



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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May 24, 2012

Craig Morris & Cara Whitehead
5420 Radel Court
Ellicott City, MD 21042

RE: WP-12-162, Abbeyfield Estates & Boo Woods
(F-12-043)

Dear Mr. Morris & Ms. Whitehead:

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 specimen tree ‘B’ – a 37” Tulip Poplar on Lot 2 and removal of specimen tree ‘E’, a 48” Tulip Poplar for Lot 3.

Approval is subject to the following conditions:

1. Add a general note for the Waiver Petition WP 12-162, on F-12-043, Abbeyfield Estates & Boo Woods stating the request, section reference number, the approval date and conditions.
2. Show the specimen trees being removed and labeled per WP-12-162 on the supplemental plan mylar original, for F-12-043.
3. The applicant shall take the necessary steps to protect the four remaining specimen trees during the construction activity to protect them and their critical root zones in accordance with Appendix “G” Soil and Forest Protection Techniques” of the Forest Conservation Manual.
4. Removal of the 2 specimen trees is subject to providing the replacement landscaping trees as offered in the waiver petition justification by the applicant.

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. There are 6 specimen trees located on the proposed 3 lots of Abbeyfield Estates and Boo Woods and the property owner is proposing to preserve four of the specimen trees. Specimen Trees “B” and “E” are in a location that requires their removal in order for the development of the 3 lots to proceed. Should the regulations be strictly enforced, and the plan altered to save the 2 specimen trees, the site cannot be developed as proposed.

Alternative Proposal

The applicant has proposed reasonable development with appropriately sized houses to be compatible with the surrounding neighborhood and has located the driveways to minimize grading to save trees wherever possible. The removal of the two specimen trees (B) & (E), will be augmented with installation of 8 new shade trees and 49 evergreen trees that will provide an extensive landscape buffer from the adjoining residential properties. It is felt that the new landscaping will enhance the appearance of the property by providing a balance between the existing trees that can be saved and the new plantings. As such, it is felt that this alternative proposal will serve the regulations to greater extent.

Not Detrimental to the public interest

The approval of the waiver will not have any detrimental impacts to the public interest. Protective measures are being proposed to save four of the six existing specimen trees. The removal of the trees will not impact water quality or habitat value/function. The removal of the trees may be noticed 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 reasonably develop the subject lots with adequate and safe lot design and conditions for the new homeowners.

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 trees but due to safety concerns for the property owner, it was decided that in the best interest of the public, that the two specimen trees must be removed.

This requested waiver will remain valid for one year from the date of this letter or as long as this subdivision remains in active processing.

If you have any questions, please contact Jennifer Wellen at (410) 313-2350 or email at jwellen@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/AN
cc:

Research
DED
Landscape Coordinator
Forest Conservation Coordinator
Marion Honeczy, DNR
F-12-043