



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

Marsha S. McLaughlin, Director

www.howardcountymd.gov

FAX 410-313-3467

TDD 410-313-2323

July 12, 2013

Scott Weber
Chevy Chase Bank FSB
c/o Capital One, National Association
14601 Sweitzer Lane
Laurel, Maryland 20707

Re: Goddard School
Waiver Petition WP-13-181
(Site Development Plan SDP-13-045)

Dear Mr. Weber:

The Director of the Department of Planning and Zoning considered your petition for a waiver of Subsection 16.1205(a)(7) of the Howard County Subdivision and Land Development Regulations. A waiver of this regulation would allow for removal of trees 30 inches in diameter or larger as part of the site development plan referenced.

As of the date of this letter, the Planning Director approved your request to waive Subsection 16.1205(a)(7) as it applies to SDP-13-045, subject to the following conditions:

1. The petitioner shall adhere to the conditions of approval of BA 12-25V and SRC comments for SDP-13-045.
2. The petitioner shall provide 1:1 replacement plantings onsite to mitigate removal of the specimen trees.

Our decision to approve the waiver was made based on the following justification:

Extraordinary hardship or practical difficulty may result from strict compliance with the regulations.

The petitioner has adequately demonstrated that extraordinary hardship and practical difficulty would be encountered by redesigning the plan to preserve the three specimen trees, all of which are in fair to poor condition. Strict compliance with the regulations would limit the development of the site for any B-1 use due to the small size of the site and location of the trees. Retention of the trees would require a large undeveloped area relative to the size of the site. Once this area is retained, very little of the site would remain in or to develop any viable commercial operation. Stormwater management and parking must also be provided, further limiting the area available for development should the trees be retained.

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The intent of the regulations will be served to a greater extent through implementation of an alternative proposal.

The retention of all specimen trees is a goal of the Forest Conservation Act, but in this case practical difficulties exist due to the design of stormwater management facilities, a limited buildable area, site access and parking requirements. Specimen tree removal will be mitigated by proposed perimeter landscaping, stormwater management landscaping and payment of a fee-in-lieu for forest conservation obligations. The developer is providing 10 shade trees, 9 evergreen trees, 7 ornamental trees and 60 shrubs to enhance the site landscaping and various microbioretention plantings.

Waiver approval is not detrimental to the public interest.

The petitioner has adequately demonstrated that approval of this waiver based on the information submitted, in conjunction with adherence to the conditions enclosed, will not be detrimental to the public interest. It will have no adverse effect on adjacent properties, the surrounding community, or Howard County as a whole.

Indicate this waiver petition file number, section of the regulations, action, conditions of approval, and date on all related 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 the related site development plan remains in active processing.

Should you have any questions please contact Dave Boellner by telephone at 410-313-3956 or by email at dboellner@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
DPZ, Division of Land Development

KS/DBB:dbb

CC: DPZ, Research
DPZ, DED
DPZ, Forest Conservation Coordinator
Marian Honecny
Pennoni Associates, Inc.
SDP-13-045 file