



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

November 2, 2015

Lisa Marie Smith

6128 Martin Hill Road
Ellicott City, Maryland 21043

Michelle Lynn Armstrong

6680 Martin Road
Columbia, Maryland 21044

RE: WP-16-046, Athol Woods, F-16-007

Dear Applicants:

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 16.121(a)(4)(iii) Recreation Open Space**, which states that at least 20 feet of the perimeter of the recreational land must front on a public or private road and the recreation area should be centrally located to the lots it serves. The Planning Director has 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. Comply with all SRC agency comments on the submitted Final plans, F-16-007.
2. Four (4) 2.5"-3" caliper, native shade trees as mitigation for the two 32" Black Cherry trees proposed to be removed on the property. These will be in addition to any street tree and perimeter landscaping requirements.
3. Compliance with all attached Development Engineering Division Comments Dated October 6, 2015.
4. The applicant shall identify the location for the recreational open space and access with bollards and signage at the access entrance onto Athol Woods Lane.

Our decision was made based on the following:

Extraordinary Hardship or Practical Difficulty - The applicant would have experienced extraordinary hardships and practical difficulties with the development of the property due to the limited area for development due to the amount of existing environmental features located on site. Due to the existing floodplain, forested areas, and a stream and its associated buffer the development of the area has been confined to the southwest portion of the property to be away from these features. The required recreational open space needed to be located next to the open space lot due to the limited development area. With the limited area for development outside these environmental features would also have made preserving the two cherry trees an extraordinary hardship due to their locations within the developable area of the site.

Implementation of an Alternative Proposal – Alternatively the open space could have been shifted to an alternate location, but in its current proposed location it is central to the site and is accessible by all the proposed lots. Shifting the open space or recreational open space could possibly impact the preservation of existing natural resources or upset the uniform and balanced design of the subdivision. Moving the proposed development to save the specimen trees could have been implemented but more of the forested and other environmental areas would have been impacted

Not Detrimental to the Public Interest - Approval of this waiver request would not be detrimental to the public interest as the open space area meets the criteria per the Howard County Subdivision and Land Development Regulations. Since the access does not affect the purpose of the stormwater management and the limits of disturbance within the site there would be no detriment caused by allowing the access over the public stormwater management easement. The majority of the forested area that occurs on site will also be preserved and placed into a public forest conservation easement meeting the intent of the Forest Conservation Act. This will keep the majority of the existing vegetation on site, preserving the nature of the property and allow adequate access to the open space.

Will Not Nullify the Intent or Purpose of the Regulations - Approval of this waiver request will not nullify the intent of the regulations. The general layout of the subdivision was designed to preserve as many of the existing environmental features as possible by providing permanent protection with the establishment of the buffers through the ESD practices were utilized through the design process. Approval of this waiver to the referenced sections of the Howard County Subdivision and Land Development Regulation will not nullify the intent of the regulations. The open space areas will still have sufficient and available access from the public road and the majority of the existing forest and vegetated areas will be protected.

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 Nick Haines at (410) 313-4333 or email at nhaines@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/NH

Attachment: DED

cc: Research
DED
Real Estate Services
Benchmark Engineering
F-15-007