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November 12, 2019

Steve Findley  
Maryland-National Park and Planning Commission  
8787 Georgia Avenue  
Silver Spring, MD 20910

Re: Forest Conservation Tree Variance Request; Site Plan No. 820200080

Dear Steve:

On behalf of our client, Ardennes Partners, LLC (“Applicant”), we are submitting this Tree Variance Request in accordance with Natural Resources, Title 5, Section 5-1607 of the Maryland Code, as well as Section 22A-21 of the Montgomery County Code, both of which require the Applicant to apply for a variance to remove or impact any tree greater than 30” in diameter-at-breast height (dbh), any tree with a dbh equal to or greater than 75% of the current state champion, trees that are part of a historic site or associated with a historic structure, any tree designated as the county champion tree, and any tree, shrub, or plant identified on the rare, threatened or endangered list of the U.S. Fish and Wildlife Service of the Maryland Department of Natural Resources, if a project did not receive Preliminary Forest Conservation Plan Approval prior to October 1, 2009.

This Tree Variance Request is accompanying the submission of Final Forest Conservation Plan No. 8202000080.

The approximately 1.73 acre property that is the subject of this request is located in the southwest corner of the intersection of Ardennes Avenue and Twinbrook Parkway in Rockville, Maryland, more formally known as 12500 Ardennes Avenue (the “Property”). It is currently developed with a commercial office building and associated surface parking. The proposed project will redevelop the Property with a multi-family residential use, internal structured parking, and related amenities (the “Project”). In this regard, the Project substantially achieves the goals and objectives of the Twinbrook Sector Plan to increase housing choices proximate to the Metro Station (the “Sector Plan”). This request proposes impacts to the only significant tree on the Property, a National Champion Southern Crabapple, with an approximately 35.65” dbh

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(the “Tree”). The impacts to the Tree are related to its proposed relocation to another site in order to facilitate construction of the Project.

Pursuant to the requirements of MD Code, Natural Resources Section 5-1607 and Section 22A-21 of the Montgomery County Code, we submit the following rationale in support of the request for a Forest Conservation Tree Variance:

**For approval, the Variance Request must:**

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

The location of the Tree on the Property, and its related critical root zone, are such that preservation of the Tree on the site would severely limit its redevelopment potential in accordance with the Sector Plan. The Property is an irregularly shaped corner lot whose developable area is already constrained. The Tree is located only 16 feet from the existing sidewalk along Twinbrook Parkway. The Sector Plan calls for the dedication of an additional five feet of right-of-way along the Property’s frontage, to include sidewalk improvements, which further limit developable area. Additionally, the grade of the Property slopes significantly, with twelve feet of grade change between the southeast and northwest corners of the Property. While the design of the proposed building will work with the grade to bury a portion of the structured parking, redevelopment of the Property will require significant regrading and disturbance, which would significantly impact the critical root zone, given its expanse.

Additionally, the Property is comprised of a single, aging office building and surface parking. Any redevelopment of the Property to improve it, even aside from construction of the Project, would necessitate impacts to over 25% of the Tree’s critical root zone. Sidewalk improvements along Twinbrook Parkway called for in the Sector Plan would also impact an additional 25% of the Tree’s critical root zone on the opposite side of the Tree.

The existing conditions, the location of the Tree on the Property, and the Sector Plan’s recommendations for redevelopment of the Property with denser uses more appropriate for its proximity to transit therefore represent conditions peculiar to the Property. Denial of the requested variance would restrict the Applicant’s ability to implement the proposed improvements and those improvements called for in the Sector Plan, creating an unwarranted hardship.

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

Limiting all impacts to the Tree through denial of the variance would deprive the Applicant of the ability to make significant changes to the Property due to the unfortunate location of the tree and the extent of its critical root zone. Additionally, the Sector Plan’s vision