



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

December 18, 2015

Jonas and Joan Cash
3925 Folly Quarter Road
Ellicott City, Maryland 21042

RE: WP-16-021, Folly Equine Estates

Dear Mr. & Mrs. Cash:

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)&(10)** of the Subdivision and Land Development Regulations, which requires the retention of state champion trees, trees 75% of the diameter of state champion trees, and trees 30" in diameter or larger; **Section 16.120(a)(1) & 16.119(f)(1)** of the Subdivision and Land Development Regulations, which indicates residential lots shall not derive direct access from major collector roads and should provide vehicular access by a lower classification public road to allow continual use of existing driveway onto Folly Quarter Road, and; **Section 16.119(g)(1)(i)** of the Subdivision and Land Development Regulations, which requires the owner to provide and dedicate the additional right-of-way needed to meet the minimum requirements established by the Design Manual. This request is only for the dedication of the right-of-way for Carroll Mill Road.

Approval is subject to the following conditions:

1. Approval of Section 16.1205(a)(7)&(10) is for the removal of four (4) specimen trees identified as Specimen Trees ST-1, ST-2, ST-8, and ST-9 on the waiver petition plan exhibit and final subdivision plan. No other specimen trees may be removed. Removal of the four specimen trees will require mitigation of eight 3" – 4" caliper trees. The mitigated trees shall be native plant species. The removed trees shall be shown as part of the final landscape plan and shall be bonded with the landscaping obligation with the final plan.
2. The property frontage along Folly Quarter Road shall be labeled "Vehicular egress and ingress is restricted", excluding the linear footage for the existing driveway frontage. If the driveway is relocated in the future, it must front on Carroll Mill Road.
3. Approval of Section 16.119(g)(1)(i) shall be in accordance with the Development Engineering Division (DED) comments dated December 14, 2015: The submitted plat illustrates a note specifying "Land reserved for a public road." This reservation must be established in a legal document which allows the County to acquire the reserved area in the future (if needed) without compensation or the property owner's authorization. This note must specify that existing structures within the "reserved area" must be removed upon the dedication of the right-of-way. This must be finalized and recorded with the record plat. Please provide a copy of the agreement to DED for our records.
4. Upon County acquisition of the "Land reserved for public road", the structures and uses on the Buildable Preservation Parcel shall comply with the Zoning Regulation requirements for accessory structures and uses and bulk requirements, unless variances have been approved.

5. Approval of this waiver petition is subject to the review and approval F-16-021 and all subsequent plans.

Our decision was made based on the following:

Extraordinary Hardship or Practical Difficulty

Section 16.1205(a)(7)&(10):

The applicant is proposing to remove four of the eleven specimen trees (ST-1, ST-2, ST-8, ST-9). The retention of the specimen trees could not be accomplished without severely restricting or completely eliminating the proposed and intended use of the site providing a hardship for the applicant. The lot location was selected in order to preserve the majority of the farm operation (paddocks and pasture area) in the developable portion of the site (non-floodplain area). Within this area, the specific site layout was governed by the acceptable septic locations, the setbacks required from the well and septic and stormwater management facilities, and the maximum allowable lot size. Subsequent to the forest stand delineation the original layout for Lot 3 was redesigned to retain ST-8 and ST-9. However, after the perc testing it was determined that the layout was not feasible due to the location of passing perc test and the maximum lot size restriction. ST-1 may not be removed, but since the critical root zone will likely be disturbed during septic installation it is prudent to include in the waiver request. ST-2 will be removed for septic installation.

Section 16.120(a)(1) & 16.119(f)(1):

The existing driveway for the residence is located on Folly Quarter Road in close proximity to the intersection with Carroll Mill Road. The driveway has been located in this location since at least 1952 and has an entrance monument feature that provides an aesthetic value to the scenic road. The proposed cluster lots will access Carroll Mill Road approximately 1,730 feet from the intersection at Folly Quarter Road; therefore two driveway entrances will be required for the existing residence and the proposed cluster lots. A financial and practical hardship would occur if the owner were to relocate their driveway onto Carroll Mill Road.

Section 16.119(g)(1)(i):

The right-of-way area for Carroll Mill Road is shown as 'reserved' on the Density Sending plat. If this land is dedicated under the proposed minor cluster subdivision it will reduce the area of the preservation parcel below 50 acres and eliminate the property from qualifying to retain the existing accessory structures in accordance with Section 104.0.C.2 of the Zoning Regulations. These structures appear to date back to the original construction of the house in 1936. Removal of these structures would be detrimental to the farm and would visual disrupt the scenic road view.

Alternative Proposal will be Served to a Greater Extent

Section 16.1205(a)(7)&(10):

The intent of the Forest Conservation Act is to protect priority forest areas while allowing reasonable development of a property. The development area of this project does not have any forested areas; however, by retaining the majority of the existing trees within the steep slopes and providing afforestation along the existing floodplain, the project increases the forested stream buffer and keeps to the overall Master Plan initiatives.

Section 16.120(a)(1) & 16.119(f)(1):

The intent of the Regulation is to restrict new residential development from major collector roads and access from a lower classification road. The restricted access to major collectors is intended to minimize conflict points on heavily traveled corridors. Relocation of the existing driveway and removal of the monument feature will impact the scenic view of Folly Quarter Road.

Section 16.119(g)(1)(i):

The intent of the Regulation is for the County to acquire the appropriate right-of-way needed for future public road expansion, widening or improvements. Carroll Mill Road is a local road with limited termini that dead ends into two private properties. The subject property fronts onto the entire southern side of Carroll Mill Road, and two non-subdividable lots and two preservation parcels front the northern side of Carroll Mill Road. There will be a total of 10 buildable parcels or lots accessing the road after the subject subdivision. Widening of the road is improbable given the low traffic volumes and the inability for large future subdivision or road expansion.

Not Detrimental to the Public Interest

Section 16.1205(a)(7)&(10):

The approval of the waiver will not have any detrimental impact to the public interest. Because the specimen trees occur within a stand of similar trees they do not have an individual exposure that creates an aesthetic value. As such their removal will not be notable to the public given they are located internally to other such trees, and their removal will not be obvious from highly traveled public right-of-ways.

Section 16.120(a)(1) & 16.119(f)(1):

The approval of the waiver will not have any detrimental impact to the public interest as it will not change an existing condition.

Section 16.119(g)(1)(i):

The approval of the waiver will not have any detrimental impact to the public interest as it will not change an existing condition, and the limited public traffic on Carroll Mill Road will still be served.

Will Not Nullify the Intent or Purpose of the Regulations

Section 16.1205(a)(7)&(10):

The intent of this regulation is to place high priority on protecting specific vegetation on proposed development sites. Although retention of these priority areas are highly encouraged, the Department of Planning and Zoning may authorize disturbance of these specific areas if the applicant can demonstrate that reasonable efforts to protect them cannot be implemented, that the uses allowed by right cannot occur without such disturbances, or that forest planting within an alternative location would have greater environmental benefit. The applicant has demonstrated to DPZ that given the desire to maintain the farm and the location of higher priority environmental areas, the proposed disturbance is the minimum necessary to develop the properties while adhering to the well, septic, and stormwater management facilities setbacks and maximum lot size requirements.

Section 16.120(a)(1) & 16.119(f)(1):

Approval of the waiver will not nullify the intent of the Regulations because no units will have direct access to Folly Quarter Road. The three new cluster lots will gain access via Carroll Mill Road (local road), while the existing house will maintain the access onto Folly Quarter Road (major collector).

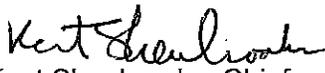
Section 16.119(g)(1)(i):

Approval of the waiver will not nullify the intent of the Regulations. At this time the County does not have plans to widen Carroll Mill Road. The appropriate right-of-way will be indicated as "Land reserved for a public road" which will allow the County to acquire the reserved area in the future (if needed) without compensation or the property owner's authorization.

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 or exists.

If you have any questions, please contact Julia Boone at (410) 313-2350 or email at jboone@howardcountymd.gov.

Sincerely,


Kent Sheubrooks, Chief
Division of Land Development

KS/jb
cc: Research
DED
RES
DNR – Marian Honecny
Benchmark Engineering, Inc.

F-16-012 (PDox)