



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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June 22, 2011

Timothy Cahill
110 Kingston Park Lane
Middle River, MD. 21220

RE: WP-11-188 (Cahill Overlook-Lots 2 and 3)

Dear Mr. Cahill:

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)(a)** which states that for lots 20,000 square feet or greater in size, steep slopes may be on the lot if located no closer than 35' from the building envelope. A deck may project 10 feet beyond the building envelope.

Approval is subject to the following conditions:

1. The proposed dwelling on Lot 3 may be no closer than 25' at any point from slopes 25% or greater as depicted on the waiver exhibit. All other building restriction lines and setbacks as shown on SDP-10-045 and F-06-115 must be respected.
2. No additional tree clearing is permitted beyond what was approved under F-06-115.
3. The deck shall not extend more than 12 feet from the house into the 35' environmental building restriction line.
4. A red-line to SDP-10-045 to amend house location and house model type must be submitted within 180 days (6 months) of waiver approval (**on or before December 19, 2011**).

The Planning Director's decision was made based on the following:

Extraordinary hardships or practical difficulties:

This lot, as designed, is constrained in the rear by a 35' environmental building restriction line from steep slopes 25% or greater, a private stormwater management easement to the east, and a private stormwater management access easement and use-in-common driveway at the front of the lot. These constraints coupled with an irregularly shaped and shallow building envelope make this a difficult site to build upon. Per the applicant's justification, "the proposed floor plan for this lot totals a modest 2,400 square feet on two levels above grade. The contract purchaser of the lot and dwelling has expressed concern over the garage access. Due to the constraints listed above, there is only 20' of asphalt in front of the garage in which to make a 90 degree turn to enter into the garage. Immediately adjacent to the drive is the drainage swale for the stormwater management. This is not enough room for a garage access unless you swing off of the driveway to turn in"-thus the practical difficulty. The applicant is requesting the waiver "in order to extend up to 10' into the 35' setback with the main structure of the

home in order to give proper access to the garage both by pushing the home back and angling it slightly to improve the turning angle when entering the garage".

Detrimental to the Public Interest/Nullify the Intent and Purpose of the Regulations:

If approved, the waiver would not be Detrimental to the Public Interest nor nullify the Intent of the Regulations. The steep slopes themselves will not be impacted and a 25' buffer from those slopes will still be maintained to help protect those slopes. No additional clearing of any forest or tree resource is proposed and all other setbacks will continue to be respected. The waiver would allow reasonable development of any existing, recorded lot.

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 the time period specified in the conditions of approval or as long as this grading plan remains in active processing.

If you have any questions, please contact Tanya Krista-Maenhardt, AICP at (410) 313-2350 or email at tmaenhardt@howardcountymd.gov.

Sincerely,


Kent Sheubrooks, Chief
Division of Land Development

KS/tKM/waivers 2011/Cahill waiver #4 approval WP-11-188

cc: Research
DED
Historic Pres.-S. Stoney
Dave Sadler/Stirling Homes