



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

Marsha S. McLaughlin, Director

[www.howardcountymd.gov](http://www.howardcountymd.gov)

FAX 410-313-3467

TDD 410-313-2323

February 18, 2015

Robert L. Curtis, Jr.  
Deep Run Property Management, LLC  
191 Miller Hollow Lane  
Lake City, Tennessee 37769

Jackson G. Kochen  
Horse Farm LLC  
9200 Rumsey Road, Suite 200  
Columbia, Maryland 21045

RE: WP-15-085, Trotter's Knoll (ECP-15-020)

Dear Owners:

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)&(10)** of the Howard County Code for the removal of Specimen Tree #4, but **denied** your request to remove Specimen Tree #5.

Approval is subject to the following conditions:

1. Specimen Tree #5 must be saved, protected and maintained as shown on the revised Environmental Concept Plan uploaded to ProjectDox. In order to further protect disturbance to critical root zone for Specimen Tree #5, DPZ recommends the applicant move units 95 & 96 and relocate them next to unit 27. This exchange should be considered and evaluated during the design and review of the subdivision plan.
2. In accordance with the Department of Recreation and Parks comments dated January 21, 2015 Specimen Tree #5 should be protected during construction. A registered Arborist must inspect the tree and implement recommendations for professional pruning of roots and foliage. All pruning must be performed by a Maryland licensed tree expert. Tree protection fencing must be installed around the trees perimeter to prevent root and foliage damage during construction. And alternative designs of the site layout must be conducted by the consultant in order to minimize root damage.
3. Efforts should be made to save and protect Specimen Tree #4 during construction. However should grading conditions associated with the plan prohibit the saving of this specimen tree, the removal of specimen tree #4 is approved under this waiver request. The removal of Specimen Tree #4 will require mitigation of one 3" – 4" caliper tree. The mitigated tree shall be of similar species as the removed tree, be shown as part of the landscape plan, and shall be bonded with the landscaping obligation.

Our decision was made based on the following:

***Extraordinary Hardship or Practical Difficulty***

Parcel 748 is a long and narrow property with significant grade change from the eastern edge to the western edge, and Parcel 753 is largely encumbered with environmental features. Due to these characteristics, development options for these parcels are extremely limited. An extraordinary hardship arises in order to develop the site as allowed, provide adequate stormwater management and drainage, and stay out of the environmental features.

***Alternative Proposal Will Serve the Regulations to a Greater Extent***

Based on early comments from the Department of Recreation and Parks the consultant has revised the grading and stormwater management design to save and protect Specimen Tree #5. This design will be incorporated on the original environmental concept plan.

The consultant provided an alternative proposal to save Specimen Tree #4; however the size constraints of the parcel and the location of the environmental features limit the buildable area of the site. It was determined by the Development Engineering Division that the original grading plan guarantees a higher quality SWM design for facility #21; therefore the alternative design is not preferred.

***Not Detrimental to the Public Interest***

The removal of Specimen Tree #4 will not be detrimental to the public interest because the applicant will be required to provide mitigation for the removed tree. Also, although the tree will be removed, the overall design provides a better option for drainage and stormwater management.

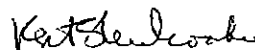
***Will Not Nullify the Intent or Purpose of the Regulations***

The intent of this regulation is to place high priority on protecting specific vegetation on proposed development sites. Although retention of these priority areas are highly encouraged, the Department of Planning and Zoning may authorize disturbance of these specific areas if the applicant can demonstrate that reasonable efforts to protect them cannot be implemented, that the uses allowed by right cannot occur without such disturbances, or that forest planting within an alternative location would have greater environmental benefit. The applicant has demonstrated to DPZ that given the limitations of the existing parcel configuration and the location of higher priority environmental areas, the proposed disturbance is the minimum necessary to develop the properties, manage off-site drainage, and provide adequate stormwater management which meets the requirements of environmental site design to the maximum extent practicable.

Please 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 and/or site development plan remains in active processing.

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

Sincerely,



Kent Sheubrooks, Chief  
Division of Land Development

KS/jb

cc: Research  
DED  
Marian Honecny, DNR  
Morris & Ritchie  
ECP-15-020(PDox)