



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

Marsha S. McLaughlin, Director

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February 2, 2015

Dorsey Family Homes, Inc.  
10717-B Birmingham Way  
Woodstock, MD. 21163

Earl Strain, Jr.  
1672 Terrell Road  
Brookneal, VA. 24528

RE: WP-15-079 ("Pine Acres")  
(related to SP-15-011, "Pine Acres")

Dear Interested Parties:

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) and 16.1205(a)(10)** which requires the retention of specimen trees (30" dbh or greater) that are not contained within other priority forest retention areas as outlined in Section 16.1205(a)(1-10).

**Approval is subject to the following conditions:**

1. Waiver approval is limited to the removal of specimen trees #1-#11 as depicted on the waiver exhibit. Any proposal to remove additional specimen trees will require a new waiver request or an amendment to this waiver request.
2. A minimum of 22 additional, native, 2-3" caliper trees shall be provided on site as part of the mitigation for the specimen tree removal. This mitigation will be addressed with the project known as "Pine Acres" and will be in addition to any required landscape or forest conservation plantings. The mitigation will be shown on the associated Landscape Plan and surety for these additional trees will be required as part of the Final Plan.
3. Some or all of the mitigation plantings should be placed within the rear yards of the proposed lots after grading and fill occurs but **PRIOR TO** sales of individual lots.

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The Planning Director's decision was made based on the following:

**Extraordinary hardships or practical difficulties:**

Denial of the waiver petition with regard to specimen tree removal would result in undue hardship because it would require re-design and significant decreased unit yield. The existing terrain makes development difficult and decreases the flexibility of design. Per the applicant's justification, "the terrain on site is steep (~ 12% on average). In order to create buildable lots and a public road, proposed grading and earth movement will be extensive. There are areas of proposed fill and cut up to 12' in height. The majority of the property drains from west to south into the existing, adjacent "Rockburn Run" subdivision.

In order to protect the existing houses located downstream, the consultant proposes swales to divert the flow. In order to reduce the flow entering Montgomery Road, they propose yard inlets and storm drain systems between Lots 2 and 3 and on the back of Lots 14 through 18."

**Detrimental to the Public Interest or Nullifies the Intent or Purpose of the Regulations:**

With regard to the waiver to specimen tree removal, the developer intends to retain the forest within the highest retention priority areas (within the floodplain, stream and wetland areas). These will be placed in permanent easement thus protecting and enhancing the existing forest environment and supporting the public interest. The County will also require mitigation for those trees being removed.

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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 subdivision/site development plan/grading plan remains in active processing.

If you have any questions, please contact Tanya Krista-Maenhardt, AICP at (410) 313-2350 or email at [tmaenhardt@howardcountymd.gov](mailto:tmaenhardt@howardcountymd.gov).

Sincerely,



Kent Sheubrooks, Chief  
Division of Land Development

attachment

KS/tkm/waivers 2014/Pine Acres WP-15-079 approval 2-2-15

cc: Research  
DED  
FC Coordinator-B. Luber  
DNR-Marion Honecny  
MBA  
ECP-15-001 file  
SP-15-011 file