



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

January 4, 2016

Susan Johns Smith
7570 Kindler Overlook Drive
Laurel, MD. 20723

Development Partners, LLC
11807 Wollingford Court
Clarksville, MD. 21029
C/O Justin Boy

RE: WP-16-070 (Kindler Overlook III)
[related to F-16-049]

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) and 16.1205(a)(10)** which requires the retention of specimen trees (30" dbh or greater) that are not contained within other priority forest retention areas as outlined in Section 16.1205(a)(1-10).

Approval is subject to the following conditions:

1. Waiver approval is limited to the removal of specimen trees #1 as depicted on the waiver exhibit. Any proposal to remove additional specimen trees will require a new waiver request or an amendment to this waiver request.
2. A photograph of the affected tree (specimen tree #1) shall be provided for the official waiver file within 2 weeks of waiver approval (**on or before January 18, 2016**).
3. A minimum of 2 additional, native, 2-3" caliper trees shall be provided on site as part of the mitigation for the specimen tree removal. This mitigation will be addressed with the project known as "Kindler Overlook III" and will be in addition to any required landscape or forest conservation plantings. The mitigation will be shown on the associated Landscape Plan and surety for these additional trees will be required as part of the Final Plan.
4. Individual tree protective devices (tree fencing) shall be placed completely around Specimen trees #2, #3, #8, #9 and Specimen Tree #13 PRIOR TO the commencement of any grading. This shall be outlined in the pre-construction management plan of the final Forest Conservation Plan (FCP) and within the sequence of construction provided on the Final Plan for "Kindler Overlook III".

The Planning Director's decision was made based on the following:

Extraordinary hardships or practical difficulties:

Denial of the waiver petition with regard to specimen tree removal would result in undue hardship because it would require re-design and decreased unit/lot yield.


In addition there is a practical difficulty with preservation of Specimen tree #1 (in poor condition with significant limb die-off) due to both its location and the limitations of site layout due to site geometry and the existing sewer elevation. Per the applicant's justification, "in laying out the site, the retention of the specimen trees was given priority consideration and initially layouts impacted three trees. The LOD was reduced in order to save 2 of the 3 trees initially proposed to be impacted.

Detrimental to the Public Interest or Nullifies the Intent or Purpose of the Regulations:

The developer intends to retain forest within the highest retention priority areas (within the steep slope, stream and wetland areas). This forest will be placed in permanent easement thus protecting and enhancing the existing forest environment and supporting the public interest. In addition to the forest conservation easement, there will be significant forested areas to remain on the individual lots (although these areas will not be protected under an easement). The tree to be removed is in poor condition, and its removal may also avoid future impacts to structures, should the entire tree or large limbs fall due to the tree's failing health.

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 Tanya Krista-Maenhardt at (410) 313-2350 or email at tmaenhardt@howardcountymd.gov.

Sincerely,

Kent Sheubrooks, Chief
Division of Land Development

attachment

KS/TKM/waivers 2015/Kindler Overlook III WP-16-070 approved 1-4-16

cc: Research
DED
Real Estate Services
F-16-049 file
FOREST CONSERVATION COORDINATOR
MARION HONECZY, DNR
BENCHMARK ENGINEERING