



Howard County Department Of Planning And Zoning  
3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Marsha S. McLaughlin, Director

[www.howardcountymd.gov](http://www.howardcountymd.gov)  
FAX 410-313-3467  
TDD 410-313-2323

July 8, 2010

Plogger, LLC  
6800 Deerpath Road, Suite 150  
Elkridge, Maryland 21075  
ATT: Jacob Hikmat

RE: WP 10-105/Plogger Property, Lots 1 to 15 and  
O.S. Lots 16 to 18 (SP 10-02)

Dear Mr. Hikmat:

The Director of the Department of Planning and Zoning considered your request for waivers from the Howard County Subdivision and Land Development Regulations.

As of the date of this letter, the Planning Director **approved** your request for waivers to Section 16.121(e)(1), requiring 40' of public road frontage for Open Space Lot 16 or frontage may be reduced to 20' if adjacent side yard setbacks for abutting lots in combination are increased by the reduced amount and Section 16.1205(a)(7) to allow for the removal of Specimen Tree No. 5 located on Lot 9, subject to the following conditions:

1. Access to Open Space Lot 16, dedicated to Howard County, shall be provided by the use-in-common access easement for Lots 9 to 14 and O.S. Lot 16. A note shall be added to the preliminary equivalent sketch plan (SP-10-02) and the final plat indicating that Howard County/Department of Recreation and Parks, shall not be responsible for maintenance of the shared driveway within the use-in-common access easement.
2. Removal of Specimen Tree No. 5, a 36" yellow poplar, located on Lot 9 is approved, but will require the replacement of the specimen tree with two perimeter shade trees along the southern property line of the lot.

**JUSTIFICATION FOR APPROVAL:**

1. Extraordinary hardships or practical difficulties will result from strict compliance with the Regulations. The developer proposes subdivision of the site into 15 building lots and 4 open space lots. A public cul-de sac will be constructed along the northern boundary and a 24' wide use-in-common access easement consisting of six pipestems will be created with frontage onto the cul-de-sac. Open Space Lot 16 is proposed at the western end of the use-in-common access easement but will have no public road frontage. Creation of this open space lot at this location is necessary to contain an isolated pocket of wetlands and forest. Extending the cul-de-sac northward in an attempt to allow for public road frontage of O. S. Lot 16 is not an appropriate solution since it would result in a loss of density potential. A large southern portion of flood plain, steep slopes, wetlands, stream and their buffers is also situated on this parcel which further restricts the number of allowed building lots. This southern portion will become Open Space Lot 18 consisting of 2.95 acres of land dedicated to Howard County and will gain road frontage from an adjoining open space lot of the Winterbrook Subdivision. Proposed O.S. Lot 16 will be dedicated to Howard County but does not adjoin any other existing open space and therefore can not meet frontage requirements. Safe pedestrian and vehicular access, however, will be provided by utilization of the shared driveway. The developer has also indicated that future road frontage will be provided to O.S. Lot 16 at the time of subdivision of abutting Parcel 778 located to the east through open space created on that site. Therefore, reducing the required 40' of road frontage for O.S. Lot 16 to 0' will not adversely affect safe pedestrian and vehicular access to O.S. Lot 16. In addition, requiring abutting Lots 13 and 14 to increase the side building restriction lines to 40' would render these lots unbuildable and serve no purpose.

This site contains 8 specimen trees, all in good condition and to remain, except for Specimen Tree No. 5. This tree is a 36" yellow poplar and is located on the eastern portion of proposed Lot 9. A 20' wide public sewer and utility easement is proposed along the lot line between Lots 9 and 10, requiring the removal of Specimen Tree No. 5. The location of this easement is the most practical to allow for tie-in to existing sanitary lines located directly behind Lot 9. Relocation of the easement would cause considerable hardship by requiring either the re-orientation of pipestem homes and/or losing a proposed lot. In addition, further disturbance of existing vegetation would be necessary on Open Space Lot 18 if the easement was shifted westward. Allowing the removal of Specimen Tree No. 5, subject to placement of shade trees on Lot 9 at a 2:1 ratio would be the better solution.


2. The requested waivers will not be detrimental to the interest of the public. All residents of the proposed subdivision will have safe pedestrian access to Open Space Lot 16 through the use-in-common access easement for Lots 9 to 14. The Department of Recreation and Parks has reviewed the design layout of this subdivision and is in agreement with the reduction of road frontage for O.S.Lot 16. Vehicular ingress/egress to the open space lot by the Department of Recreation and Parks will be so stated on the plat. It was also noted that future road frontage to Open Space Lot 16 will be provided upon subdivision of adjoining Parcel 778 allowing the public continuous access and enjoyment of open space areas dedicated to Howard County.

Removal of Specimen Tree No. 5 will not adversely affect any surrounding natural habitat or other tree environment. Specimen Tree No. 5 is an isolated yellow poplar and is not representative of a valuable species. The yellow poplar may grow to 100' tall and have massive trunks. They become deeply furrowed with thick bark and growth rate slows with old age. Because of their soft wood, they are subject to storm damage. Removal of this tree due to its close proximity to proposed homes on Lots 9 and 10 would be in the public's best interest, even if the sewer and utility easement were not proposed. Additionally, Lots 9 and 10 will abut O.S.Lot 18 which will consist of a forest conservation retention area that will adequately screen lots from adjoining property.

3. The intent of the Regulations will still be served to a greater extent through implementation of an alternative proposal and approval of the waiver request(s) will not nullify the intent of the Regulations. The applicant is not circumventing any of the Subdivision or Zoning Regulations by approval of the waiver requests, but only requires a compatible solution to the requirements. Reducing the road frontage of O.S.Lot 16 from 40' to 0' will not compromise the ability to safely access the open space area. Ingress/egress to O.S.Lot 16 will be provided by a shared driveway meeting construction standards which will allow for safe access by emergency and maintenance vehicles and pedestrian traffic. A standard note will be added to the plat indicating that Howard County will not be part of any maintenance of the driveway. Allowing the building restriction lines on Lots 13 and 14 to remain at 7.5' for removal of Specimen Tree No. 5 is a better alternative than keeping the tree in close proximity to the proposed homes on Lots 9 and 10 due to safety issues. The specimen tree will be replaced with two perimeter shade trees on Lot 5.

Indicate this waiver petition file number, request, section of the regulations, action taken, date and conditions of approval on all related plats, site development plans and building permits. This requested waiver will remain valid for one year from the date of this letter or as long as the development plans remain in process. Should you have any questions regarding this matter, please contact Brenda Barth at (410) 313-2350 or email: [bbarth@howardcountymd.gov](mailto:bbarth@howardcountymd.gov).

Sincerely,

  
Kent Sheubrooks, Acting Chief  
Division of Land Development

hb  
:btb

cc: Research/SP 10-02