



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

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October 22, 2014

Brian E. Smith  
8302 Old Montgomery Road  
Columbia, MD 21045

RE: WP-15-049, Brian Smith Property

Dear Mr. Smith:

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)** for the removal of two (2) specimen trees 30" in diameter or larger, (a 42" and a 32.5" Silver Maple).

Approval is subject to the following conditions:

1. Provide two (2) additional replacement trees of 3" to 4" caliper on site in place of the two removed trees. The mitigated plantings will be included as part of the required landscaping and shall be bonded with the landscaping obligation.

Our decision was made based on the following:

**Extraordinary Hardship or Practical Difficulty** - The applicant would have experienced extraordinary hardships and practical difficulties in that there is a lack of flexibility available in site layout due to the shape and dimensions of the overall project. The two trees locations are very close to the existing house and would likely have been removed as part of the demolition and removal of the existing structure. The constraints are such that avoidance of the trees are not possible while maintaining the development potential of the subdivided property.

**Implementation of an Alternative Proposal** - The project is being constructed on a parcel that isn't forested. The payment of a fee in lieu for reforestation would ensure that additional forest is planted at another location in place of the tree to be removed. Alternatively two additional landscape plantings will be provided in place of the removed trees as mitigation.

**Not Detrimental to the Public Interest** - The proposed waiver petition will not be detrimental to the public interest. The removal of the two trees may be noted by the public from an aesthetic standpoint but will be mitigated by the proposed landscaping to be planted on site. Approval of this waiver request will allow the project to move forward as designed. There will not be a significant impact on water quality, habitat, or value or function.

**Will Not Nullify the Intent or Purpose of the Regulations** - Approval of the waiver request will not nullify the intent of the Regulations as they allow the removal of specimen trees with County approval. The intent of the regulations is to retain specimen trees and avoid their unnecessary removal provided that their retention is not practical within the context of the site development. The removal of the specimen trees will be offset by the other perimeter and bioretention plantings.

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 final plan remains in active processing.

If you have any questions, please contact Nicholas Haines at (410) 313-4333 or email at [nhaines@howardcountymd.gov](mailto:nhaines@howardcountymd.gov).

Sincerely,



Kent Sheubrooks, Chief  
Division of Land Development

KS/NH

cc: Vogel Engineering  
Research  
DED  
Real Estate Services  
Marian Honecny, DNR  
Forest Conservation Coordinator  
F-14-134