



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

Marsha S. McLaughlin, Director

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April 26, 2012

Harmony Builders  
4228 Columbia Road  
Ellicott City, MD 21042

RE: WP-12-157, Koerber Property, Lot 11, (SDP-12-023)

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)** – Forest Retention Priorities. State Champion trees, trees 75% of the diameter of state champion trees, and trees 30" in diameter or larger. The request is to allow for the removal of a 37" chestnut oak tree located on Lot 11 of the Subdivision.

Approval is subject to the following conditions:

1. Add the Waiver Petition WP 12-157, on SDP-12-023, Koerber Property as a general note stating the request, the approval date and conditions.
2. Show the specimen tree being removed and labeled per WP-12-157 on the mylar original.

Our decision was made based on the following:

Extraordinary hardship or practical difficulties

The petitioner would incur extraordinary hardship and practical difficulties if they are required to comply strictly with the regulations and modify the plan to protect all specimen trees found within the proposed development limits. Removal is due to the location of Specimen Tree F, which is located in the front of the property and the critical root zone occupy the majority of Lot 11 which limits their lack of flexibility available on the site due to other constraining regulations and the overall project size.

Alternative Proposal

The alternative proposal would require the applicant to redesign the 3 SFD lots and because of limited space, they would likely not be able to subdivide the property. The specimen tree in question was in very poor condition as the entire tree core was rotted away. (see attached photographs) and has been removed for safety concerns.

Not Detrimental to the public interest

The approval of the waiver will not have any detrimental impact to the public interest. The removal of the tree will not impact water quality or habitat value/function. The removal of the tree may be noted by neighbors from an aesthetic standpoint, but this impact will be mitigated by proposed landscaping. The

owner is not circumventing the intent of the forest preservation regulations but is attempting to develop the subject lot with adequate and safe lot design and conditions for the new homeowner.

Will not nullify intent or purpose of the regulations

Approval of this waiver based on the petition submitted, in conjunction with adherence to the conditions enclosed, will not be detrimental to the public interest. Reasonable efforts were made to preserve the tree but due to safety concerns for the property owner, it was decided that in the best interest of the public, the decaying tree needed to be removed.

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 Jennifer Wellen at (410) 313-2350 or email at [jwellen@howardcountymd.gov](mailto:jwellen@howardcountymd.gov).

Sincerely,



Kent Sheubrooks, Chief  
Division of Land Development

KS/jw

cc: Research  
DED  
MBA  
Marion Honeczy, DNR  
Forest Conservation Coordinator  
SDP-12-023