



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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January 17, 2013

Howard County Housing Commission  
6751 Columbia Gateway Drive  
Columbia, MD. 21046  
ATTN: Tom Carbo

RE: WP-13-068 ("Deep Falls") RECONSIDERATION  
(previously known as Village Towns, Phase III)  
Associated with SDP-13-029 ("Deep Falls")

Dear Mr. Carbo:

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 16.116(a)(2)(ii)** which prohibits grading, removal of vegetative cover and trees, paving and new structures within 75 feet of a perennial stream buffer for Use I streams.

**Waiver approval is subject to the following condition:**

1. Disturbance is limited to 294 square feet of stream buffer as depicted in the waiver exhibit received on 12/12/12. No other disturbance to any other environmental area is permitted.

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

**Extraordinary hardships or practical difficulties:**

Per the applicant's justification, "the existing stub at the second connection comes onto the subject property underneath an existing noise wall", so there is no reasonable alternative to alter its location to avoid impacting the stream buffer. It would be impractical to remove a portion of the noise wall in order to relocate the existing waterline and stub to the subject property. The proposed limits of clearing are determined by the 20' minimum easement required by the County.

**Detrimental to the Public Interest:**

The approval of the waiver request will not be detrimental to the Public Interest because the integrity and quality of the County's waterways are not being compromised. The disturbance is minimal and temporary. In addition, providing a looped water system creates an additional source of water to the "Oaks at Waters Edge".

**Nullifies the Intent or Purpose of the Regulations:**

The intent of the regulation is to maintain natural buffers around the County's waterways in order to buffer and protect them from development that could cause increased or expedited erosion and degradation of those waterways. The installation of the waterline is a temporary disturbance that will not result in permanent surface disturbance. Grass will be planted over the waterline which will return that area to a more natural condition (versus paving and/or structures). Approval of the waiver will not permit any other types of disturbances like buildings, structures or impervious areas.

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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 site development 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](mailto:tmaenhardt@howardcountymd.gov).

Sincerely,



Kent Sheubrooks, Chief  
Division of Land Development

attachment

KS/tkm/waivers 2012/Deep Falls WP-13-068 RECONSIDERATION approved 1-17-13

cc: Research  
DED  
MRA  
SDP-13-029 file