



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 15, 2013

Ms. Evelyn Shulman
~~6817 Redberry Road~~ 5400 Vantage Pt Rd, Apt 702
~~Clarksville, MD 21029~~ Columbia 21044

RE: **RECONSIDERATION**
~~WP-13-137~~ Dogwood, Lot 4
6813 Redberry Road

Dear Ms. Shulman:

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)** – Forest Retention Priorities. State Champion trees, trees 75% of the diameter of state champion trees, and trees 30" in diameter or larger. The request is to allow for the removal of 4 Tulip Poplar specimen trees as previously approved by our letter dated April 16, 2013 and for one additional 35" Pin Oak, located on Lot 4 of the Subdivision.

Approval is subject to the following conditions:

1. Add the Waiver Petition WP 13-137, on F-13-076, Dogwood, Lot 4 as a general note stating the request, the approval date and conditions.
2. Show the 5 specimen trees being removed and labeled per WP-13-137 on the simplified ECP.
3. It is recommended that the applicant plant 5 new large shade trees as replacement mitigation for the 5 existing trees to be removed somewhere within the lot after construction is completed.

Our decision was made based on the following:

Extraordinary hardship or practical difficulties

This is a previously recorded lot (plat book 6, page 82) which has 5 specimen trees on site. Since this is an already recorded lot it is not possible to retain the 5 specimen trees on site and construct a new SFD. There is one specimen tree proposed to be removed that is shown outside the limit of disturbance which if not removed would be a hazard to the proposed house as well as to the neighboring house. Should the Regulations be strictly enforced, the house siting could not be altered to save these trees and the lot could not be developed which would result in extraordinary hardships and practical difficulties for the Owner and the Developer.

Alternative Proposal

The alternative proposal would be to not build a new SFD on the already recorded lot, which would then result in a financial hardship for the owner. The 5 specimen trees being removed, 2 of them are in very poor condition and could pose a potential safety hazard to the future house as well as a neighboring house. There are several other large trees in good condition but less than 30" that will be retained on the site.

Not Detrimental to the public interest

The approval of the waiver will not have any detrimental impact to the public interest. The removal of the trees will not impact water quality or habitat value/function. The owner is not circumventing the intent of the forest preservation regulations but is attempting to build a SFD on the subject property with adequate and safe lot design and conditions for the new homeowner.

Will not nullify intent or purpose of the regulations

Approval of this waiver based on the petition submitted, in conjunction with adherence to the conditions enclosed, will not be detrimental to the public interest. Reasonable efforts were made to preserve the trees, but due to this single lot which is limited by its site conditions, and lot size, it is unreasonable to expect the 5 specimen trees to remain with construction of the new house, driveway, SWM devices and the private septic system installation

Indicate this waiver petition file number, request, section of the regulations, action, conditions of approval, and date on all related plats and building permits. This requested waiver will remain valid for one year from the date of this letter or as long as grading or building permits or subdivision plat remains in active processing.

If you have any questions, please contact Jennifer Wellen at (410) 313-2350 or email at jwellen@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/jw

cc: Research
DED
Real Estate Services
Forest Conservation Coordinator
Marian Honecny, DNR
F-13-076