



# HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Courthouse Drive

Ellicott City, Maryland 21043

410-313-2350

Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

July 23, 2015

Richard Malinowski  
7904 Severn Tree Blvd.  
Severn, MD 21144

RE: Worthington Section 2, Lot 22  
WP-15-157

Dear Mr. Malinowski:

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 16.155(a)(2)(ii) Site Development Plan Applicability** which states that development of single-family detached residential lots and deeded parcels within the Planned Service Area on a lot recorded prior to February 7, 1976 with more than 5000 square feet of disturbance require a site development plan. The Planning Director also approved your request to waive **Section 16.1205(a)(7) On-site Forest Retention** which requires that State champion trees, trees 75% of the diameter of state champion trees, and trees 30" in diameter or larger are considered priority for on-site retention and protection in the County..

Approval is subject to the following conditions:

1. The applicant shall submit a Simplified Environmental Concept Plan to the Department of Planning and Zoning for review for regulatory compliance. The Simplified Environmental Concept Plan must be approved prior to approval of any building permits. Please contact the Development Engineering Division directly for requirements.
2. All new construction shall be in accordance with the R-20 zoning district regulations set forth in the Howard County Zoning Regulations.
3. The applicant must comply with all applicable building permits for a single family dwelling (SFD) with the Department of Inspections, Licenses and Permits.
4. Two (2) Replacement trees of similar species of 2 ½" to 3" caliper will be required for the specimen tree to be removed as mitigation.

Our decision was made based on the following:

### **Extraordinary Hardship or Practical Difficulty**

Without approval of the waiver to Section 16.155(a)(2)(ii) the applicant would have experienced practical difficulties due to the extended processing time and cost involved with the full submission of a SDP for review. The SDP process would take approximately 5 months at best, the culmination of which would result in the building permit being acquired in the beginning of winter. Winter weather would hinder site work, resulting in drawing out the occupancy of the dwelling.

The proposed dwelling shown will impact a 30" specimen tree. Without approval to waive Section 16.1205(a)(7) and saving the existing specimen tree, a considerably smaller house plan would have to be implemented on the property. Additionally if the tree were to be preserved, the entire proposed structure would have to be moved toward the street thus violating the front setback requirements.

**Implementation of an Alternative Proposal**

The alternative proposal to the waiver petition would be to use the plot plan process. The site review could be overlapped with the architectural review, under the building permit processing. Stormwater management (including a Simplified ECP) can be reviewed as part of this process. Even with the Declaration of Covenants requirement for the ESD devices the building permit could feasibly be acquired the end of August, thereby allowing the site work to be completed by the fall. Occupancy of the home could be moved up considerably.

Alternative to submitting the waiver, the house could be shifted to a different location to save the specimen tree. However, the orientation and placement of the proposed house is in the best most centralized location possible and preserves a lot of the existing vegetation.

**Not Detrimental to the Public Interest**

Approval of this waiver request to Section 16.155(a)(2)(ii) will allow the same requirements to be enforced under the plot plan process as would be enforced through the SDP process and the waiver plan exhibit that was submitted is a suitable substitute plan providing all information normally found on an SDP. The process would therefore not be detrimental to the public interest.

Waiving Section 16.1205(a)(7) will not be detrimental to the public interest as the majority of the trees located on site are being preserved. The lot would not lose its wooded appearance with the removal of the specimen tree and would maintain the same character when viewed by the public.

**Will Not Nullify the Intent or Purpose of the Regulations**

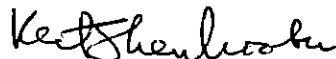
Approval of the waiver for Section 16.155(a)(2)(ii) would not have nullified the intent of the regulations and would allow the County agencies to review the plans according to the regulations and requirements as part of the plot plan process as submitted with this waiver petition.

Even with the approval of Section 16.1205(a)(7), the property will retain the majority of its tree cover and vegetation. The intent of the regulations regarding forest priority areas is to give guidance when selecting which parts of a forest are most important to retain. The existing property is not forested and the removal of the existing specimen tree will not affect the nature of the landscape as the majority of the existing mature trees on site will be preserved and protected thus not nullifying the intent or purpose of the 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 for the duration of the building permits.

If you have any questions, please contact Nick Haines at (410) 313-4333 or email at [nhaines@howardcountymd.gov](mailto:nhaines@howardcountymd.gov).

Sincerely,



Kent Sheubrooks, Chief  
Division of Land Development

KS/NH

cc: Research  
DED  
Real Estate Services  
GLW  
Marian Honeczy, DNR  
Forest Conservation Coordinator