



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Marsha S. McLaughlin, Director

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May 19, 2011

Dae Yung Lee and In Suk Lee
10717 Hunting Lane
Columbia, MD 21044

RE: Holiday Hills Section 4, Lots 109-112
A resubdivision Lots 66 & 67
WP-11-162 (ECP-11-055)

Dear Sir / Madam:

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.(7) & (10)** requiring retention of trees with a 30" diameter or greater / specimen trees; **Section 16.132** requiring construction of roads fronting the proposed subdivision to current standard; **Section 16.134** requiring construction of sidewalks along road frontage; and, **Section 16.135** requiring construction of street lighting in accordance with the design manual.

Approval is subject to the following conditions:

1. **Sections 16.1205.(a).(7) and (10) - Forest Conservation Retention Priorities:** With the submission of the final subdivision plan, the landscape plan should be designed to include additional landscaping to replace the specimen trees removed for development. For example, a proposal to replace each specimen tree with a large caliper shade tree within the area of the lots. These trees are to be in addition to the required perimeter landscape plantings and the required street trees.
2. **Sections 16.132, 16.134, 16.135 – Construction of Road Improvements, Sidewalks and Street Lighting** – Compliance with the attached comments from the Development Engineering Division, dated April 14, 2011, prior to submission of the original mylar record plat to this office for signature approval and recordation. In accordance with those comments the developer will be required to construct road improvements to a 12' half section matching the existing bituminous curb for the limits of the frontage; to pay a fee-in-lieu of sidewalk construction; and, approves the request to waive street lighting for this frontage.
3. Submission of final plan application is required.
4. **Advisory Comments:** See the attached comments from the Division of Transportation Planning, dated April 6, 2011.

Our decision was made based on the following:

Sections 16.1205.(a).(7) and (10) – Forest Conservation Retention Priorities:

- Summary of the extraordinary hardship or practical difficulty resulting from strict compliance with the regulations: The proposed development will require the removal of five(5) of the seven(7) specimen trees located on Lots 66 & 67. The retention of specimen trees is a goal of the Forest Conservation Act. However, the retention of these five(5) specimen trees would create a practical difficulty, since their location is such that avoidance is not possible while maintaining reasonable development potential of the property. The retention of these specimen trees could not be accomplished without severely restricting the use of the site; and, their retention at the expense of a reasonable development plan would create an unreasonable hardship for the applicant.
- The approval of the waiver will not nullify the intent of the Regulations: The Regulations allow for the removal of specimen trees with County approval. The intent of the Regulations, as it relates to retaining specimen trees, is that these trees should be retained unless their retention is not practical within the context of the reasonable development of the site. Given the limitations of the site and the locations of the trees, it is clear that the retention of the trees would not be practical and therefore approval of the waiver meets the intent of the waiver process component of the Regulations. As an alternative compliance for the specimen tree removal, the applicant will provide replacement trees to enhance the landscaping and to mitigate the loss of the five(5) specimen trees.

Sections 16.132, 16.134, 16.135 – Construction of Road Improvements, Sidewalks and Street Lighting:

- The intent of the regulations will be served through the implementation of the alternative proposal which will not nullify the intent of the Regulations and will not be detrimental to the public interests: It is unlikely that roadway widening and curb improvements to this dead-end section of Hunting Lane would ever be included in a County Capital Project since the road currently functions well serving the needs of the existing 23 houses which access. Should the County decide create a Capital project for the installation of street lights in this neighborhood, no light would be installed along this frontage – the light would be placed adjacent to the nearby intersection of Newberry Drive and Hunting Lane in accordance with the requirements of the Design Manual. It is more likely that sidewalks would be installed in the future by way of a Capital Project since there are none in the neighborhood. The intent of the regulations will be served through Development Engineering Division's alternative proposal and will not be detrimental to the public interest by having the developer construct road improvements to a 12' half section matching the existing bituminous curb for the limits of the frontage and to contribute funds for future construction of sidewalk improvements.

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

If you have any questions, please contact Ms. Pat Britt-Fendlay at 410-313-371 or via e-mail at pfendlay@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/JMF/MPB 
Attachment: DED & Transp.

cc: Research
Development Engineering Division
Marian Honeczy – Maryland Forest Service
DPZ File # ECP-11-055