



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

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July 23, 2012

MRJL LLC/Taylor Village Family
4100 College Avenue
Ellicott City, MD. 21043

RE: WP-12-165 (Autumn Overlook)
(associated with SP-12-003)

Dear Interested Parties:

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)(10)** which requires the retention of specimen trees (30" dbh or greater) that are not contained within other priority forest retention areas as outlined in Section 16.1205(a)(1-9). A waiver to **Section 16.116(b)** which prohibits grading, removal of vegetative cover and trees, structures and paving on land with existing steep slopes.

Approval is subject to the following conditions:

1. Impacts to steep slopes (25% or greater) may not be greater than a total of 0.23 acres of existing slope unless it can be sufficiently demonstrated by the applicant to be justified.
2. Waiver approval is limited to the removal of specimen trees #1, #3-6, #8, #14-17, #23, and #26-28 as depicted on the waiver exhibit. Any proposal to remove additional specimen trees will require a new waiver request or an amendment to this waiver request.
3. Detailed protective measures for specimen tree #21 shall be outlined on the waiver exhibit (Sheet 6 of SP-12-003 which also serves as the Landscape and Forest Conservation Plan).
4. The additional landscaping proposed behind Lots 1-6 will be considered mitigation to the removal of the 14 specimen trees and shall become part of the approved Landscape Plan and will be bonded accordingly.

The Planning Director's decision was made based on the following:

Extraordinary hardships or practical difficulties:

Denial of the waiver petition would result in undue hardship because it would require re-design and potential significant decreased lot yield. The property is uniquely shaped and has limited "flat area" for development. The site is almost completely wooded and is significantly impacted by environmental features such as 2 streams, wetlands and steep slope areas. The project has been re-designed several times in an effort to conserve more forest resources and eliminate impacts to stream, wetlands and their buffers.

Based on the unique physical conditions inherent to the subject property, the applicant does experience extraordinary hardship and practical difficulty in complying with the Regulations for the proposed site

improvements. The proposed site design does use engineered retaining walls to limit proposed disturbances within the steep slope area.

Detrimental to the Public Interest:

Removal of the specimen trees will not be detrimental to the public. The removal of these trees will be mitigated through the retention and afforestation/reforestation of existing forest area placed within a long-term protective easement, some on-site forest conservation plantings and through the additional plantings of landscape trees.

Nullifies the Intent or Purpose of the Regulations:


The Intent and Purpose of the Regulations will be upheld through the required review process. The applicant is proposing to meet their forest conservation obligations on site by the retention of 3.13 acres of existing forest and the planting of 1.18 acres of new woodland. There will also be the addition of 23 landscape trees (shade and evergreen) behind proposed Lots 1-6 that are above and beyond the required landscape plantings. The forest conservation easements include areas of steep slopes, potential FIDS habitat, on-site wetlands and streams and associated buffers, thus satisfying forest retention priority areas #1 through #4 (as outlined in Section 16.1205(a)(1), 16.1205(a)(2), 16.1205(a)(3) and Section 16.1204(a)(4)).

In order for the subdivision to move forward, 0.23 acres of steep slopes (25% or greater) will need to be disturbed for the relocation of the sanitary sewer main, proposed storm drain and proposed tee-turnaround with retaining walls to minimize the limit of disturbance. This site is oddly shaped (resembles a "bowl") and is highly encumbered by steep slopes in certain areas, making design of the project a unique challenge. Utility connections, stormwater outfalls, storm drains and retaining walls are considered a safety feature and/or necessary to the project and may be considered "necessary disturbances" and thus will not nullify the intent or purpose of the regulations nor be detrimental to the public interest.

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 remains in active processing.

If you have any questions, please contact Tanya Krista-Maenhardt, AICP at (410) 313-2350 or email at tmaenhardt@howardcountymd.gov.

Sincerely,


Kent Sheubrooks, Chief
Division of Land Development

attachment
KS/tkm/waivers 2012/Autumn Overlook WP-12-165 approval 7-23-12

cc: Research
DED
SP-12-003 file
M. Honeczy-DNR
Forest Conservation Coordinator
Vogel Engineering