



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

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Voice/Relay

Valdis Lazdins, Director

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March 14, 2016

Court Hill LLC
5881 Stearman Court
Elkridge, MD 21075

RE: Waiver Reconsideration
WP-16-067, The Towns at Court Hill
(ECP-16-029)

Dear Applicant:

The Director of the Department of Planning and Zoning has reconsidered the waiver denial dated January 20, 2016 of 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 reconsideration request to waive **Section 16.116(a)(2)(ii) Streams and Wetlands** and **Section 16.116(b)(1) Steep Slopes**. **Section 16.116(a)(2)(ii) Streams and Wetlands** states that grading and removal of vegetative cover and trees, paving and new structures shall not be permitted within 75 feet of a perennial streambank for use I streams as classified by the Maryland Department of the Environment in residential zoning districts and residential and open space land uses in the NT, PGCC, and MXD Districts. **Section 16.116(b)(1) Steep Slopes** states that grading, removal of vegetative cover and trees, new structures, and paving shall not be permitted on land with existing steep slopes that average 25% or greater over 10 vertical feet.

Approval is subject to the following conditions:

1. Compliance with the attached comments from the Development Engineering Division.
2. The property will require the Planning and Zoning Directors approval to exceed the 120' building length requirement set forth in Section 112.0.D.1.e of the Howard County Zoning Regulations. Written approval for the greater building length than specified will be required from the Planning and Zoning Director with the submission of the sketch plan or the preliminary equivalent sketch plan.
3. Approval is restricted to minimize the site disturbances shown on the revised waiver exhibit to the maximum extent possible for impacts to the stream buffer area and the steep slope area shown on the plans.

Our decision was made based on the following:

Extraordinary Hardship or Practical Difficulty - The applicant would have experienced practical difficulties with the development of the property due to the location and expanse of the stream area and buffer and of the steep slopes located on the subject property. As part of the reconsideration, micro-bioretenion facility #2 has been removed from the plans and the stream buffer disturbance has been reduced. The storm drain outfall has also been realigned to be perpendicular to the stream buffer to minimize impacts. Several modifications have been made to minimize the impacts to the properties steep slopes and stream buffer areas. However the general nature of the property confines the development to the center of the property, consequently making avoiding environmental disturbances on the property extremely difficult.

Implementation of an Alternative Proposal - An alternative proposal was provided as part of the waiver petition exhibit with this reconsideration. The new proposed layout has one less town house unit and combines the two buildings that shows less of an impact on the steep slope areas overall than the previous design. The Development Engineering Division requested an alternative drainage discharge be investigated regarding the storm drain system that is impacting the stream buffer areas. Although the alternative layout is being investigated to discharge the stormwater from the I-2 to the existing Fels Lane storm drain system there are several issues with its implementation. A private storm drain pipe would need to cross an existing public water and sewer main easement and pipes. It would also require additional grading, retaining wall structure, removal of vegetation, reconstruction of an existing inlet, and approval from the adjacent land owner. If this outfall is not feasible the petitioner proposes that the outfall and stormwater impacts remain as the proposed configuration indicates.


Not Detrimental to the Public Interest - Approval of this reconsideration request would not be detrimental to the public interest as the proposed site development has been redesigned to lessen the impacts to the sites stream buffer and steep slope areas. The redesign of the initial submission has been altered to reduce the environmental impacts overall. The petitioner has indicated that the current proposed impacts were designed to minimize impacts to the neighbor's property and would be classified as necessary disturbance in order to create a non-erosive discharge. The petitioner has also indicated that the steep slopes were manmade and not natural as they were created from the mass grading from the previous site development plan.

Will Not Nullify the Intent or Purpose of the Regulations - Approval of the waiver reconsideration request would not nullify the intent of the regulations as the disturbance shown on the waiver reconsideration exhibit from the petitioner has been considered necessary disturbance. The revised design has decreased the impacts to the stream buffer areas and will provide a stable outfall that will be non-erosive. The new layout also shows less of an impact to the steep slope areas.

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 the subdivision or site development plan remains in active processing.

If you have any questions, please contact Nick Haines at (410) 313-4333 or email at nhaines@howardcountymd.gov.

Sincerely,


Kent Sheubrooks, Chief
Division of Land Development

KS/NH

Attachment: DED Comments

cc: Research
DED
Real Estate Services
Vogel Engineering, Inc.