



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

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September 16, 2013

Mark Armstrong & Patricia Rinaldi  
9243 Hourglass Place  
Columbia, MD 21045

RE: WP-14-016, Armstrong and Rinaldi Property  
(SDP-13-074)

Dear Mr. Armstrong & Ms. Rinaldi:

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 1 specimen tree.

Approval is subject to the following conditions:

1. Add the Waiver Petition WP 14-016, on SDP-13-074, Armstrong and Rinaldi Property as a general note stating the request, the approval date and conditions.
2. Show the 1 specimen tree being removed and labeled per WP-14-016 on the SDP. The specimen tree removal will be mitigated by the planting of 8 perimeter landscape trees of 2 1/2" to 3" caliper.

Our decision was made based on the following:

Extraordinary hardship or practical difficulties

This is a deeded parcel which has 3 specimen trees on site. Since this is an existing deeded parcel it is not possible to retain the 1 specimen tree requested for removal on site and construct a new SFD because of the stream and 75 foot buffer. Should the Regulations be strictly enforced, the house siting could not be altered to save this tree and the lot could not be developed which would result in extraordinary hardships and practical difficulties for the Owner. In order to be sensitive to protection of the stream and to stay out of the 75 foot stream buffer, the house has been pushed back on the lot as far as possible causing disturbance of the tree's critical root zone and the tree removal.

Alternative Proposal

The alternative proposal would be to not build a new SFD on the already established deeded parcel, which would then result in a financial hardship for the owner which has a right to build a house on this buildable lot. The site backs up to woods and is heavily surrounded by trees. There are several other large trees and two other specimen trees in good condition that will be retained on the site. The applicant will mitigate the tree removal by planting 8 perimeter landscape shade trees.

Not Detrimental to the public interest

The approval of the waiver will not have any detrimental impact to the public interest. The removal of the trees will not impact water quality or habitat value/function. The owner is not circumventing the intent of the forest preservation regulations but is attempting to build a house on the subject property with adequate and safe lot design and conditions for the new homeowner.

Will not nullify intent or purpose of the regulations

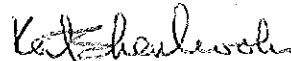
Approval of this waiver based on the petition submitted, in conjunction with adherence to the conditions enclosed, will not be detrimental to the public interest. Reasonable efforts were made to preserve the tree, but due to this single lot which is limited by its site conditions, and lot size, it is unreasonable to expect the 1 specimen tree to remain with construction of the new house, driveway, SWM devices and the private septic system installation and protection of the stream and its buffer.

Our decision was made based on the following:

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 site development plan remains in active processing.

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

Sincerely,



Kent Sheubrooks, Chief  
Division of Land Development

KS/jw

cc:

Research  
DED  
Real Estate Services  
FSH Associates  
Forest Conservation Coordinator  
Marian Honeczy, DNR  
SDP-13-074