



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
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Marsha S. McLaughlin, Director

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August 23, 2010

NB&C

9380 Coca Cola Drive, Suite #106

Hanover, MD 20705

Attn: Hillorie Morrison

RE: Kelley Property – T-Mobile
Proposed Unmanned Wireless Broadband
Communications Facility
WP-11-008 (SDP-10-093)

Dear Ms. Morrison:

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 16.1201.(n) to allow the forest conservation obligation to be based solely on the proposed limit of disturbance (LOD) rather than the net tract area for the property.**

Approval is subject to the following conditions:

1. The forest conservation obligation for the Proposed Unmanned Wireless Broadband Communications Facility on this site shall be limited to the 19,760 sq.ft. (0. 50± acres) limit of disturbance (LOD) and the corresponding obligation (4,356 sf / 0.10 acre of afforestation) shall be satisfied by the payment of a fee-in-lieu in the amount of \$3,267.00.
2. Compliance with all SRC Agency comments generated with the review of the site development plan, SDP-10-093.

Our decision was made based on the following justification:

- Summary of the extraordinary hardship or practical difficulty resulting from strict compliance with the regulations: The extraordinary hardship would be for the applicant to address forest conservation for this entire 97 acre farm. The remainder of the parcel is an active farm, which has been placed under Howard County Agricultural Preservation Easement (HO-92-07E). Strict compliance with the regulations would place a significant financial burden on the applicant by raising the amount of forest conservation required and by increasing the amount of fee-in-lieu payment required or the amount of off-site forest that would have to be preserved.
- The intent of the regulations will be served through the implementation of the alternative proposal and will not be detrimental to the public interests: The intent of the regulation is that existing forest be preserved. An alternative proposal to pay a fee-in-lieu of off-site planting for the LOD area will satisfy the regulations and will not be detrimental to the public interests since no forested areas are being removed and the remainder of the parcel is protected from further development under the terms of the Agricultural Land Preservation Easement.

- Approval of the waiver will not nullify the intent or purpose of the regulations: Approval of the requested waiver will not nullify the intent and purpose of the regulations to preserve existing forest and to account for forest clearing through forest preservation or reforestation.

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 site development plan remains in active processing.

If you have any questions, please contact Ms. Pat Britt-Fendlay at 410-313-3371 or via e-mail at pfendlay@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Acting Chief
Division of Land Development



KS/JME/MPB

cc: Research
Phil Thompson – Development Engineering Division
Lavinia Kelly
Daft · McCune & Walker, Inc
DPZ File #SDP-10-093