



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

Marsha S. McLaughlin, Director

www.howardcountymd.gov
FAX 410-313-3467
TDD 410-313-2323

November 2, 2011

Susan Ferguson
P.O. Box 11860
Gwynn Oak, Maryland 21207

RE: WP-12-064/Nordau Subdivision, Section E-1
Lots 13 to 18; Resubdivision of Lot 2

Dear Ms. Ferguson:

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

As of the date of this letter, the Planning Director **DENIED** the waiver(s) to Sections 16.134(a)(1)(i) to provide sidewalk on one side of a local street in a single family detached subdivision; 16.135(a) to provide street lighting; and 16.136 to provide street trees for the following reasons:

1. Sidewalks are listed as improvements required in accordance with the Howard County Pedestrian Master Plan. In addition, adjacent developments within the Nordau Subdivision (F-08-070) have been required to provide road improvements, sidewalk and street trees in accordance with the Route 1 Manual.
2. In accordance with the attached Development Engineering comments dated October 24, 2011.

As of the date of this letter, the Planning Director **approved** the waiver to Section 16.1205(a)(7) to retain State Champion Trees so as to remove two trees having a diameter of 30" or more, subject to the following condition(s):

1. Approval is given for removal of two specimen trees as shown on the waiver petition exhibit and identified as 30" Southern Red Oak and 31" Tulip Poplar.
2. Two landscape trees per every specimen tree removed shall be provided having a minimum diameter of 3" ½" (for a total of 4 shade trees). The replacement trees are to be in addition to any required perimeter landscape trees.

Justification for Approval to Section 16.1205(a)(7) to remove two specimen trees:

1. Extraordinary hardships or practical difficulties will result from strict compliance with the Regulations. The retention of all specimen trees is a goal of the Forest Conservation Act. However, practical difficulties exist on this site for retention of trees due to the long narrow shape of the parcel resulting in limited buildable lot area. The developer proposes a six lot subdivision with lots averaging 12,000 sq.ft. in size. All lots will utilize a Use-in-Common Access Easement from Pine Road in the Nordau Subdivision. The site consists of 1.84 acres and contains a

forest stand of existing trees along the rear western sector. An ECP-12-020 has been submitted and is in the review process. The ECP shows the necessary grading to prepare the site for development which will require the removal of an existing forest stand of .5 acres and two specimen trees. The specimen trees are identified as a 30" Southern Red Oak situated on the front southern property line and a 31" Tulip Poplar situated on the rear western corner. No other environmental features exist on the parcel.

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 developer has considered all possible subdivision design with regard to saving trees. However, due to lack of flexibility in lot layout, existing topography and storm water management design, no other solution is possible for retention of trees. The developer shall be required to install two landscape trees having a minimum diameter of 3 1/2" for every specimen tree removed, totaling 4 additional shade trees above any required perimeter landscaping for this subdivision. Off-site forest conservation mitigation is proposed.


3. Approval of the waiver request(s) will not be detrimental to the interests of the public. The owner is not circumventing the intent of the regulations, but is attempting to develop the property by presenting adequate and safe lot access and design and to meet all code requirements. In attempting to meet design requirements relative to storm water management regulations specific grading is necessary which will cause the removal of existing trees. As such, the proposed grading plan and lot design meets reasonable development goals of the Subdivision and Land Development Regulation and storm water management while presenting an alternative proposal for forest conservation and landscape requirements.

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

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development



:btb/DED Comments Attached

cc: Research/DED/RES

Forest Conservation Coordinator

Marion Honeczy, DNR

Mildenberg, Boender & Associates, Inc.