



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
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TECHNICAL STAFF REPORT

Planning Board Quasi-Judicial Hearing September 17, 2026

Case No./Petitioner: PB 463 / Tom and Jill Henderson

Project Name: Henderson Property, Lots 1 and 2 – F-25-039

DPZ Planner: Kathryn Bolton, kbolton@howardcountymd.gov

Request: A final plan (F-25-039). Request to resubdivide existing Lot 3 into 2 buildable lots of the Rutherford Subdivision, a major subdivision of 15 existing lots. The property is zoned “RR-DEO” (Rural Residential – Density Exchange Option) and is in the Tier III Growth Area; therefore, it is subject to Maryland Senate Bill 236, The Sustainable Growth and Agricultural Preservation Act of 2012. The sole Planning Board review and approval criterion is based on the “potential environmental issues or a natural resources inventory related to the proposed major residential subdivision”.

Location: The subject property is located at 4513 Rutherford Way, Dayton, Maryland. The property is identified as Tax Map 28, Grid 2, and Parcel 75, in the 5th Election District of Howard County, Maryland and is 7.22 acres in size.



Zoning & Vicinity

**4513 NE RUTHERFORD WAY
DAYTON MD**



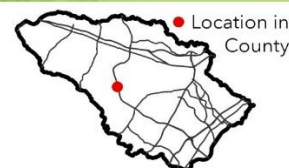
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Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

F-25-039-(PB-463)

Zoning

■ B-1
 ■ RR-DEO



PB 436 Henderson Property, Lots 1 & 2

Vicinal Properties:

Surrounding properties are zoned RR-DEO and designated Tier III.

North – Lot 2 of Rutherford subdivision, improved with a residential dwelling.

South – Lot 4 of Rutherford subdivision, improved with a residential dwelling.

East – MD Route 32.

West – Lots 13 and 14 of Rutherford subdivision, both improved with residential dwellings.

Legal Notice:

The legal notice was published 30 days prior to the hearing in the Howard Sun and the Baltimore Sun. The property was posted and verified by DPZ.

Regulatory Compliance:

The project must comply with the Amended Fifth Edition of the Subdivision and Land Development Regulations, the Zoning Regulations (effective October 6, 2013) and Zoning Map, the Howard County Design Manual, the Adequate Public Facilities Ordinance, the Forest Conservation Manual, and the Landscape Manual.

History:

- **F-90-026** – The original subdivision recorded on May 16, 1990, on Plat Nos. 9369 – 9372. The purpose of the recorded plat was to subdivide 63.93 acres into 15 buildable lots and created the public road, Rutherford Way.
- **ECP-24-040** – The Environmental Concept Plan, signed April 1, 2025.
- **WP-25-011** – Approved December 12, 2025, to allow two lots that are irregular in shape, lots that are less than 10 acres in size that are encumbered by environmental features, and impacts to the steep slopes.

Analysis:

Site Improvements – The existing Lot 3 will be resubdivided into two buildable lots. The existing dwelling and associated structures are to remain onsite. Access will be from Rutherford Way. Access to the existing dwelling will remain as is, and a new private driveway will be created to provide access to the proposed dwelling.

Setbacks – The development complies with the “RR” zoning setback requirements. The proposed homes will meet the required 75-foot front yard setback, 30-foot side yard setback, and the 75-foot rear yard setback from all public street right-of-way for MD Route 32.

Stormwater Management – Stormwater management for this project will be met using the Stormwater Management Act of 2007 providing environmental site design (ESD) to the maximum extent practical (MEP). The stormwater management obligation for the proposed Lot 2 will be met onsite by one micro-bioretenention facility. The micro-bioretenention will be privately owned and maintained by the lot owner. Lot 1 exists and therefore is exempt from stormwater management requirements.

Landscaping – Landscaping complies with the Howard County Landscape Manual and Design Criteria. Resubdivisions involving an existing dwelling are required to provide landscaping for only the new buildable lots. A type A landscaping buffer (1 shade tree every 60 feet and 1 shrub every 8 feet) will be provided along the side property line between the newly subdivided Lot 2 and the existing property to the south (Perimeter 1 adjoining Lot 4 of the Rutherford Subdivision Plat No. 9369). Landscaping requirements along the rear of the property have been met under 2.7.2 of the Landscape Manual, Alternative

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Landscape Plan. The Landscape Architect proposed taking credit for the proposed forest conservation easement along the northeast portion of the property. The area between the forest conservation easement and MD Route 32 is constrained by steep slopes, wetlands, floodplain, and a stream. They justify that due to the natural elevations and onsite environmental features, establishing the required landscape plantings within this area could result in additional disturbance to the environmental resources the development is intended to protect. Taking credit for the retention easement provides a better design alternative that meets the site constraints while still meeting the intent of the Landscape Manual. This alternative design was approved by the Department of Planning and Zoning on June 26, 2026.

Forest Conservation – The forest conservation obligation will be satisfied by 0.6 acres of onsite retention and 0.7 acres of afforestation on both Lot 1 and Lot 2. The three (3) forest conservation easements will be recorded protecting the afforestation in perpetuity.

Adequate Public Facilities – The subdivision is exempt from the APFO traffic requirements per Section 16.1107(b)(1)(iv) of the Howard County Subdivision and Land Development Regulations. The subdivision does not generate more than five peak hour trips. No frontage improvements are required for this subdivision as the current typical section meets the current requirements for a Rural Development Street.

Planning Board Criteria:

In its review of the residential major subdivision within Growth Tier III, the Planning Board must consider the following:

1. **The cost of providing local governmental services to the residential major subdivision unless a local jurisdiction's Adequate Public Facilities Ordinance already requires a review of governmental services.**

Howard County had an Adequate Public Facilities Ordinance; therefore, this requirement has been met.

2. **The potential issues or a natural resources inventory related to the proposed major subdivision.**

There do not appear to be potential environmental issues or impacts related to the proposed subdivision. There are wetlands, streams and their associated buffers, floodplain, and steep slopes onsite. The applicant received approval under WP-25-011 to allow minor impacts to steep slopes for a fence. The applicant justified that the fence would create minimal impacts while helping to protect the environmental features in the rear of the property from encroachment as the lots have been approved to be irregular in shape due to limited areas of approvable perc testing. The fence will also create a sound barrier to reduce noise from MD Route 32. The remaining environmental features are located in the rear of the property, and most will be further protected with forest conservation easements.

Forest Conservation for this major subdivision will be met onsite with the retention of 0.6 acres of existing forest and the afforestation of 0.7 acres. The areas of retained and planted forest will be placed within recorded forest conservation easements.

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DocuSigned by:

Lynda Eisenberg

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8/31/2026

Lynda Eisenberg, AICP, Director

Date

Please note that this file is available for public review by appointment at the Department of Planning and Zoning's public service counter, Monday through Thursday, 8:00 a.m. to 5:00 p.m. and Friday, 8:00 a.m. to 3:00 p.m.