



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

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June 13, 2011

Security Development LLC
P. O. Box 417
Ellicott City, MD 21041
Attn: Steve Breeden

RE: Kings Arms Section 5, Lots 1-5 & OS Lot 6
WP-11-153 (ECP-11-050)

Dear Mr. Breeden:

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) to allow removal of two(2) specimen trees.

Approval is subject to the following conditions:

1. With the submission of the final subdivision plan, the landscape plan should be designed to include two(2) additional large shade trees to mitigate the removal of the two(2) specimen trees. These replacement trees are to be in addition to the required perimeter landscape plantings. This office recognizes the fact that space to support these large canopy trees on the proposed 6,000 sq.ft. lots is limited and approves their proposed location within Lot 1, as identified on the accompanying Waiver Petition Exhibit.

Our decision was made based on the following:

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

While it is understood that the retention of specimen trees is a goal of the Forest Conservation Act. Because of the location of these two(2) specimen trees their retention would create a practical difficulty because their avoidance is not possible while maintaining the reasonable development potential of the property. Their retention would not be accomplished without severely restricting the use of the site.

Given the small size of the property, its configuration, and the other development constraints created by a relatively large wetland system in its northern end, avoidance of the trees is not practical. Any meaningful attempt to retain the trees would require that Lots 1 and 2 be abandoned. This would represent a 40 percent loss of the proposed development potential. Any efforts to try and retain the trees while retaining the home would create a significant hazard for the structures, for the future homeowner and for the trees themselves.

The retention of the specimen trees would create an unreasonable hardship for the applicant due to the fact that their retention would severely reduce the development potential for this site while not protecting substantial resources. The project, as proposed, successfully protects the wetland resources on the site and allows for the retention of forest in excess of the break-even point. This level of resource protection greatly exceeds the value of retaining these specimen trees in an otherwise developed landscape.

The function/value of specimen trees varies based on their location in the landscape. When standing outside the forest, a specimen tree provides primarily an aesthetic value. They are prized for their size and spread and overall visual appeal. Standing alone in the landscape, specimen trees do not provide substantial or unique habitat function. When standing in a forest a specimen tree rarely provides an aesthetic appeal due to competition with its neighbors and the crowns are typically crowded or uneven; however, a specimen tree within the forest can provide unique habitat opportunities based on their size and age. The larger size of these trees allows them to provide nest sites for larger bird species and may

also offer cavity nesting locations for birds and mammals that may not be otherwise present in a young forest stand. In order to provide cavity opportunities a certain level of rot/failure of the tree must be present. Ideally, in any healthy forest community there does need to be a mix of young trees, mid aged trees and mature trees in a variety of species to provide a full spectrum of habitat requisites.

These onsite specimen trees are located outside the forest limits, thus limiting their overall potential to provide habitat opportunities. The specimen Box Elder does not provide a great aesthetic appeal. Their growth habits are not majestic by nature -- they grow in a squat shape with an uneven canopy. The Tulip Poplar does provide a nicer appearance; however, specimen poplars are subject to storm damage and limb failure and the long term viability of this tree as a visual specimen is likely limited.

- The intent of the Regulations will be served to a greater extent through the implementation of the alternative proposal:

The proposed development will exceed the intent of the Regulations by retaining existing high priority forest in excess of the breakeven point requirements. The breakeven point for this project is 0.5 acres and the proposed site plan will retain 0.7 acres of priority forest within an easement and within an open space lot which is to be dedicated to Howard County Department of Recreation and Parks. In addition, two additional large shade trees are proposed within Lot 1.

- Approval of the waiver will not be detrimental to the public interests:

These two(2) specimen trees do not have an individual exposure or a presence that creates a special aesthetic value to the community. As such, their removal will not be notable to the public. Further, since the project proposes to retain the majority of the forested area location on this site, the overall forested nature of the property will be retained to the communities benefit. The approval of the waiver request will not have any detrimental impact to the public interest.

- Approval of the waiver will not nullify the intent of the Regulations:

The Regulations, through the waiver process, allows the County to approve the removal of specimen trees on a case by case basis. The intent of the Regulations is that specimen trees should be retained unless their retention is not practical within the context of the reasonable development of the site. The retention of these two(2) specimen trees would not be practical based on the limitations of this site and their locations. Approval of this waiver will not nullify the intent of the Regulations.

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/site development plan/grading 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, Chief
Division of Land Development

KS/JMF/MPB 

cc: Research
Development Engineering Division
DPZ File #ECP-11-050
Marion Honeczy – Urban & Community Forestry, MDNR
Benchmark Engineering, Inc.