



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

May 5, 2015

Lime Kiln, LLC  
12549 Lime Kiln Road  
Fulton, Maryland 20759  
ATT: Perry C. Westland, Jr.

RE: WP-15-126/Westland Farm Estates  
(F-15-038)

Dear Mr. Westland:

The Director of the Department of Planning and Zoning considered the request for waiver(s) from the Howard County Subdivision and Land Development Regulations for the above referenced project.

As of the date of this letter, the Planning Director approved the waiver request to Section 16.1205(a)(7) and (10) requiring the retention of specimen trees so as to remove 3 of 5 specimen trees on the subject site, subject to the following condition:

1. Approval is given for the removal of 3 specimen trees identified as: 50" (Specimen Tree No. 2) and 62" (Specimen Tree No. 3) Sycamore Trees and 30" (Specimen Tree No. 4) Tulip Poplar. Removal of the three (3) specimen trees will require mitigation with the planting of six (6) new native shade trees with a minimum caliper size of 2 ½" to 3". The mitigated trees shall be of similar species, be shown on the landscape plan sheet of the road construction/supplemental plans and bonded with the landscape obligation.

JUSTIFICATION FOR RECOMMENDATION:

1. Extraordinary hardships or practical difficulties will result from strict compliance with the Regulations. The owner intends to create a non-cluster subdivision located within 2500' of the Rocky Gorge Reservoir. The subdivision will consist of 12 buildable lots and one open space lot, to be owned by an HOA. This open space is considered a "bonus" open space lot because open space is not required in the RR Zoning District. A waiver to allow the open space area in this case is not required since the developer shall also provide a fee-in-lieu. The open space lot will be 4.3 acres in size and will contain forest conservation planting easements, a bio-retention facility and an existing farm pond. A flood plain, drainage and utility easement will overlay the pond area. The buildable lots will be approximately 3 - 5 acres in size and have road frontage onto an internal public right-of-way which ends in a cul-de-sac. An existing house and barn is located on Lot 1 which was previously recorded under F-10-106 and will have driveway access directly onto Lime Kiln Road. In accordance with Section 105.0.E of the Zoning Regulations this property is also eligible for creation of cluster lots. A cluster subdivision was not desirable to the owner nor was the alternative to create smaller lot sizes by utilizing the DEO Exchange Option. This site is prohibited from becoming a receiving parcel because the entire acreage is located within 2,500 feet of the normal water level of a water supply reservoir. The owner has processed and recorded a previous final plat, F-10-106, to create Lots 1 and 2 (Phase I); a waiver petition (WP-10-014) to allow for 3:1 lot ratio design, allow environmental features on lots less than 10 acres and to construct only one side of a public ROW, as well as, Design Manual Waiver for reduction of pavement width. A second waiver, WP-13-076, was approved on December 3, 2012, for a 90 day extension and subsequently reconsideration was granted for a one year extension by which to submit Phase II from the previous deadline date. Thereafter, illness and the

eventual death of the previous owners resulted in the missed deadline and has caused the SP-11-006 plan to go void. The new applicant (son) on behalf of the Williamsburg Group, filed WP-15-023 to reactivate the preliminary equivalent sketch plan and an extension of time by which to file the final plan. This waiver was approved conditioned a new ECP and SWM requirements be reviewed. The grading on site was changed and the developer was advised that removal of specimen trees would require waiver petition approval. To deny the removal of the three specimen trees at this time would cause redesign of Lots 5 and 9, affecting house and driveway locations and storm water management. The better solution is to allow the removal of Specimen Tree No. 4 on Lot 5 and Specimen Tree Nos. 2 and 3 on Lot 9.

2. The requested waiver(s) will not be detrimental to the interest of the public. The owner has considered all alternatives to save trees. However, due to steep slopes on the site, final house location has proved difficult on Lots 5 and 9 in consideration of meeting private well and septic field setbacks, storm water management design and Design Manual driveway specifications. Disturbance has been minimized and an ECP has been approved. However, three specimen trees cannot be saved. Mitigation of their removal will be provided by plantings of six new native shade trees, on-site forest conservation easement areas, perimeter landscaping and street tree plantings. Removal of the trees will have no adverse effect to surrounding properties since the lots are of 3 to 5 acres in size and are surrounded by other large parcels and the WSSC property to the south.

3. 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 applicant is continuously moving forward with subdivision of the site and is not circumventing any of the Subdivision or Zoning Regulations. Because this site is providing individual private well and septic hookups, final house location was difficult to determine and in coordination with providing storm water management requirements while protecting environmental features. The developer shall comply with all regulations and requirements as required in the Technically Complete letter for F-15-038. The intent of the Regulations will still be met by requiring the developer mitigate tree removal with the planting of six new native shade trees with a minimum caliper size of 2 1/2" to 3". The mitigated trees shall be of similar species, be shown as part of the landscape plan and be bonded with landscape obligations.

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. This requested waiver will remain valid for as long as development plans and/or building permits are 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



cc: Research/DED  
Williamsburg Builders  
Marion Honeczy/MDNR  
Fisher, Collins & Carter  
Forest Conservation Coordinator  
F-15-038