



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Courthouse Drive

Ellicott City, Maryland 21043

410-313-2350

Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

January 3, 2018

Donald Proia
13630 Nichols Drive
Clarksville, MD 21029

RE: WP-18-057 Proia Property

Dear Mr. Proia:

The Director of the Department of Planning and Zoning considered your request for an alternative compliance from the Howard County Subdivision and Land Development Regulations.

As of the date of this letter, the Planning Director **approved** your request for an alternative compliance of **Section 16.120(b)(4)(iii)(b), Environmental Features on Lots Less Than Ten Acres**, which specifies that for a lot or buildable preservation parcel of ten acres or greater in size, floodplains, wetlands, streams, their buffers, and forest conservation easements for afforestation, reforestation, or retention may be located on the lot or parcel if the building envelope is no closer than 35 feet from these environmental features provided that a deck may project ten feet beyond the building envelope.

Approval is subject to the following conditions:

1. No grading, removal of vegetative cover and trees, paving or new structures will be permitted within the limits of 100-year floodplain, wetlands, streams or their required buffers in accordance with Section 16.116 of the Subdivision and Land Development Regulations. The building restriction lines must be established as 35 feet from the edge of any environmental buffer or feature located within each lot.
2. The resubdivision of this property zoned "RR" and located in Growth Tier Area III will require Planning Board approval in accordance with SB 236 "The Sustainable Growth and Agricultural Preservation Act of 2012".
3. Compliance with the SRC agency comments throughout the processing of the final plan.

Our decision was made based on the following:

Extraordinary Hardships or Practical Difficulties:

Strict compliance with the regulations would create a hardship for the developer. The stream, floodplain, wetlands and buffers will be located along the northern property line at least 150 feet from the proposed house. This will provide for protection of the environmental resources and will help to reduce any negative effects from the proposed construction activities. The lots are large enough to accommodate the environmental features while providing usable yards surrounding the houses. A 35-foot environmental setback will help to avoid encroachment and the 100-year floodplain will remain within a public easement for the perpetual protection and maintenance of the floodplain areas. The development would be consistent with the adjoining 2 and 3 acre lots.

Not Detrimental to the Public Interest/nullifies the intent or purpose of the regulations:

Approval of this request for alternative compliance will not be detrimental to the public interest or nullify the intent of the regulations. The intent of the regulations is to protect environmental resources and to minimize the encroachments into these areas. The environmental features will still be protected through the existing easement and substantial buffers from the proposed development. This will also provide ample usable space within the lawn area of the proposed dwelling and remain constant with the surrounding neighborhood consisting of single family detached homes.

Indicate this alternative compliance 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 alternative compliance approval will remain valid for one year from the date of this letter or as long as a subdivision or site development plan is being actively processed in accordance with the processing provisions of the Regulations.

If you have any questions, please contact Justin Schleicher at (410) 313-2350 or email at jschleicher@howardcountymd.gov.

Sincerely,

Handwritten signature of Kent Sheubrooks in black ink, including the initials 'KS' at the end.

Kent Sheubrooks, Chief
Division of Land Development

KS/
cc: Research
DED
Real Estate Services
Sill Engineering
File