



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

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December 20, 2012

Quartz Hill II  
4003 Jennings Chapel Road  
Brookville, MD 20833

Dear Sir or Madam:

RE: WP-13-056, Quartz Hill (ECP-12-066)

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)** which outlines the forest retention priorities when adhering to the Forest Conservation Act, including areas of floodplain, stream buffers, wetlands and buffers, steep slopes, trees of 30" in diameter or larger, and many other provisions. Per State Senate Bill 666, State Champion trees or trees 30" diameter or larger cannot be disturbed without a waiver. The proposed development will require the removal of 25 specimen trees. In addition, the applicant is requesting a waiver to **Section 16.144(b)** which requires the submission of a Preliminary Equivalent Sketch Plan to begin the subdivision process.

Approval is subject to the following conditions:

1. Compliance with all Subdivision Review Committee comments.
2. On the subdivision plans, provide a brief description of waiver petition, WP-13-056, as a general note to include requests, sections of the regulations, action and date.
3. The remaining 36 specimen trees must be saved and protected during construction activity.
4. Submission of a final plan for review.

Our decision was made based on the following:

**Extraordinary Hardship or Practical Difficulty** - Denial of the waiver petition would result in the applicant's inability to create the proposed lots because of the location of the specimen trees. The applicant has provided an exhibit demonstrating that the twenty-five specimen trees to be removed are in poor condition because of their declining health due to forest competition, disease, insect penetration in the base of the tree, or severe leaning. Other trees require removal because of their location with the approved sewerage easement areas or close proximity to proposed house locations. In addition, the majority of the trees have a split trunk or twin trunks. The applicant proposes to harvest these trees, thus allowing the remaining forest to prosper into a healthier forest. The filing of a preliminary equivalent sketch plan will not provide additional information that the final plan has provided. A public road is not being created. The lots will be served by two (2) shared use-in-common driveways.

**Not Detrimental to the Public Interest** - Approval of the waiver request will not alter the essential character of the neighborhood and will not substantially impair the appropriate use or development of the surrounding residential properties. The information provided with the final plan is more than adequate to serve as the preliminary equivalent sketch plan. The applicant has documented 61 specimen trees within this dense mature forest. Twenty-five (25) specimen trees are labeled as "to be removed". The specimen trees to be removed are internal to the site, with the exception of one tree which is located near Old Frederick Road, and should not be visible from the public road. The exhibit indicates that the 25 trees, which are in poor condition, need to be harvested so that the remaining forested area can thrive. In addition, the removal of the diseased trees will prevent the disease from spreading to healthy trees within the proposed subdivision and those trees which are located off-site. If the trees were to remain, this could result in a public safety issue because of the trees declining health.

**Will Not Nullify the Intent or Purpose of the Regulations** - Approval of this waiver request will not nullify the intent or purpose of the regulations. The final plan provides the information that would be required on a sketch, preliminary or preliminary equivalent sketch plan (a public road is not proposed) thus serving the intent of the regulations. The applicant has demonstrated, through a detailed exhibit describing the poor condition of each tree to be removed. This exhibit clearly demonstrates that the 25 specimen trees need to be removed to protect the health of the forested area to remain. The removal of these trees 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 remains in active processing.

If you have any questions, please contact Brenda Luber at (410) 313-2350 or email at [BLuber@howardcountymd.gov](mailto:BLuber@howardcountymd.gov).

Sincerely,



Kent Sheubrooks, Chief  
Division of Land Development

KS/BL

cc: Research  
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