



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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November 23, 2011

Bonnie and Bryant O'Kane
3451 Arbor Way
Elkridge, Maryland 21075

RE: WP-12-081/O'Kane Property, Parcel 634
4831 Wharff Lane

Dear Mr. and Mrs. O'Kane:

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 **approved** your request for waiver to Section 16.1205(a)(7) to allow for the removal of specimen trees on the above referenced property, subject to the following conditions:

1. Removal of four specimen trees identified on the waiver petition exhibit as Nos. 2, 10, 11 and 15 for construction of a single family home as shown on site development plan, SDP-12-013, is approved.
2. Recordation of a Forest Conservation Plat of Easement to record 1.82 acres of retention is required to fulfill forest conservation obligations on the site prior to signature approval of the site development plan, SDP-12-013. Reparation for removal of specimen trees will, therefore, be met by placement of other remaining specimen trees into an easement thereby fulfilling the intent of the Forest Conservation Act by preservation of existing trees.

JUSTIFICATION FOR APPROVAL:

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 in the retention of all specimen trees due to steep topography and existing forest stand on the subject parcel. These features and restrictive house siting in connection with the location of a well and septic system has resulted in a limited buildable area. The limit of disturbance is the minimum necessary to provide for a single family home, driveway, septic, well and micro bio retention facilities. The exhibit shows that grading will require the removal of Specimen Tree #2 (36" Yellow Poplar); Tree #10 (34" Yellow Poplar); Tree #11 (33" Yellow Poplar) and Tree #15 (30" Yellow Poplar).
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 house locations with respect to saving trees. However, due to lack of flexibility for location of improvements, existing topography and storm water management design, no other solution is possible to save all specimen trees. The owner will, however, be required to record a Forest Conservation Plat of Easement which will place 1.82 acres of existing forest (containing several other specimen trees) into an easement area. The intent of the Forest Conservation Act, therefore, will be met by preservation of existing trees.

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 with adequate and safe lot design to meet all code requirements. The development of the site does not create any new lots, roadways or adversely affect surrounding properties. 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

cc: Research/DED
Forest Conservation Coordinator
Marion Honeczy, DNR
Raztec Associates
SDP-12-013