



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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February 2, 2011

Mr. Brian Isaac  
13940 Old Rover Mill Road  
West Friendship, MD 21794

Dear Mr. Isaac:

RE: WP-11-120, Rover Meadows, Lot 10

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)** which prohibits floodplain, wetland, streams, their buffers and forest conservation easements on lots or parcels less than 10 acres in size.

Approval is subject to the following conditions:

1. Forest Conservation signs must be posted along the entire perimeter of the forest conservation easement.
2. The existing pool on proposed Lot 12 must be removed or a variance to the zoning setback must be approved.
3. An environmental report (less than 5 years old) must be submitted with the plat of resubdivision.
4. The waiver petition number and its conditions of approval must be added to the plat.
5. No grading, removal of vegetative cover and trees, paving and new structures are permitted within the wetlands, stream, floodplain, forest conservation easement and required buffers.

**Our decision was made based on the following:**

***Extraordinary Hardship or Practical Difficulty*** - Proposed Lots 12 and 13 will be more than 5 acres in size and will contain floodplain, wetland, stream and their buffers along the northern property boundary. If the environmental features are not permitted on lots less than 10 acres in size, the 10.48 acre parcel would not have subdivision potential. Based on the Zoning Regulations, this ten acre parcel could be divided into 3 – three acre lots. Under the proposed design, one 1 additional lot is proposed. This proposal provides a greater protection of the environmental features as opposed to the creation of 3 three-acre lots. After Lots 12 and 13 have been recorded, under the current Zoning Regulations, the proposed lots will not have further subdivision potential (6 acres is needed per lot). The environmental buffers will provide adequate protection for the environmental features.

If the petitioner is not permitted to create a planted forest conservation easement, they would be forced to provide an off-site location or pay a fee-in-lieu for the forest conservation obligation. The Forest Conservation Easement will be protected by the recordation of the easement and a 35' setback will be provided along the edge of the environmental buffer or Forest Conservation Easement.

**Not Detrimental to the Public Interest** - Approval of the waiver request will not alter the essential character of the neighborhood and will not substantially impair the appropriate use or development of the surrounding residential properties. Granting the waiver will not impair the appropriate residential uses on the lots or development or protection of surrounding properties. Allowing a planted Forest Conservation Easement will provide the parcels adjacent to the rear yard of proposed Lots 12 and 13 with permanent privacy.

**Will Not Nullify the Intent or Purpose of the Regulations** - Approval of this waiver request will not nullify the intent or purpose of the regulations since the environmental features would be protected since they are located in the northern portion of the property and has a 35' buffer from the edge of the environmental features. Allowing for the creation of a Forest Conservation Easement will provide a permanent protection of this environmental area.

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.

If you have any questions, please contact Brenda Luber at (410) 313-2350 or email at [BLuber@howardcountymd.gov](mailto:BLuber@howardcountymd.gov).

Sincerely,



Kent Sheubrooks, Chief  
Division of Land Development

KS/BL

Attachment

cc: Research

DED

Robert H. Vogel, Engineering, Inc.