



Howard County Department Of Planning And Zoning  
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Marsha S. McLaughlin, Director

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January 14, 2013

Tenney Mason III  
7836 Gaither Road  
Sykesville, MD 21784

RE: WP-13-096/Mason Property, Lots 1 to 93  
And O.S.Lots 94 to 108 (SP-13-004)

Dear Mr. Mason:

The Director of the Department of Planning and Zoning considered your request for waiver(s) from the Howard County Subdivision and Land Development Regulations.

As of the date of this letter, the Planning Director **approved** your request for waivers to Section 16.102 requiring a final plat for modification of existing lot boundaries so as to readjust the lot line between the First and Second Parcels of land as described in deeds for Parcel 86 and to Section 16.1205(a)(7) which requires the retention of specimen trees having a diameter of 30" or more so as to remove 15 specimen trees from the subject site. Approval is subject to the following condition(s):

1. Approval is given for a readjustment of the parcel lot line between the First and Second Parcels of land as describe in Deeds identified under Liber 0729, Folio 329 and Liber 1801, Folio 400 for Parcel 86 located on Tax Map No. 30. A new deed shall be recorded in the Land Records Office of Howard County identifying the parcel line adjustment and a copy of the recorded deed forwarded to this Department for file retention.
2. Approval is given for removal of 15 specimen trees as shown and identified on the revised waiver petition exhibit dated January 9, 2013. Proposed perimeter landscaping, on-site forest conservation retention and planting easement areas, street tree plantings and retention of over half the remaining specimen trees will serve to mitigate specimen tree removal.

Justification for Approval:

1. Extraordinary hardships or practical difficulties will result from strict compliance with the Regulations. The subject property is now comprised of two parcels within a single deed identified as the "First Parcel" and the "Second Parcel" of Parcel 86 on Tax Map No. 30. The requested property line adjustment will shift the current parcel boundary northeast, mainly following the western extent of a Forest Conservation Easement Area (#3) located on Open Space Lot 95. The parcel line adjustment will allow the site to be developed into two sections with the newly created front parcel (Part 1) consisting of a majority of environmental features and lots situated along Roads B and C. This section of development will be completed first. The southern rear parcel (non-buildable bulk Parcel Part 2) consisting of lots situated along Road A will continue to be developed thereafter. This adjustment will allow the developer to move forward with the subdivision process in a more expedient and uniformed manner. If the project were processed as one part, existing homes, well and septic systems located on the southern portion would require removal prior to recordation of a plat in accordance with Health Department regulations. In addition, to abandon the well and septic systems for the two existing homes which are to remain would require construction of public water and sewer for the entire project. This would be time consuming and

create a hardship to the developer. Granting approval for the parcel line adjustment by recordation of a deed is a better solution than requiring a subdivision plat. The developer will be able to move forward with processing of the preliminary equivalent sketch plan (SP-13-004) in a more timely manner.

The retention of all specimen trees is a goal of the Forest Conservation Act. However, practical difficulties exist on this site for retention of all specimen trees due to the irregular shape of the parcel and existing environmental features which bisect the site. These factors result in a limited buildable area and further restricts placement of roadways, storm water management and utility easements while attempting to provide safe and accommodating lot layout and access. The site is zoned R-20, however, the developer has proposed to develop the property in accordance with the R-ED Zoning options. This proposal will allow for the clustering of smaller size lots around the existing environmental features which consists of flood plain, steep slopes, wetlands, a perennial stream and their buffers. All lots will in addition be buffered from surrounding properties by proposed open space which will retain the majority of specimen trees. The developer is proposing the minimum limit of disturbance necessary for development, however, 15 of 39 specimen trees as shown on the waiver petition exhibit will be removed and consist mainly of maple and oak species. The majority of trees to be removed are located in proposed road right-of-way which can not be shifted to avoid their removal due to horizontal and vertical design criteria. Other trees are being removed for sanitary sewer construction and house location. All efforts have been made to save as many specimen trees as possible, however, in consideration of grading required for proper lot drainage and road design criteria, as well as restrictive utility placement, no further trees can be saved. Specimen tree removal will be mitigated by proposed perimeter landscaping, on-site forest conservation retention and planting easements, street tree plantings and retention of remaining specimen trees.

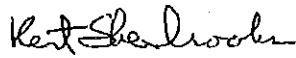
2. The intent of the Regulations will still be served to a greater extent through implementation of an alternative proposal and approval of the waiver request(s) will not nullify the intent of the Regulations. The property currently consists of two parts as described in a deed and will still remain as two parts. No new parcels or lots will be created nor will any additional acreage be added to the current site. The owner is only shifting a parcel line by recordation of a new deed to accommodate a more expedient development process while attempting to meet all State and County regulations.

The developer has considered all possible subdivision design with regard to saving trees. However, due to lack of flexibility in lot layout because of existing topography, storm water management design and location of environmental features, no other solution is possible for retention of trees. The developer shall provide perimeter landscaping, street trees and retention of the majority of specimen trees on open space, as well as, provide on-site forest conservation retention which will serve to mitigate specimen tree removal.

3. Approval of the waiver request(s) will not be detrimental to the interests of the public. The owner is not circumventing the intent of the regulations, but is attempting to develop the property by presenting adequate and safe lot access and design criteria. However, in attempting to meet certain code requirements for construction of public water and sewer connections, storm water management, adequate lot size and protection of the environmental features, the aforementioned waiver requests are necessary. These waiver requests will not be detrimental to the interests of the public but will allow the developer to continue to meet all requirements and goals of the Subdivision and Land Development Regulations, as well as, the Design Manual through alternative proposals.

Indicate this waiver petition file number, request, section of the regulations, action taken, date and conditions of approval on all related future plats, site development plans and and/or building permits. This requested waiver will remain valid for as long as development plans remain in processing. Should you have any questions regarding this matter, please contact Brenda Barth at (410) 313-2350 or email: [bbarth@howardcountymd.gov](mailto:bbarth@howardcountymd.gov).

Sincerely



Kent Sheubrooks, Chief  
Division of Land Development



:btb

cc: Research/DED/RES  
Land Design and Development  
Fisher, Collins and Carter  
Marion Honeczy/MDNR  
Forest Conservation Coordinator  
SP-13-004

