



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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July 15, 2013

Mr. Bob Corbett
Williamsburg Group
5485 Harpers Farm Road
Columbia, MD 21044

Dear Mr. Corbett:

RE: WP-13-155, Trotter Landing, (F-10-039 and
SDP-11-015), Lot 8

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)(1) and Section 16.116(a)(2)(i)** which prohibits grading, removal of vegetative cover and trees, paving and structures within the 25' of a wetland and 50' for an intermittent streambank buffer, and **Section 16.120(b)(4)(iii)(c)** which requires a 35' setback from steep slopes, floodplains, wetlands, wetlands buffers, streams and stream buffers and allows decks to extend 10' beyond the building envelope.

Approval is subject to the following conditions:

1. The only type of fence permitted on Lot 8 is a split rail fence that is a minimum 6" above the surface elevation. The split rail fence may not impede drainage or change the buffer hydrology. The split rail fence may not be installed within the stream or wetland areas, and is only permitted within those areas shown on the waiver petition exhibit.
2. The 16' x 29' deck cannot change the surface hydrology. Excavation is only permitted for the deck footers, and is only permitted within the area identified on the waiver petition exhibit for a 16' x 29' deck size.
3. The 8' x 12' patio must be constructed of a penetrable material, such as grass pavers or an approved alternative material, and is only permitted within the area identified on the waiver petition exhibit.
4. The stepping stones are only permitted within those areas designated on the waiver petition exhibit.
5. Provide a brief description of waiver petition, WP-13-155, as a general note to include request(s), section(s) of the regulations, action and date on all plans and permits.
6. Any future structures or other site improvements will require the re-evaluation and approval by DPZ through the waiver petition process.

Our decision was made based on the following:

Extraordinary Hardship or Practical Difficulty - The extraordinary hardship or practical difficulty involved with this waiver request would limit the property owner reasonable use of their property. During the construction of the house, rear doors were installed along the back of the house with the assumption that a deck would be provided given the rear elevation of the house. Since the house is already located within the environmental buffers, the deck would only encroach into environmental buffer; however, just a small corner of the deck will extend into the stream buffer. The majority of the deck will be contained

within the 35' environmental buffer. The deck and fence will be constructed so that the surface hydrology does not change, and excavation will be limited to the footers for the deck. The fence panels/rails will be a minimum of 6" above the surface elevation; thus, not impacting the drainage and hydrology. The patio will be constructed of pervious material, such as, grass pavers. No construction or disturbance will occur within the stream or wetlands areas.

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. The proposed improvements will not be located with the stream or wetlands areas. Allowing the contract purchaser to construct the deck, pervious patio, fence and stepping stones within the buffers will not be detrimental to the public since the stream and wetlands are not being impacted by the proposed improvements. The contractor purchaser (Jason Luo and Chunlei Ding) submitted a letter indicating that they understand the lot is encumbered with environmental features which impose limitation for the construction of future structures on the lot.

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 wetlands and stream are not being impacted by the proposed improvements. All improvements are proposed within the environmental buffers.

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 plan remains in active processing.

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

Sincerely,


Kent Sheubrooks, Chief
Division of Land Development

KS/BL

cc: Research
DED
Real Estate Services
Sill, Adcock and Associates
F-10-039
SDP-11-015