



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING  
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Marsha S. McLaughlin, Director

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September 14, 2010

Mr. Donald Reuwer  
Double R Ventures, LLC  
c/o Land Design and Development  
5300 Dorsey Hall Drive, Suite 102  
Ellicott City, MD 21042

Dear Mr. Reuwer:

RE WP-11-028, Mount Hebron Overlook  
(SP-10-007)

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

As of the date of this letter, the Planning Director **approved** your request to waive **Section 16.1205(a)(10)** – which outlines the forest retention priorities when adhering to the Forest Conservation Act, including areas of floodplain, stream buffers, wetlands and buffers, steep slopes, trees of 30" in diameter or larger, and many other provisions. Per State Senate Bill 666, State Champion trees or trees 30" diameter or larger cannot be disturbed without a waiver. The proposed development will require the removal of one (1) specimen tree and **Section 16.119(a) (8)** - Proposed public streets shall be extended to the boundary lines of the proposed subdivision so that a connection can be made to all adjacent properties. However, if the Department of Planning and Zoning determines after consultation with the review committee that such extension is not desirable due to environmental conditions or is not necessary for the coordination of existing streets or the most advantageous development of adjacent tracts, the Department may require transfer of a fee simple-right-of-way to the adjacent property that is sufficient to accommodate a use-in-common driveway. If the adjacent property owner will not accept fee simple right-of-way transfer, then an access easement of equivalent size shall be recorded. No subdivision shall be signed so as to create or perpetuate the landlocking of adjacent undeveloped land.

Approval is subject to the following conditions:

1. Compliance with all Subdivision Review Committee comments for SP-10-007.
2. On the Preliminary Equivalent Sketch Plan and all future subdivision plans and site development plans, provide a brief description of waiver petition, WP-11-028, as a general note to include requests, sections of the regulations, action and date.

Our decision was made based on the following:

**Extraordinary hardship or practical difficulties which may result from strict compliance with the Regulations**

See the enclosed justification statement submitted by the applicant. The waiver petition requires that the applicant demonstrate that extraordinary hardships or practical difficulties may result from strict compliance with the regulations or that the regulations may be served to a greater extent by an alternative proposal. The applicant has demonstrated that through the waiver petition exhibit that the removal of the existing house will impact the long term stability of the specimen tree because of the tree's close proximity to the house and its removal. Also, the proposed grading required to accommodate the public road and other infrastructure will impact the future health of the specimen tree.

The applicant has demonstrated that adjacent Parcel 738 is served by a use-in-common access easement through Parcel 378, Lot 74. Lot 74 has the right to use this easement, but does not use the easement for its access. Under current regulations, six users are permitted on a use-in-common access easement. The use-in-common access easement is an adequate alternative to the required road connection.

**Not Detrimental to the Public Interest** - See the enclosed justification statement submitted by the applicant. Approval of the waiver request will not alter the essential character of the neighborhood and will not substantially impair the appropriate use or development of the surrounding properties. The granting of the waiver petition for the removal of the specimen tree will not be detrimental to the public's interest. The tree to be removed is located within the internal boundaries of the parcel and is not in public view.

Also, if Parcel 738 is subdivided in the future and these lots are served by the existing use-in-common driveway, the access for these lots will not be detrimental to the public interest. The existing driveway and a road connection through the Mount Hebron Overlook subdivision will provide safe access to adjoining Parcel 738.


**Will Not Nullify the Intent or Purpose of the Regulations** - See the enclosed justification statement submitted by the applicant. Approval of this waiver request will not nullify the intent or purpose of the regulations since the significant landscaping proposed is an adequate alternative for the removal of the specimen tree.

The existing use-in-common access easement is more than adequate access to serve Parcel 738. Providing an access connection through the proposed adjacent subdivision would be inconvenience to Parcel 738.

Indicate this waiver petition file number, request, section of the regulations, action, conditions of approval, and date on all related plats, and 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 this subdivision remains in active processing.

If you have any questions, please contact Brenda Luber at (410) 313-2350 or email at [BLuber@howardcountymd.gov](mailto:BLuber@howardcountymd.gov).

Sincerely,

  
Kent Sheubrooks, Acting Chief  
Division of Land Development

KS/BL

Enclosure

cc: Research  
DED  
Robert H. Vogel Engineering, Incorporated  
Marian Honeczy, DNR