



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 9, 2015

Mr. Richard Demmitt and Mr. Doug Dieringer
River Hill Overlook, LLC
5034 Dorsey Hall Drive
Suite 102
Ellicott City, MD 21042

Dear Messrs. Demmitt and Dieringer:

RE: WP-16-019, River Hill Overlook, Lots 1-8 and Open
Space Lots 9-12 (F-15-010 and SDP-15-080)

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 a 45" Norway Maple tree located on Lot 3.

Approval is subject to the following conditions:

1. The developer/builder shall plant a total of two (2) 2-1/2-inch caliper shade trees as replacement mitigation for the removal of the one (1) 45" Norway Maple tree. These trees must be planted along the rear property boundary of Lot 3.
2. The proposed location of these trees shall be incorporated into the site development plan design (SDP-15-080). 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 Lot 3.
4. On all subsequent plans and plats, provide a brief description of waiver petition, WP-16-019, as a general note to include requests, sections of the regulations, action and date.

Our decision was made based on the following:

Extraordinary Hardship or Practical Difficulty – The proposed single-family detached dwelling unit development will require the removal of one (1) non-native specimen tree (Norway Maple) which contains a slip trunk and is located within the building envelope area for Lot 3. 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 and compliance with the Zoning Regulations.

The retention of the specimen tree was given priority consideration. Due to the size of Lot 3 and the siting of the proposed dwelling, there are no other options available other than removing the tree because of its proximity to the new house construction.

Intent of the Regulations through the implementation of Alternative – The intent of the Forest Conservation Act is to direct development to protect priority forest while allowing reasonable development of Lot 3. 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 2-1/2-inch caliper native shade trees. The placement of these trees will be incorporated into the site design under SDP-15-080.


Proposal Not Detrimental to the Public Interest – Approval of this waiver request will not have any detrimental impact to the public interest. Removal of the non-native specimen tree will not have an impact on water quality or habitat value function. The tree is isolated and is not part of a larger forest stand.

Will Not Nullify the Intent or Purpose of the Regulations - Approval of this waiver request will not nullify the intent or purpose of the regulations since the removal of a single specimen tree is permitted 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 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 remains in active processing.

If you have any questions, please contact Brenda Luber at (410) 313-2350 or email at BLuber@howardcountymd.gov.

Sincerely,


Kent Sheubrooks, Chief
Division of Land Development

KS/BL

cc: Research
DED
Real Estate Services
FCC
Marian Honeczy, DNR
F-15-010
SDP-15-080