



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

Marsha S. McLaughlin, Director

www.howardcountymd.gov
FAX 410-313-3467
TDD 410-313-2323

March 15, 2010

Charles and Ann Hogg
3784 Church Road
Ellicott City, MD 21043

RE: WP-10-074, Anns Delight (F-10-077)

Dear Mr. & Mrs. Hogg:

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 16.120(c)(2)(i) to allow for a reduction in the minimum public road frontage for pipestem Lot 3 from 20 feet to 6.5 feet and to allow the vehicular access to the lot through an existing recorded private 15' wide access easement to Church Road rather than at the public road frontage and Section 16.116(b)(1)(i) to allow grading, removal of vegetative cover, trees, new structures and paving on steep slopes of 25% or greater over 10 vertical feet and when the on-site and off-site contiguous area of steep slopes are greater than 20,000 sq. ft. for the subdivision proposal.

Approval is subject to the following conditions:

1. Compliance with the SRC agency comments for Final Plat F-10-077.
2. The attached Historic Preservation, Resource Conservation Division comments dated January 12, 2010 and the "Certificates of Approval" issued by the Historic District Commission for the development of this property.
3. The applicant shall further evaluate the proposed house locations and grading for Lots 4 and 5 at the site development plan stage to lessen the overall impact to the steep slopes on Lots 4 and 5 and the adjacent Lot 2 of the Mary Clark Property. The applicant shall also examine ways to provide landscaping buffering along the frontage of Lots 4 and 5 adjacent to Church Road to comply with the Scenic Road requirements of Section 16.125(b)(3) of the Subdivision Regulations at the SDP plan stage.
4. The waiver petition approval pertains only to the limit of disturbance within the 25% or greater steep slopes area as shown on the revised waiver plan exhibit dated 2/2010. The limit of disturbance shall be the minimum necessary for the proposed site improvements.
5. At the SDP plan stage, the applicant must provide a letter of authorization or a signed executed agreement from the adjacent property owner for Lot 2, Mary Clark Property, for the proposed off-site grading.
6. Advisory Comment: Please be advised that the 2007 Stormwater Management Regulations are currently in effect but that new State Regulations will go into effect May 4, 2010. Any projects not having an approved stormwater management plan and sediment and erosion control plan by May 4, 2010 will require revised plans designed to current regulations.

Our decision was made based on the following:

Extraordinary Hardship or Practical Difficulty –The applicant's justification statement submitted with this petition. The practical difficulties and unnecessary hardships involved with this waiver petition is based on the existing unique physical constraints inherent with the subject property such as narrow width and size of the property wedged between adjacent properties, the contiguous acreage of steep slopes located adjacent to Church Road and

the location of the existing house on the property all contribute to the difficulties in designing the subdivision lot layout.

Alternative Proposal- The applicant's justification statement submitted with this petition. There are no other viable design alternatives available to the developer based on the existing site constraints other than allowing the proposed minimal grading onto the steep slopes for the proposed single family dwellings. The processing of this waiver petition should be viewed as a reasonable alternative to serve the intent of the Regulations by retaining the character of the historic neighborhood. The proposed site design does use engineered retaining walls to limit the proposed disturbance within the steep slope area.

Not Detrimental to the Public Interest – The applicant's justification statement submitted with this petition. 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 it will not have any detrimental impacts to the public interests, will not alter the essential character of the historic neighborhood and will not impair the use or development of the surrounding properties. The waiver request is the minimum intrusion necessary to allow for the construction of the two proposed houses on the property at a location which causes the least impact on the environment.

Will not Nullify the Intent or Purpose of the Regulations –The applicant's justification statement submitted with this petition. The waiver, if approved will not nullify the intent and purpose of the Howard County Subdivision and Land Development Regulations as the waiver plan will ensure that the lots are provided usable frontage at their time of creation. Additionally, the site plan design minimizes disturbances on the steep slopes as much as possible, limits the impact on the adjacent community and is considered reasonable development of the subject property. Therefore, approval of this waiver request will not nullify the Intent or Purpose of the Regulations which is to ensure that all development proposals follow uniform procedures and standards.


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 subdivision 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: 
cc: Research
DED
F-10-077
LDE