



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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April 4, 2011

Pasquale & Josephine Tata
15940 AE Mullinix Road
Woodbine, MD 21797

RE: WP-11-091, Tata Subdivision, Lots 1 & 2
(F-11-042)

Dear Mr. & Mrs. Tata:

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.(b).(4).(iii).b subject to the following conditions:

1. Compliance with all comments generated with the review of the subdivision plat F-11-042.
2. Compliance with the attached comments from the Development Engineering Division dated January 3, 2011.
3. The building envelope must maintain a minimum 35' setback from the edge of the existing 50' stream bank buffer as depicted on the waiver plan exhibit.
4. No grading, removal of vegetative cover and trees, paving and new structures are permitted within the stream and 50' stream buffer except for the required water line connections to the wells located on the north side of the property.

Our decision was made based on the following:

Extraordinary Hardships or Practical Difficulties:

The extraordinary hardship or practical difficulty involved with this waiver request is based on the existing unique physical constraints inherent with the subject property and the existing environmental features on-site. Therefore, based on the unique physical conditions inherent with the subject property, the applicant does experience extraordinary hardship and practical difficulty in complying with the regulations for designing the subdivision lot layout to exclude the environmental features and buffers from within the subject lots.

Alternative Proposal:

There are no other viable design alternatives available to the developer based on the existing site constraints. 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 neighborhood. The proposed lot design establishes a 35' environmental setback from the environmental features and buffers on Lots 1 & 2 which is more restrictive than the zoning regulated building restriction lines.

Not Detrimental to the Public Interest:

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 neighborhood and will not impair the use or development of the surrounding properties. The subject property will meet all other requirements and will not impact the stream or stream buffers except for the water line connection to the wells.

Will not nullify the intent or purpose of the regulations:

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 proposed house construction will not disturb the environmental features and buffer areas, except for the water line connection to the wells on the north side of the property. Additionally, the site plan design 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 this subdivision plans 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, Chief
Division of Land Development

KS/TKM: 

cc: Research
DED
Health
F-11-042
Van Mar Associates