



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 6, 2014

Michael Balakirsky  
11755 Bragsdon Road  
Clarksville, MD 21029

Dear Mr. Balakirsky:

RE: WP-15-051, Mill Haven (F-08-121)

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) to allow removal of one (1) of the four (4) specimen trees which have been identified to be located with the boundaries of this site.

Approval is subject to the following conditions:

1. As mitigation for the requested removal of one (1) specimen tree located within this site, the developer is required to plant a 2" caliper native shade tree material along the rear perimeter of proposed Lot 7. This tree will be shown on the landscaping plan and will be bonded with the landscaping surety.
2. On the final plan (F-08-121) and all subsequent plans and/or plats, provide a brief description of waiver petition, WP-15-051, as a general note to include requests, sections of the regulations, action and date.

Our decision was made based on the following:

**Extraordinary Hardship or Practical Difficulty** - The extraordinary hardship or practical difficulty involved with this waiver request would require the developer to eliminate one of the lots. The existing lot is irregular in shape. The proposed subdivision will create 2 additional lots. The developer will be able to save 3 of the specimen trees; however, one tree will be impacted by construction activity. Given the grading and clearing needed for the house site and utilities, the likely survival of one specimen tree is poor.

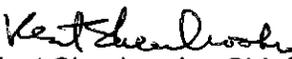
**Not Detrimental to the Public Interest** - Approval of the waiver request will not alter the essential character of the neighborhood since the applicant will be required to provide a 2" caliper native tree as a replacement tree. The alternative proposed by the County to have the developer plant 2" caliper plant material for the required plantings will help to mitigate the removal of the specimen tree and serve the public interest.

**Will Not Nullify the Intent or Purpose of the Regulations** - Approval of this waiver request will not nullify the intent or purpose of the Regulations because the Subdivision Regulations allow the Department of Planning and Zoning to authorize planting in an alternative location if it is deemed to have a greater environmental benefit. The intent of the Regulations is not to restrict clearing of all forested areas or areas that include specimen trees. Retaining a suitable margin around large trees provides a better chance of survival. When trees are stand alone and in an area that must be cleared for other reasons, the efforts to save a specific tree would like be unsuccessful and would not accomplish the goals of the forest conservation Regulations.

Indicate this waiver petition file number, request, section of the regulations, action, conditions of approval, and date on all related plats, and 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 remains in active processing.

If you have any questions, please contact Brenda Luber at (410) 313-2350 or email at [BLuber@howardcountymd.gov](mailto:BLuber@howardcountymd.gov).

Sincerely,

  
Kent Sheubrooks, Chief  
Division of Land Development

KS/BL

cc: Research  
DED  
Real Estate Services  
Marian Honecny, DNR  
F-08-121  
Shanaberger and Lane