



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

December 2, 2010

James T. Qin  
9395 Penrose Street  
Frederick, Maryland 21704

RE: WP-11-55-Amended/Qin Residence  
Lot 25, Haviland Hills

Dear Mr. Qin:

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

As of the date of this letter, the Planning Director **approved** your request for waiver to Section 16.1205(a)(7) to allow removal of two specimen trees on Lot 25 of the Haviland Hills Subdivision, subject to the following conditions:

1. Removal of two specimen trees identified as a 36" poplar and a 33" black oak is approved for construction of the septic tank and distribution box and proposed home on Lot 25.
2. An Environmental Concept Plan (ECP) will be required for review of grading on this site (ECP-11-021 has been submitted and is under review). Under the ECP, forest conservation obligations must be addressed for removal of existing forest in excess of 20,000 sq. ft. in size on Lot 25.

**JUSTIFICATION FOR APPROVAL:**

1. Extraordinary hardships or practical difficulties will result from strict compliance with the Regulations. Lot 25 of the Haviland Hills Subdivision contains 1.43 acres of land and was recorded in October, 1962. Environmental features and buffers were not required to be shown on the plat at that time. Lot 25 has remained undeveloped since recordation, but it is now the intention of the owner to construct an approximate 2500 sq.ft. single family dwelling. This lot is completely wooded and contains steep slopes, a perennial stream and specimen trees. The limit of disturbance is proposed at 30,000 sq.ft. which is the minimum of disturbance to construct the house, septic and driveway. Because the property is located in an RR (Rural-Residential) Zoning District, a site development plan will not be required. Development of the lot, however, is subject to fulfillment of Forest Conservation obligations and approval of an Environmental Concept Plan. In accordance with recently adopted regulations of the State Forest Conservation Program, removal of any specimen tree 30" or greater in size requires waiver petition approval. It will be necessary to remove a 36" poplar tree for installation of the septic tank and distribution box and a 33" black oak for construction of the house. Due to location of a stream, stream buffer, well setbacks and topographical features on the lot, shifting construction to save the specimen trees is not practical and would result in extraordinary hardship by rendering this lot unbuildable. The best solution is to approve the waiver request which will allow construction on the lot having the least impact to the existing forest and protected features.

2. 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 property owner has considered other alternatives for relocation of the septic area and house to save specimen trees on Lot 25. However, due steep slopes on the front and environmental features along the rear of the lot, placement of the septic tank,

distribution box and house can not be shifted. Additionally, this site is further constrained by Health Department regulations requiring certain setbacks of the septic area from the well on Lot 25, as well as, from the well located on the adjoining eastern property. These constraints have all resulted in a limited buildable area.

3. Approval of this waiver request will not be detrimental to the interests of the public. The owner is not circumventing the intent of the regulations, but is attempting to better protect top priority areas which exist on the lot. The southern portion of the property contains a perennial stream, stream buffer and forest. This area is of top priority for protection. By restricting disturbance towards the front of the property, a majority of the existing forest can be saved and grading can be limited. The owner will record a deed to show the rear portion of the forest as being placed into a Forest Conservation Credited area. A copy of the recorded deed will be required prior to approval of the grading permit. In addition, approval of an Environmental Concept Plan is required which will further restrict encroachment of environmental features on the site.

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 a period of one year from the date of this letter or for the duration of building permit approval. 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

  
:btb  
cc: Research/DED  
Benchmark Engineering  
Marion Honeczy, DNR