



# 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

November 30, 2015

**John Rafine**

Ellicott City Holding Company

P.O. Box 161

Ellicott City, Maryland 21041

RE: WP-16-053, Ellicott City Holding Company  
(ECP-14-016)

Dear Mr. Rafine:

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) On-site Forest Retention** which requires that State champion trees, trees 75% of the diameter of state champion trees, and trees 30" in diameter or larger are considered priority for on-site retention and protection in the County.

Approval is subject to the following conditions:

1. Comply with all SRC agency comments on the submitted Environmental Concept Plans (ECP-14-016).
2. Provide twelve (12) replacement native trees of 3" minimum caliper on site in place of the six (6) removed trees as mitigation. The mitigated plantings are to be placed on the property to enhance the landscape screening.

Our decision was made based on the following:

**Extraordinary Hardship or Practical Difficulty** - The applicant would have experienced extraordinary hardships and practical difficulties with the development of the property due to the properties irregular shape and the locations of the specimen trees spread out through the property. The irregular property shape, grade changes, and the existing road frontage have determined the location of the proposed access to the site. The site layout was designed to minimize impact to the adjacent property with consideration given to the visual impact of the parking areas in relationship to the neighboring residences. The locations of the specimen trees spread out throughout the site would make developing the property and saving all the trees extremely difficult.

**Implementation of an Alternative Proposal** – The intent of the Forest Retention Priorities is that large good quality native trees be a priority to be retained, but reserve leeway for them to be removed if necessary. The site has been arranged in such a way as to preserve as many of the native trees as possible. The site grading, parking, and required stormwater management facilities proposed for the development impact the existing specimen trees requiring their removal. The proposed design incorporates a 10 foot lower elevation for the parking areas in relation to the neighboring residences to provide less of a visual impact from the homes. This general design including the lodge and its placement was approved as part of a conditional use BA case (BA-11-035C). The hearing examiner approved the BA plan exhibit for the proposed building and its associated

parking area which requires the removal of the specimen trees in order to comply with the approved BA-11-035C plan exhibit.

**Not Detrimental to the Public Interest** - Approval of this waiver request will not be detrimental to the public interest as the site layout was designed to minimize impact to the adjacent properties with consideration given to the visual impact of the parking areas in relationship to the neighboring residences.

**Will Not Nullify the Intent or Purpose of the Regulations** - Approval of the waiver request shall not nullify the intent of the regulations. The removal of the referenced specimen tree on this site is particular to the development of the property which is limited by existing site conditions, so it should not be seen as a nullification of the intent 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 the future associated site development plan remains in active processing.

If you have any questions, please contact Nick Haines at (410) 313-4333 or email at [nhaines@howardcountymd.gov](mailto:nhaines@howardcountymd.gov).

Sincerely,



Kent Sheubrooks, Chief  
Division of Land Development

KS/NH

cc: Research  
DED  
Real Estate Services  
Forest Conservation Coordinator  
Marian Honecny - DNR