



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 10, 2014

Laura Steensen
8448 Main Street
Ellicott City, MD. 20143

RE: WP-14-071 (Steensen Property)
[related to: F-14-044, "Steensen Property-Lots 1 & 2"]

Dear Ms. Steensen:

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)(3) that requires wetlands, streams and their buffers to be located in required open space or a non-buildable preservation parcel and not a residential lot; A waiver to Section 16.116 (b)(2) that requires steep slopes to be located in required open space or a non-buildable preservation parcel; A waiver to Section 16.116 (c)(1)(i) that prohibits grading, removal of vegetative cover and trees and paving within wetlands, streams, stream and wetland buffers and steep slopes unless the disturbance is considered "necessary"; A waiver to Section 16.117 (b) that requires forest conservation easements to be located in required open space or a non-buildable preservation parcel; A waiver to Section 16.120 (a)(1) which states that residential lots shall not derive access from arterial highways or major collector roads; A waiver to Section 16.120 (b)(4)(iii) (a) and (b) that requires floodplain, wetlands, streams, their buffers, forest conservation areas to be located on lots 10 acres in size or larger and requires steep slopes to be located on lots 20,000 square feet in size or larger; A waiver to Section 16.120 (c)(2)(ii) which states that residential lots which share access shall have sufficient frontage collectively to meet the driveway easement requirements in the Design Manual.

Approval is subject to the following conditions:

1. The edge of the streambank shall be field located and the waiver exhibit, F-14-044 and all future project submittals shall be updated to accurately depict the field-located streambanks and stream buffer.
2. A 35' environmental setback shall be depicted and labeled from the field-located stream buffer. This setback shall be shown on the waiver exhibit, the Plat and Plan for F-14-044 and the future required site development plan.
3. An updated Forest Conservation Worksheet shall be submitted for F-14-044, reflecting a Total Tract Area of 1.0843. A Forest Stand Delineation and Forest Conservation Plan will also be submitted for F-14-044.
4. Forest Conservation shall be addressed with F-14-044 through an on-site easement.
5. The steep slope disturbance for the offsite utility connection may be considered "necessary disturbance". The steep slope disturbance is limited to what is shown on the waiver exhibit for WP-14-071.

6. The consultant must depict and label a minimum of 2 standard parking spaces for proposed Lot 2.
7. A Use-In-Common Access Easement will be established, depicted and labeled on F-14-044.
8. A Use-In-Common Access agreement will be recorded simultaneously with the plat, F-14-044.
9. Compliance with the DED comments dated, January 7, 2014, including the submittal and approval of all Design Manual waivers (see attached).

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

Extraordinary hardships or practical difficulties:

Denial of the waiver petition would result in practical difficulty since the Subdivision and Land Development Regulations do not require the establishment of open space or preservation parcels in the R-VH or HC Zoning Districts. Therefore, there is no practical method to create open space in order to accommodate environmental features that would be located on Lots 1 and 2. The applicant proposes establishment of a forest conservation easement on the proposed lots. The justification contends that "this would enhance the forest conservation easements which were established in conjunction with the adjacent Burgess Mill project. If the petitioner were required to pay fee-in-lieu or seek an offsite easement, it would result in a financial hardship."

Detrimental to the Public Interest:

The parcel of ground is not being "developed" in the traditional understanding of the term. The waiver is needed to "ultimately construct improvements to the historic George Burgess House and renovate the barn to a residence, which is required to be located on its own lot. Site construction consists only of relocation of a water house connection to service the adjacent property and construction of a new water and sewer house connection to serve the barn. Granting of the waiver will facilitate the retention of the existing barn structure, improvements to the historic house and the identification and protection of certain environmental resources."

Nullifies the Intent or Purpose of the Regulations:

The Intent and Purpose of the Regulations will be upheld through the required review process. "Establishment of a forest conservation easement(s) on site would enhance the preservation of the historical environment which is consistent with the Maryland Historical Trust and Historic District commission goals."

The applicants are seeking a "Consent Judgment" to obtain the Mercer Street parcel (and roadbed) and incorporate this area into Parcel157. Driveway access to Ellicott Mills Drive (a minor arterial) is required to avoid an undesired stream crossing. Howard County had constructed the existing driveway apron in conjunction with the original Ellicott Mills Drive construction. The granting of this access would incorporate the Intent of the Regulations to a greater extent by avoiding unnecessary environmental impacts by utilizing the current access point onto Ellicott Mills Drive."

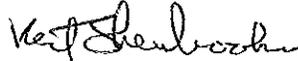
"Original Mercer Street, which provides the current driveway access to Ellicott Mills Drive is 20'. The Regulations require the collective frontage of the two lots to meet the required driveway easement width dictated by the Design manual, which is 24'. The waiver petition therefore requests the reduction of the frontage requirement from 24' to 20'. The 20' of frontage would be divided into pipestems to provide fee

simple access to proposed Lots 1 and 2. A Use-In-Common easement would be established over both fee-simple pipestems, which include the actual driveway.

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 subdivision 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

attachment

TKM/waivers 2013/Steensen Property WP-14-071 approval 1-10-14

cc: Research
DED
Vogel Engineering