



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

September 3, 2015

Fisher, Collins & Carter, Inc.
10272 Baltimore National Pike
Ellicott City, MD 21042
Attn: Stephanie Tuite

RE: Maple View Lots 1-6 & Non-Buildable Pres. Par. A
WP-16-016 (F-14-073)

Dear Ms. Tuite:

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 32" Silver Maple tree located on this site. Approval is subject to the following conditions:

1. The developer / builder shall red-line the final construction plan, F-14-073 to show the removal of the 32" Silver Maple tree which is referred to as "Specimen Tree B" in the Specimen Tree Table.
2. A General Note shall be added to the final construction plan and plat, F-14-073 which provides a brief description of this waiver petition, including the section number of the regulations, date, action and conditions of approval.

Justification for our approval decision was made based on the following:

- Extraordinary hardship or practical difficulties which may result from strict compliance with the Regulations – There are eleven(11) specimen trees on site and only one(1) tree is proposed to be removed due to its condition and the potential decline from demolition and construction. Concern is that the already compromised condition will be a hazard for neighboring properties as well as during construction. Should the Regulations be strictly enforced, it would create a hardship and practical difficulty for the owner and developer should this tree fall during construction due to its condition.
- 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 that large good quality native tree are a priority to be retained, but it does give leeway for certain trees to be removed. It has been determined that this tree is not in good condition. The tree is covered with English Ivy; the root system has been compromised by the location of the existing driveway; and, required site demolition and construction creates a potential fall hazard for this particular tree.
- Approval of the waiver will not be detrimental to the public interests – Only one(1) of the eleven(11) specimen trees at this site is to be removed. This tree has been determined to be a potential fall hazard. The owner / developer has made reasonable effort to retain other site forest and trees as well as ten(10) of the eleven(11) specimen trees. As such, the approval of this waiver should not be seen as detrimental impact to the public interest.

- Approval of the waiver will not nullify the intent or purpose of the Regulations – The removal of the referenced specimen tree on this site is particular to the development on this property which is limited by its site conditions. It should not be seen as a nullification of 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 location and condition 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 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 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
Forest Conservation Coordinator
Marion Honeczy – Maryland DNR
Nagat Alalfe – Owner / Developer