



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

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October 22, 2013

Robert and Terri Geelhaar  
5295 Landing Road  
Elkridge, Maryland 21075

Ellicott City Land Holding, Inc.  
5300 Dorsey Hall Drive, Suite 102  
Ellicott City, Maryland 21042  
ATT: Don Reuwer

RE: WP-14-038/Grovemont Overlook II  
Lots 4 to 6 (F-13-091/SDP-13-081)

Dear Property Owners:

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 waiver to Section 16.1205(a)(7) requiring the retention of specimen trees having a diameter of 30" or more so as to remove one specimen tree on Proposed Lot 5, subject to the following condition:

1. Approval is given for removal of one specimen tree identified on the waiver petition exhibit as Specimen Tree A; a 42" Ginko on Proposed Lot 5 of the Grovemont Overlook II Subdivision (F-13-091). The retention of three other specimen trees along the eastern property line of Proposed Lot 5 and perimeter plantings, as well as, the establishment of an afforestation Forest Conservation Easement to the south will serve to mitigate the removal of Specimen Tree A.

Justification for Approval:

1. Extraordinary hardships or practical difficulties will result from strict compliance with the Regulations. The developer has considered all alternatives in the location of the house on Proposed Lot 5 of the Grovemont Overlook II Subdivision (F-13-091) in order to save all specimen trees. Specimen Tree A, identified as a 43" Ginko, is located almost to the center on Lot 5 which is triangular in shape. The location of this specimen tree hinders all construction on the lot and renders Lot 5 unbuildable without its removal. Placement of a reasonable size house designed to conform with other models on surrounding lots, cannot be located anywhere else on Lot 5 without encroachment into building restriction lines or necessitating removal of other specimen trees. The better alternative is to approve the waiver and allow development on this lot.

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 retention of all specimen trees is a goal of the Forest Conservation Act. However, practical difficulties exist on Lot 5 which renders the lot unbuildable without the removal of Specimen Tree A. Due to the unusual shape of Lot 5, recorded building restriction lines and the need for two storm water management facilities on the lot, the developer is unable to shift construction to save one specimen tree. The developer has, however, made all efforts to save three other specimen trees along the eastern and southern perimeters of the lot. Retention of Specimen Trees, B, C and D as shown on the waiver petition exhibit, plantings of perimeter shade trees and the establishment of abutting Forest Conservation Easement No. 3 of the Grovemont Overlook Subdivision will serve to mitigate the removal of one specimen tree.

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 meeting all code requirements and present adequate and safe lot access and design criteria. However, in attempting to meet certain code requirements for drainage, construction of public water and sewer connections and storm water management facilities, removal of one specimen tree is necessary. The waiver request 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 an alternative proposal.

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. Approval of the requested waiver(s) will remain valid for as long as the development plans remain active. 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

Forest Conservation Coordinator

Marion Honeczy/MDNR

Robert Vogel Engineering, Inc.

F-13-091

SDP-13-081