



Howard County Department Of Planning And Zoning

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Marsha S. McLaughlin, Director

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May 16, 2012

Beth Webb
9481 Greco Garth
Columbia MD 21045

RE: WP-12-151 Second Addition to Holiday Hills, Lot 33

Dear Ms. Webb:

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 the following section of the Subdivision and Land Development Regulations:

Section 16.155(a)(2)(ii) of the Amended Fifth Edition – Development of single-family detached residential lots and deeded parcels within the Planned Service Area for both public water and sewer.

Approval is subject to the following eight (8) conditions:

- 1) All necessary grading and building permits must be applied for and approved by the Department of Inspections, Licenses and Permits (DILP). The property address of 10606 Vista Road must be used for all permits. The waiver petition plan exhibit/plot plan shall be used for the building permit application.
- 2) The house footprint that is featured on the waiver exhibit/plot plan is the footprint that has been approved for Lot 33 in conjunction with AA-11-20 and a follow-up email approval from Robert Lalush dated May 14, 2012 (see attached). Any deviation to this footprint must be approved by the Division of Public Service and Zoning Administration. **** This office recommends that the proposed house be shifted approximately ten (10) additional feet west on the lot to get an additional setback between the existing house on adjoining Lot 92.***
- 3) Compliance with the Development Engineering Division (DED) comments dated April 24, 2012. **** Please attach the DED comments to the building permit application to ensure compliance.***
- 4) Disturbances in the environmental areas are not authorized by this waiver.
- 5) Compliance with the four (4) conditions outlined in the *Decision and Order* for AA-11-20.

- 6) Compliance with the "R-20" Zoning Regulations is required with the building permit application, including setbacks and building height restrictions.
- 7) The total limit of disturbance is restricted to 5,000 square feet or less.
- 8) The property owner shall submit a notarized Declaration of Intent (for a single lot clearing less than 20,000 square feet of forest) to satisfy the forest conservation requirements for this property.

The decision of this waiver petition is based on the following justification:

Hardship:

If the waiver petition is not granted, the applicant will be required to prepare a formal site development plan to indicate the location of a proposed single family detached house and other site details that are pertinent to the development. The purpose of this project is to site a proposed single family detached house, a paved driveway and two (2) retaining walls. An administrative adjustment (AA-11-20) was submitted to the Department on September 6, 2011 to reduce the front setback from 50-feet to 40-feet. That case was approved on February 6, 2012. During that process, the Department's zoning staff evaluated the site's existing conditions and proposal to construct a new single family detached dwelling, as part of the case "findings of fact". A simplified environmental concept plan (ECP) was submitted to the Department on April 19, 2012 to evaluate stormwater management and current site conditions. The simplified ECP was approved on April 24, 2012. Both the administrative adjustment case and simplified ECP provide this Department the opportunity to evaluate the site's development potential and to make comment. Along with the submitted "plot plan" (included with this waiver petition), this Department feels that there is adequate representation provided to sufficiently evaluate this site's development plans for the new house and other associated site improvements.

Alternative:

The owner of the site has submitted a site plan exhibit (plot plan) that details the location of the proposed single family detached dwelling, the driveway paving, proposed retaining walls and grading. The site plan exhibit shall remain as part of the waiver petition file. The detailed waiver plan exhibit/plot plan is deemed an acceptable substitute for a site development plan in this case.

Not detrimental to 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, since the property has already undergone subdivision and has met the minimum engineering requirements that determined it to be suitable for development. The on-site wetlands and floodplain will not be disturbed by this proposed development and the proposed house will be situated 40 feet from Vista Road, which will remain in character with the community and as approved under AA-11-20.

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 overall purpose of the project is to construct a new single family detached house. The proposed improvements have been detailed on the waiver petition plan exhibit, which clearly demonstrates how all site improvements are planned. The on-site grading and the subsequent construction during all phases of the building process shall be inspected by the County.

* Indicate this waiver petition file number, request, section of the regulations, action, conditions of approval, and date on all future permits. This requested waiver will remain valid for one year from the date of this letter or as long as the permit application(s) remain in active processing.

If you have any questions, please contact Derrick Jones at (410) 313-2350.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/dj

Enc: DED, Zoning (email copy)

cc: Research

DED

DILP

Zoning Division (Annette/Steve)

LDE