



Howard County Department Of Planning And Zoning
3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Marsha S. McLaughlin, Director

www.howardcountymd.gov
FAX 410-313-3467
TDD 410-313-2323

December 17, 2013

Trinity Homes at Cypress Springs, LLC
3675 Park Avenue, Suite 301
Ellicott City, Maryland 21043
ATT: Michael Pfau

RE: WP-14-055/Cypress Springs, Phase 3
Lots 37 to 47; Wavier to Preliminary Equivalent Sketch Plan

Dear Mr. Pfau:

The Director of the Department of Planning and Zoning considered your request for waiver(s) from the Howard County Subdivision and Land Development Regulations.

As of the date of this letter, the Planning Director **approved** your request for waiver to Section 16.144.(b) of the Subdivision and Land Development Regulations, subject to the following conditions:

1. Waiver to the submission of a Preliminary Equivalent Sketch Plan to add one additional lot beyond the initial 43 single family lots as approved by the Planning Board on 5/11/2006, under PB Case No. 374 (SP-05-006) is granted. The developer shall be required to submit a Planning Board Application for Planning Board approval to re-subdivide Lot 47 into two lots (Lots 48 and 49) as shown on a final plat.
2. In accordance with the Conditions of Approval for WP-13-167/Cypress Springs, Phase 3, Lots 37 to 47 (F-13-037), Lot 47 shall not be further subdivided without meeting required noise mitigation. The developer shall be required to provide noise mitigation on proposed Lot 49 as applicable. This condition is based upon the exhibit for this waiver request and the final plat for F-13-037 which shows the Unmitigated 65 dba Noise Line located within the rear yard of Lot 49.
3. Enclosed comments from the Development Engineering Division requiring the construction of a 16' wide use-in-common driveway and providing a turn-around area at the end of the use-in-common driveway for Lot 44 to 49.

Justification for Approval:

1. Extraordinary hardships or practical difficulties will result from strict compliance with the Regulations. Development of the Cypress Springs subdivision has been years in processing. The preliminary equivalent sketch plan, SP-05-006, was reviewed by the Planning Board under PB 374 and approved on May 11, 2006. The original subdivision plan had proposed to retain the historic structure known as the Old Grace Church Rectory, HO-449, on Lot 47 (F-13-037). This lot was created at a larger size to accommodate and preserve the historic significance of the existing structure. A 65dba line was shown bisecting the lot, but because this structure was existing and to remain, noise mitigation was not required. Subsequently, the historic house was destroyed by fire and a new home was proposed and approved on Lot 47 under SDP-13-042. In accordance with Section 5.2.F. of the Design Manual Volume

III, Roads and Bridges, the 65 dba line may come up to the side of structures. Additionally, the 65 dba line may be located in the backyard of a lot with area greater than 10,000 sq.ft. Per SDP-13-042, Lot 47 will be 38,508 sq.ft. in size and the location of the 65dba line will be located mostly along the side of the proposed house. Therefore, the rear yard of Lot 47 would not be affected negatively by the location of the 65 dba noise line. The developer, did however, file waivers (WP-13-167) of which one request was to allow the 65 dba noise line to be located along the southwestern portion of Lot 47 without noise mitigation. The waiver request was approved on May 28, 2013, subject to a note being added to F-13-037 indicating that Lot 47 would not be further subdivided without meeting required noise mitigation and that the house located on Lot 47 would not be constructed within the 65dba unmitigated noise line.

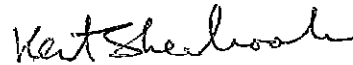
The developer now intends to subdivide Lot 47 into: Lot 48, consisting of 18,100 sq.ft. and; Lot 49, consisting of 20,372 sq.ft. The waiver exhibit shows the unmitigated noise line now located almost center and across the rear yard of proposed Lot 49, but that no environmental features or historic structures are located on the subject lots. Accordingly, it was determined that creation of one new lot would not require submission of a preliminary equivalent sketch plan, but that the developer could proceed to submission of the final plan for approval before the Planning Board. Denial of this waiver request would cause extraordinary hardship to the developer by requiring the submission of a preliminary equivalent sketch plan and extending the review process to create only one new lot. The better solution is to submit a final plat for approval by the Planning Board, thereby eliminating an unnecessary review step.

2. The intent of the Regulations will still be served to a greater extent through implementation of an alternative proposal and approval of the waiver request(s) will not nullify the intent of the Regulations. Waiver to the preliminary equivalent sketch plan will not nullify the intent of the Regulation since the resubdivision will not add any new acreage or create new roadways within the subdivision. The developer is only resubdividing an existing oversized pipestem lot which will add one new lot to the previously approved preliminary equivalent sketch plan. This one new lot will create five lots on a use-in-common shared driveway which is not beyond the allowable number of six lots. By approving the waiver, the developer will be allowed to move forward with a final plat submission which will still be reviewed by the Planning Board and evaluated for any adverse effect to environmental features, historic structures and or existing vegetative removal. The final plat will be assessed for allocation at the time of the Decision and Order signature by the Planning Board and a time frame will be established for submission of the site development plan.

3. Approval of the waiver request(s) will not be detrimental to the interests of the public. The owner is not circumventing the intent of the regulations, but is attempting to develop the property by presenting an expedient process. Waiver of the preliminary equivalent sketch plan will allow the developer to submit a final plan which will be reviewed by the Planning Board. The addition of one more lot to this subdivision for a total of 44 lots is not in excess beyond what was previously approved under SP-05-006 and will not add any new acreage or roadways to the project. The new lot is within the encompassed acreage and limit of disturbance previously approved by the Planning Board. This resubdivision does not require the creation of open space, density transfers or phasing and is not beyond the total number of allowable lots utilizing a shared driveway. Lot 47 does not contain any environmental features or historic structures and is completely surrounded by open space and forest. The proposed re-subdivision will not adversely affect surrounding properties or other lots utilizing the shared driveway. The developer shall be required to provide noise mitigation on Lot 49 as applicable and to submit a site development plan for processing.

Indicate this waiver petition file number, request, section of the regulations, action taken, date and conditions of approval on all related future plats, site development plans and and/or building permits. Approval of the requested waiver(s) will remain valid for a time period of **60 Days** from the date of this letter (**on or before February 15, 2014**) by which to submit the Planning Board Application to this Division for scheduling the Planning Board hearing in this case. Once the Planning Board Application is submitted, this waiver will remain valid as long as this project remains in active processing. Should you have any questions regarding this matter, please contact Brenda Barth at (410) 313-2350 or email: bbarth@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development



:btb

cc: Research/DED
Robert H. Vogel Engineering, Inc.

