



Howard County Department of Planning and Zoning

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Valdis Lazdins, Director

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September 29, 2015

Williamsburg Group
5485 Harpers Farm Road, Suite 200
Columbia, Maryland 21044
ATT: Bob Corbett

RE: WP-16-035/Melchior Property
(F-13-074 & F-13-075)

Dear Mr. Corbett:

The Director of the Department of Planning and Zoning considered the request for waiver(s) from the Howard County Subdivision and Land Development Regulations for the above referenced project.

As of the date of this letter, the Planning Director approved the waiver request to Section 16.1205(a)(7) requiring that specimen trees 30" or greater in diameter be retained so as to remove one specimen tree identified as a 32.5" Tulip Poplar located on Lot 6 (F-13-075). Waiver Approval is subject to the following condition:

1. Approval is given for the removal of one specimen tree identified as a 32.5" Tulip Poplar located on Lot 6 for the construction of a proposed house. The reduced limit of disturbance will save the southern existing vegetation and two other specimen trees located on Lot 6 and the placement of existing forest into a Forest Conservation Easement will serve to mitigate one specimen tree removal.

JUSTIFICATION FOR RECOMMENDATION:

1. Extraordinary hardships or practical difficulties will result from strict compliance with the Regulations. The previous developer has subdivided the property into six building lots and one non-buildable bulk preservation parcel under F-13-074 and F-13-075. The non-buildable preservation parcel will contain a forest conservation retention easement, stream, wetlands and their buffers and areas of steep slopes. Previous waivers were approved (WP-06-132) to allow construction of a new driveway within the wetlands and stream bank buffers located along the western portion of the property and to allow the stream bank and wetland buffers to be located on Lot 1 under WP-08-039. This subdivision was years in processing by several different developers during which time all conditions by Ms. Melchior to redesign the lot layout in order to save the existing house and provide access to pet cemeteries, sheds, the spring house and significant other sentimental outbuildings caused processing delays. The property was consequently sold and the new owner redesigned the lot layout. During that time, the stream bank buffer had increased from 75' to 100' from a Class III stream which necessitate a waiver request to allow the stream bank buffer to be located on both Lots 1 and 2 (WP-13-168). The property lines could not be shifted to place all environmental features onto the buildable bulk parcel without reducing the lot sizes below the required three acre minimum. In addition, proposed development required the removal of six of 14 specimen trees located on the site; 2 from the use-in-common access easement for the shared driveway (30" Tulip Poplars); 3 from proposed future Lot 5 (30.5", 31" and 32.5" Tulip Poplars) and one from Lot 2 (46" Black Cherry). Lot 6 has now been purchased by Williamsburg Group and due to a revised house model footprint, one specimen tree identified on the waiver petition exhibit as a 32.5" Tulip Poplar will be removed. Based on the topography of Lot 6 and driveway design specifications, placement of utilities, storm water management and septic easements, flexibility of grading is limited and

the builder is unable to save the specimen tree. The owner has made all attempts to reduce the area of disturbance and will save two other specimen trees located on Lot 6 and identified as 32" and 34" Tulip Poplars. To deny the waiver request would result in a greatly reduced model footprint size causing hardship to the builder and lot purchaser. The specimen tree would be located so close to the house that future safety of the residents may be compromised and pose a hazard to the structure should the tree topple or be damaged in a storm. The better solution is to allow the removal of the 32.5" Tulip Poplar and allow the building permit to move forward.

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 builder will be limiting the area of disturbance to save a tree line located along the southern property line and will save two specimen trees located to the rear of the lot. Retention of specimen trees is a goal of the Forest Conservation Act. However, tree removal may be necessary when practical difficulty arises due to site specific limitations. In this case due to the topography of the site, environmental features and the unusual shape of the lot, a buildable area has become restrictive. Saving existing vegetation, two specimen trees and placement of adjoining forest into an easement area will serve to mitigate one specimen tree removal.

3. Approval of the waiver request(s) will not adversely affect the interests of the public. Non-Buildable Preservation Parcel A has been created under the resubdivision plat (F-13-075) which will contain the areas of streams, a majority of the stream bank buffers, wetlands, wetlands buffer, floodplain and existing forest. This parcel will serve to buffer proposed development from surrounding properties and provide screening by consisting of a forest conservation retention easement. Lot 6 is 53,000 sq.ft. in size and removal of one specimen tree located to the center of the lot will not be readily noted from surrounding properties and shall be mitigated by existing vegetation. The owner has applied for and received approval of a grading permit from Soil Conservation District and shall comply with all other county and state requirements for development on Lot 6.

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. This requested waiver will remain valid for as long as development plans and/or building permits are active. Should you have any questions regarding this matter, please contact Brenda Barth at (410) 313-2350 or email: bbarth@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development



:btb

cc: Research/DED
Marion Honeczy/MDNR
Sill Engineering Group, LLC