



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

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March 29, 2011

John Clime  
15751 Bushy Park Road  
Woodbine, MD 21797

RE: T & J Lawn Services  
WP-11-102 (SDP-10-090)

Dear Mr. Clime:

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 16.119.(f).(3)** which prohibits the use of a restricted access road if there is another means of access onto a lower classification of road and **Section 16.120.(b).(4).(iii).(b)** which prohibits the establishment of forest conservation easement(s) on a residential lot less than 10 acres in size.

Approval is subject to the following conditions:

1. Conditions outlined in the attached comments from the Development Engineering Division, dated March 24, 2011.
2. Compliance with the conditions of approval of Hearing Examiner Case # BA-09-009C, dated June 22, 2009.
3. The proposed forest conservation afforestation easement areas are not to be used by the lawn service as either a plant propagation or plant holding area.
4. The FCE's are to be properly identified by posting signs every 50' around the entire perimeter of the easement areas. The signage is to remain posted and visible in perpetuity.
5. The owner must ensure that all employees and tenants do not willfully or out of ignorance use the site in ways that violate forest conservation restrictions or damage protected forest resources. They must be educated about the permitted and prohibited activities within or affecting the FCE areas.
6. Compliance with all SRC Agency comments generated with the review of the site development plan, SDP-10-090.

Our decision was made based on the following:

- Summary of the extraordinary hardship or practical difficulty resulting from strict compliance with the regulations:

Strict compliance with Section 16.119.(f).(3) of the Regulations would be contrary to the BA-09-009C Decision and Order #13 (June 22, 2009) which states that the landscape contractor operation shall not use the Bushy Park Road driveway upon completion of the Daisy Road driveway for the Lawn Service. The extraordinary hardship resulting from strict compliance would be that the approved conditional use shall not commence until the site conforms substantially to the conditional use plan (unless an alternative plan is approved by the Hearing Authority). The D&O requires that the ingress and egress for the commercial operation known as 2185 Daisy Road should be separate from that of

the residence known as 15751 Bushy Park Road. Findings of Facts #8 of the D&O, determined that the "Daisy Road" option for the proposed lawn service use would best meet the needs of the County and the surrounding neighbors.

Strict compliance with Section 16.120.(b).(4).(iii).(b) of the Regulations would place a significant financial burden on the applicant and the extraordinary hardship would be to require the applicant to provide an off-site location or pay a fee-in-lieu for the forest conservation obligation. This property is zoned RC-DEO, the existing residential dwelling is to remain, and the major use of this property is a lawn service which was granted retroactive approval under Conditional Use BA-09-009C and which is considered a commercial land use. The 10.0 acre minimum requirement does not apply for commercial land uses.

- 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 Section 16.119.(f).(3) of the Regulations to ensure that land use is consistent with the transportation elements of the General Plan and Zoning Regulations will be served through the alternative proposal. The point of safe access onto Daisy Road for the lawn service business will be reviewed and approved under the site development plan, SDP-10-090.

The intent of Section 16.120.(b).(4).(iii).(b) of the Regulations to preserve the scenic beauty and natural resources of the County including forests and other vegetation will be served through the alternative proposal to protect and enhance existing plantings by creating two areas of on-site forest resources through preservation and afforestation. The on-site FCE areas will be compatible with the approved land use and consistent with the Landscape operation wherein the owner will provide the plantings and maintenance for the FC obligation. The forest conservation easement areas will be protected by the recordation of the FCE areas and the 35' environmental BRL setback will be established from edges of the FCE areas. This alternative proposal will not have an adverse impact on adjacent properties nor will it be detrimental to the public interests. The on-site FCE areas will provide additional screening to the adjacent residential properties from the approved commercial land use.

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](mailto:pfendlay@howardcountymd.gov).

Sincerely,



Kent Sheubrooks, Chief  
Division of Land Development

KS/MPB *myg*

cc: Research  
Jim Witmer – Development Engineering Division  
Bob Lalush – Zoning Administration (BA-09-009C)  
DPZ File # SDP-10-090  
Sill, Adcock & Associates, LLC