



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

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June 8, 2015

John & Charles Neighoff  
4936 Wharff Road  
Ellicott City, MD 21043

RE: WP-15-140, Woodbook, Section 2, Phases 1  
& 2, (F-15-096)

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 the following Sections:

- *Section 16.121(a)(2)* – Open Space Requirement. The petitioner is requesting the temporary deferral of the 25% required open space for Section 2 of this subdivision (about 0.54 acres) until submission and recording of Section 2, Phase 2 as shown on the waiver petition exhibit.

- *Section 16.121(e) (1)* – Access and Frontage: If a public road is being created or an existing public road is available that permits and is viable for direct access, open space lots or areas shall have a minimum of 40 feet of frontage on a public road for access by pedestrians and maintenance vehicles. Open space frontage may be reduced to a minimum of 20 feet if the adjacent side yard setback for one or both abutting lots in combination is increased by the total amount of Open space frontage reduction, but only if the abutting lots are a part of the proposed development. For any additional access points provided, frontage may be reduced to 20 feet. The petitioner is requesting a reduction of the minimum public road frontage for the future open space lot from 40 feet to 20 feet.

- *Section 16.144(b) & 16.145* – Submission of Sketch Plan or Preliminary Equivalent Sketch Plan: The subdivision process begins when the developer of land submits to the Department of Planning and Zoning a sketch plan or preliminary equivalent sketch plan which shall be in accordance with the requirements of Section 16.145, "Sketch Plan; Preliminary Equivalent Sketch Plan," of this Subtitle. The petitioner is requesting a waiver to the sketch plan requirement.

- *Section 16.144(g) & 16.146* – Submission of Preliminary Plan: If the sketch plan is approved or approved with modifications, the developer shall submitted the Department of Planning and Zoning a preliminary plan which shall be in accordance with the approved sketch plan. The petitioner is requesting a waiver to the Preliminary Plan requirement.

- *Section 16.1205(a)(7)* – Forest Retention Priorities. State Champion trees, trees 75% of the diameter of state champion trees, and trees 30" in diameter or larger shall be protected and preserved. The request is to allow for the removal of 1 specimen tree a 30" Sycamore.

Approval is subject to the following conditions:

1. The petitioner must receive approval of F-15-096 Woodbrook, Section 2 Phase 1, to consolidate the 3 parcels and create 3 buildable lots and 2 non-buildable bulk parcels.
2. Add the Waiver Petition, WP-15-140, on F-15-096, Woodbrook, Section 2, Phase 1 as a general note stating the request, the approval date and conditions in which it was approved.
3. A note shall be provided on the final plan for F-15-096 and the supplemental plan that the 25% open space requirement will be temporarily deferred under Section 2, Phase 1, F-15-096 and will be provided in its entirety under Section 2, Phase 2 of Woodbrook.
4. A 12' access drive will be required for the Open Space Access. A general note should be added to the final plan and also state that Howard County will not be responsible for the maintenance of the Open Space Access drive if the open space lot is dedicated to Howard County.
5. Show the 1 specimen tree being removed and labeled per WP-15-140 on the supplemental plan for F-15-096. The specimen tree removal shall be mitigated by the planting of 2 perimeter shade trees of 3" caliper.
6. Petitioner shall address all comments from all SRC agencies for F-15-096.
7. Comply with all comments for the approved ECP-14-081

Our decision was made based on the following:

*Extraordinary hardship or practical difficulties*

Extraordinary hardship or practical difficulties will result from strict compliance with the Regulations. The Developer is developing this property in 2 phases. Neither phase will require public road improvements as the road paving, curbing and sidewalk already exist. The final plan that was submitted (F-15-096) shows everything that a sketch or preliminary plan would require. Also, an Environmental Concept Plan was submitted and approved, it provided a great degree of the same information that would be required for a sketch or preliminary equivalent sketch plan as well as showing all the environmental features and that no sensitive areas were impacted by the proposed development. Requiring a sketch or preliminary equivalent sketch plan would put a time constraint on the applicant and be redundant. Strict compliance with the regulations would also require the applicant to provide open space at the time of subdivision. The developer is requesting to defer the open space obligation until the Section 2, Phase 2, final plat is submitted. The intention is to eventually dedicate an area of open space, but at this time deferring the open space dedication until the last section of the development would resolve any conflicts due to changes in the lots, with the understanding that the required open space will be provided within the limits of Bulk Parcel 'A' in Section 2 Phase 2 development. The developer is proposing a 12' graded access drive as shown on F-15-096 for the proposed open space lot. The strip will not be included in the fulfillment of the open space requirement and is merely an access strip for occasional maintenance and inspection. The site also contains 2 specimen trees, one 31" silver maple in good condition will remain but the second 30" sycamore is in poor condition and hazardous per the forest conservation delineation and requires to be removed per the condition of the tree and the location of the proposed single family dwelling.

*Alternative Proposal*

The alternative proposal would be to provide a sketch or preliminary equivalent sketch plan with the necessary information, however, the intent of the regulations would be better served in that everything that would normally be shown on the sketch and preliminary equivalent sketch plan is showed on the ECP, Final Plan and SDP. The open space requirement could be fulfilled at Phase 1 but could cause conflicts or reconfiguration at the time of Phase 2 if not deferred until that time. The 30" specimen tree is in poor condition and will remain a hazard if not removed.

*Not Detrimental to the public interest*

The approval of the waiver will not have any detrimental impact to the public interest. The developer has had a pre-submission community meeting with all adjoining neighbors. Open space requirement will be fulfilled with the final plat for Woodbrook, Section 2, Phase 2 and there will be no change in the existing open space for the current residents of Woodcrest or Woodbrook. The open space access will provide an

additional buffer to the lots of Woodcrest Subdivision and the access will be grassed and will be similar to the current conditions and only be used for occasional maintenance. The public will not see any difference in the development of this subdivision due to waiving the sketch or preliminary equivalent sketch plan. The approval of the waiver will also not have any detrimental impact to the public interest for the removal of the specimen tree. The specimen tree to be removed is located in the middle of the property and does not have a beneficial impact to the adjoining properties or the removal of the trees will not impact water quality or habitat value/function.

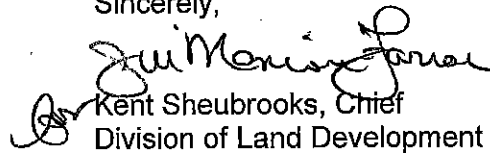
*Will not nullify intent or purpose of the regulations*

Approval of this waiver based on the petition submitted, in conjunction with adherence to the conditions enclosed, will not be detrimental to the public interest. The ECP's scope covered the intent of the sketch and preliminary equivalent sketch and the final details can be shown on the final plan. All reports, studies and requirements will be fulfilled at the time of final plan and plat for Woodbrook. Environmental protections is one of the goals of the Development Regulations and will be a condition of approval that all obligations must be fulfilled at the time of the Woodbrook, Section 2, Phase 2, as well as the open space access. Allowing removal of the 30' sycamore specimen tree is a better alternative than keeping the tree located near the existing house that is a hazardous condition.

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 plan remains in active processing.

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

Sincerely,

  
Kent Sheubrooks, Chief  
Division of Land Development

  
KS/jw

cc: Research  
DED  
Real Estate Services  
Benchmark Engineering