



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Marsha S. McLaughlin, Director

www.howardcountymd.gov
FAX 410-313-3467
TDD 410-313-2323

April 26, 2011

Dorsey Family Homes
10717 Birmingham Way
Woodstock, MD 21167

RE: WP-11-156, Horseshoe Heights,
Waiver Petition Request

Dear Sir or Madam:

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)(7)** to allow the removal of State champion trees, trees 75% of the diameter of state champion trees, and trees 30" in diameter or larger. The preceding approval is subject to the following conditions:

1. Removal of the three (3) specimen trees will require replacement mitigation at a ratio of two (2) larger caliper trees (at least four (4) inches dbh) for each specimen tree removed. The mitigation planting shall be provided in addition to the required perimeter landscaping for this project. You must submit a Supplemental Plan with your Final Subdivision Plan for this property that shows how you plan to address this alternative landscape mitigation.

Our decision was made based on the following:

Extraordinary Hardships or Practical Difficulties

Extraordinary hardship would result from the applicant retaining the specimen trees located on the property due to the location of the trees and the size of the parcel. Because of these factors, it is not possible to retain the three (3) specimen trees and still maintain the development potential of the property. The retention of the specimen trees cannot be accomplished without severely restricting or completely eliminating the proposed subdivision and intended use of the site.

Alternative Proposal

The alternative proposal would require the applicant to retain all specimen trees on the parcel. However, due to the location of the trees and the size of the parcel, the retention of the specimen trees cannot be accomplished without severely restricting or completely eliminating the proposed subdivision and intended use of the site. Therefore, this Division does not recommend the retention of all specimen trees in this situation and will permit alternative compliance with replacement mitigation planting for the removed specimen trees.

Not Detrimental to the Public Interest

The waiver request will not be detrimental to the public interest since the applicant will be required to provide enhanced landscaping around the perimeter of the property. The enhanced perimeter

landscaping will require the applicant to provide two (2) large caliper (at least 4" dbh) shade trees for every one (1) specimen tree removed to help mitigate the loss of the three specimen trees.

Will not nullify the intent or purpose of the regulations

Approval of this waiver request will not nullify the Intent or Purpose of the Regulation because the Subdivision Regulations allow the Department of Planning and Zoning to authorize, "planting in an alternate location," if it is deemed to have a "greater environmental benefit." This Division has determined that the required enhanced landscaping around the perimeter of the property is deemed to have a "greater environmental benefit" than retention of the specimen trees. The enhanced perimeter landscaping will require the applicant to provide two (2) large caliper (at least 4" dbh) shade trees for every one (1) specimen tree removed, and will help to mitigate the loss of the three specimen trees. Therefore, approval of this waiver request will satisfy the Intent of the Regulations by creating an environmental benefit and permitting fairness and consistency in the application of the plan processing procedures.

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 J.J. Hartner at (410) 313-2350 or email at jehartner@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/TKM/JH

cc: Research
DED
Mildenberg, Boender, and Associates, Inc.