

HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Courthouse Drive

Ellicott City, Maryland 21043

410-313-2350

Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

August 26, 2015

Mildenberg, Boender & Associates, Inc.
7350-B Grace Drive
Columbia, MD 20144
Attn: Maya Mildenberg

RE: Harwood Park Lots 995-998
Single Family Semi-Detached Dwellings
WP-16-011 (SDP-15-076 & ECP-15-058)

Dear Ms. Mildenberg:

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)** to allow the removal of the 36" Oak tree located on this site. Waiver approval is subject to the following conditions:

1. The developer / builder shall plant a total of two(2) 2 ½-inch caliper shade trees as replacement mitigation for the removal of the one(1) 36" Oak specimen tree. If the site design allows, these trees should preferably be planted along the rear perimeter of these lots.
2. The proposed location for these trees shall be incorporated into the site development plan design (SDP-15-076). All applicable landscape notes, schedules, charts and planting details shall be shown on the SDP.
3. An inspection fee shall be paid at the time of submission of the original mylar SDP and financial surety for the installation of these trees shall be posted at the time of application for the grading permit for these lots.

Justification for our decision was made based on the following:

- Extraordinary hardship or practical difficulties which may result from strict compliance with the Regulations – The proposed single family semi-detached dwelling unit development will require the removal of the one(1) specimen tree located on this property. While it is understood that retention of specimen trees is a goal of the Forest Conservation Act, a practical difficulty exists which precludes the reasonable retention of these resources. The difficulty arises due to the location of the tree and the lack of flexibility available in the site layout due to other constraining regulations and overall project size. These constraints are such that avoidance is not possible while maintaining the development potential of the property.

The retention of the specimen tree was given priority consideration. Due to the size of the lots and limited area for providing SWM for Lots 995 and 996 there are no other options other than removing the tree.

- The intent of the Regulations will be served to a greater extent through the implementation of the alternative proposal – The intent of the Forest Conservation Act is to direct development to protect priority forest while allowing reasonable development of a property. This project meets this intent by proposing development on a non-forested site so that no forest resources will be impacted. Mitigation for the removal of the specimen tree will consist of two 2 ½-inch caliper trees. The placement of these will be incorporated into the site design under SDP-16-011.

- Approval of the waiver will not be detrimental to the public interests – The approval of the waiver will not have any detrimental impact to the public interest. Removal of the tree will not have an impact water quality or habitat value function. The tree is isolated and is no part of a larger forest stand.
- Approval of the waiver will not nullify the intent or purpose of the Regulations – The approval of the waiver will not nullify the intent of the Regulations because they allow for the removal of specimen trees with County approval. The intent of the Regulations, as it relates to retaining specimen trees, is that these trees should be retained unless their retention is not practical within the context of the site development. Given the limitations of the site and the locations of the tree, it is clear that the removal of the tree would be practical. Therefore, approval of the waiver meets the intent of the waiver process component of the Regulations.

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 site development plan/grading plan remains in active processing.

If you have any questions, please contact Ms. Pat Britt-Fendlay at 410-313-3371 or via e-mail at pfendlay@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/JMF/MPB



cc: Research
Development Engineering Division
Real Estate Services Division, DPW
Forest Conservation Coordinator
Marion Honeczy – Maryland DNR
Ten Oaks Realty
DPZ File # SDP-15-076