



Howard County Department Of Planning And Zoning  
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Marsha S. McLaughlin, Director

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October 1, 2013

Leah L. Watkins  
825 Morrison Ave., #2J  
Bronx, N.Y. 10473

RE: WP-14-031/Watkins Property  
Parcel 265/9219 Cartersville Road

Dear Ms. Watkins:

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 16.155(a)(2)(ii) requiring the submission of a site development plan for construction of a single-family home in the R-12 Zoning District, **subject to the following conditions:**

1. A building permit must be applied for with the Department of Inspection, Licenses and Permits for construction of the proposed house and driveway as applicable. The waiver petition exhibit is an adequate substitute for the site development plan and may be utilized as a plot plan when applying for the building permit.
2. Although this property is exempt from the Forest Conservation requirements for a single lot less than 40,000 sq. ft. in size, no specimen trees 30" or greater in diameter may be removed from Parcel 265 without prior approval from the Department of Planning and Zoning except for a northeastern 30" Oak Tree. In accordance with the waiver petition exhibit the 30" Oak Tree is the only specimen tree located within the limit of disturbance. This tree is situated in the northeast corner of the parcel, located mostly within the road right-of-way of Cartersville Road and over an existing 8" sewer line. The exhibit has demonstrated to the satisfaction of the Department of Planning and Zoning that reasonable efforts have been made to save all specimen trees and that the plan cannot be reasonably altered to save the 30" Oak Tree. This Department will grant approval for the removal of this specimen tree.
3. The R-12 Bulk Regulations of the Howard County Zoning Regulations will apply for construction on Parcel 265. All other County and State requirements are applicable.
4. Compliance with the attached comments from the Development Engineering Division requiring submission of a Simplified Environmental Concept Plan for storm water management review and approval prior to submission of a building permit.

JUSTIFICATION FOR APPROVAL:

1. Extraordinary hardships or practical difficulties will result from strict compliance with the Regulations. The property owner intends to construct a single family home on Parcel 265 which is 19,471 sq.ft. in size and is zoned R-12. This parcel has road frontage on both Cartersville Road and Coleman Thomas Road, local public road rights-of-way. Access will be onto Cartersville Road and will require the removal of a 30" Oak Tree for construction of the driveway. The 30" Oak Tree is located mostly within the road right-of-way of Cartersville Road and over an existing sewer line. The Department of Planning and Zoning has authority to approve removal of the specimen tree when it has been demonstrated that reasonable efforts have been made to save all specimen trees and that the plan cannot be reasonably altered to save the 30" Oak Tree. This Department will grant approval for the removal of this specimen tree. The parcel contains further existing perimeter trees along the east and west perimeters and has topography that slopes upwards to the east. One other 30" Oak Tree is located to the rear of the parcel but will not be affected by development. There are no environmental features located on this site or surrounding properties. The limit of disturbance will be .111 acres and is restricted to the central front portion of the parcel. The location of the house is the most suitable for this parcel in order to connect to existing sewer and water lines, to save existing trees and to provide adequate sight distance for the driveway. No Erosion Control Plan is required for the proposed LOD since it is under 5,000 sq.ft. in area. This site is exempt from Forest Conservation obligations in accordance with Section 16.1202(b)(1)(i) of the Subdivision Regulations and is also exempt from perimeter landscaping since the owner is not creating any new lots. An existing house was located on this parcel at one time but has been removed for new construction. The new house will be approximately 1,925 sq.ft. in size with two car attached garage. The house will meet the required setbacks for the R-12 Zoning District, be connected to public water and sewer and will have off-street parking for four cars (two in garage/two in driveway). To deny the waiver request would cause extraordinary hardship to the owner by requiring submission of a site plan and delaying construction of the home. The better solution is to grant the waiver and require the owner to submit the waiver petition as a plot plan with the building permit.
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 waiver petition exhibit shows all required grading, setbacks, structures and public utilities. In addition, the exhibit shows and labels existing trees which are to remain and are of adequate size to fulfill perimeter landscaping if required. All required notes and details are shown on the plan. The waiver petition exhibit provides a suitable alternative to the site development plan and can be used as a plot plan for attachment to the building permit.
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 has submitted an adequate substitution for the site plan. The exhibit shows all improvements, grading, setbacks and existing vegetation and is an alternative solution to adequately file for a building permit. The subject site is located in an older established neighborhood and all adjoining properties have been developed with single-family homes of such age that no site development plan could be found. Accordingly, waiver of the site development plan will have no adverse effect to the surrounding properties.

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. Approval of the requested waiver(s) will remain valid for a period of one year from the date of this letter (a **building permit must be applied for on or before October 1, 2014**). 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, Chief  
Division of Land Development



cc: Research/DED/Zoning Administration  
DILP/Forest Conservation Coordinator  
Marion Honeczy/MDNR  
Bortle Custom Homes  
M.A.F. & Assoc., LLC

