



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Marsha S. McLaughlin, Director

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May 27, 2010

Kassit, LLC
10211 Wincopin Circle, Ste. 600
Columbia, MD 21044

Tom and Ann Martin
5264 Talbots Landing Road
Ellicott City, MD 21043

RE: WP-09-171, Property of Kassit, LLC Lot 3C

Dear Owners:

The Director of the Department of Planning and Zoning re-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 for a waiver reconsideration to Section 16.116(a)(2)(ii) Streams and Wetlands: Grading, removal of vegetative cover and trees, paving and new structures shall not be permitted within: 75 feet of a perennial streambank for use I streams as classified by the Maryland Department of the Environment in residential zoning districts to allow for the relocation of an approved swimming pool within the 75' streambank buffer.

Approval is subject to the following conditions:

1. The applicant shall submit a "Red-Line" revision for SDP-09-050 to the Development Engineering Division to show the swimming pool relocation on the plan and to revise general note 39 on sheet 1 to add a description of this waiver approval and date of approval.
2. The applicant shall comply with all applicable regulations and obtain all necessary permits from the Department of Inspections, Licenses and Permits prior to initiating the pool construction.
3. This waiver petition approval pertains only to the limits of disturbance (LOD) within the stream buffer to relocate the swimming pool.

Extraordinary Hardship or Practical Difficulty – See the enclosed justification letter submitted by the applicant dated April 23, 2010 for the proposed swimming pool relocation within the 75' streambank buffer. The extraordinary hardship or practical difficulty involved with this waiver request is based on the existing unique physical constraints inherent with the subject property because of the existing site conditions such as the lot shape, location of water and sewer easements, required building setbacks, access, topography and because over half of the deeded parcel is encumbered with 100 year floodplain, wetlands, stream and buffers which make it almost impossible to build on this parcel without some form of environmental impact.

Alternative Proposal – See the enclosed justification letter submitted by the applicant dated April 23, 2010 for the proposed swimming pool relocation within the 75' streambank buffer. There is no other viable design alternative available to the homeowner based on the above existing site constraints other than allowing the proposed minimal environmental buffer disturbance to accommodate grading and construction for the proposed swimming pool to ensure safety. The alternative design for the site now requires only a minimal grading disturbance within the stream buffer to accommodate the proposed swimming pool relocation. This waiver and the approved SDP previously allowed grading disturbances within the stream buffer at two locations closer to the stream bank. (See attached approved SDP for approved grading.)

Not Detrimental to the Public Interest – See the enclosed justification letter submitted by the applicant dated April 23, 2010 for the proposed swimming pool relocation within the 75' streambank buffer. Approval of this waiver request will not be detrimental to the public interest because disturbance to the impacted area will be minimized as much as possible and was already previously approved under WP-09-171 and SDP-09-050. The proposed relocation for the swimming pool is a reasonable request to help ensure the health, safety and welfare of the property owner's children as stated in their justification letter.

Will not Nullify the Intent or Purpose of the Regulations – See the enclosed justification letter submitted by the applicant dated April 23, 2010 for the proposed swimming pool relocation within the 75' streambank buffer. Approval of this waiver request will not nullify the intent or purpose of the Regulations. Therefore, approval of this waiver request will satisfy the intent of the Regulations by permitting fairness and consistency in the application of plan processing procedures and is a reasonable request to ensure safe use of the pool.

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 site development plan remains in active processing.

If you have any questions, please contact Jennifer Wellen at (410) 313-2350 or email at jwellen@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Acting Chief
Division of Land Development

KS/jw

cc: Research
DED
SDP-07-072
LDE
Saslow Homes