-use development. This area is surrounded by areas which have been developed. Previously the site itself was developed as housing in the 1940's and 1950's.

(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 approval 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. We are requesting the variance been used of the unique grading and slope of the site.

(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 did not create the grading and shape of property bot has attempted to provide a layout that meets zoning requirements; addresses comments received from the Maryland Department of the Environment, and conforms to the requests of the community. That this project proposed 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 are 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. This results in an unwarranted hardship to the applicant. If you have any further questions or concerns, please do not hesitate to contact our office.

Sincerely,

LOIEDERMAN SOLTESZ ASSOCIATES, INC



Timothy H. Davis, RLA, AICP, LEED BD+C  
Associate