



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
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Marsha S. McLaughlin, Director

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April 13, 2011

Mr. Bob Corbett
Williamsburg Group
5485 Harpers Farm Road
Suite 200
Columbia, MD 21044

Dear Mr. Corbett:

RE: WP-11-150, Cascade Overlook, Section III,
Lots 1-14, (F-11-034 and SDP-11-034)

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 16.120(b) (4) (v) a** - requires the centerline of drainage swales to be no closer than 15 feet from the rear of a residential dwelling. The applicant is requesting a reduction in the required 15 foot distance from the rear of the house to the centerline of the drainage swale to 10 feet for the homes proposed on Lots 1-4, 8, 9 and 14.

Approval is subject to the following conditions:

1. Compliance with all Subdivision Review Committee comments for F-11-034 and SDP-11-034.
2. A general note describing the waiver petition number, its conditions of approval and approval date must be added to the final plat and site development plan.

Our decision was made based on the following:

JUSTIFICATION FOR RECOMMENDATION:

Extraordinary Hardship or Practical Difficulty -

Extraordinary hardship to the petitioner would result in denial of this waiver. According to the applicant, denial of the waiver would limit the product of homes available for this project. In an already struggling housing market, it would be beneficial to offer numerous house types to a potential buyer. According to Williamsburg Group, LLC, the lots within this subdivision are restrictive in their building envelope depth as a result of the "R-ED" zoning requirements. This severely limits the housing product that the builder can offer to potential buyers. The additional 5 feet would greatly increase the product line available to potential buyers.

Not Detrimental to the Public Interest - Approval of the waiver would not be detrimental to the public interest as the lots and homes would be nestled away from any roads with high traffic volumes and are surrounded by forest conservation easements; therefore, there is no adverse impact to surrounding properties and community. A Planning Board public hearing was held for this project and approved by them on May 25, 2006.

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 and the intent of this regulations is to provide a usable rear yard as the regulation is found under the "usable design" section of the Subdivision and Land Development Regulations. These lots would still have a usable rear yard of at least 10 feet from the house. Also, most of the homes would not take up the entire box as shown on the SDP. The rear of the houses will have projections (i.e. morning room) that won't exceed the 10 foot distance in the back right corner and would increase gradually up to 15 feet on the left rear corner.

The building envelope per the Zoning Regulations on Lots 1 through 4 cannot be fully utilized due to 15' requirement as the grade in the rear of these lots is at a 2:1 slope (the maximum allowed on residential lots) from the existing forest conservation easement (plat 17427). By keeping the swale at the bottom of this slope, the existing forest conservation retention area is undisturbed. However, keeping the swale in this location creates a very shallow house box (41.33') compared to the desirable house box width (56.00 feet). On Lot 4, the reduction would only be necessary at the left rear corner and then as the swale drains across the back of the house to the right side it would gradually increase in distance from the house and at the right corner it would meet the 15 foot requirement.

The swale on Lot 9 begins at the back right corner of the house and moves across to the left side. This swale will only pick up discharge from the back half of the roof of the house located on Lot 9. Therefore, the amount of flow in this swale will be minimal and thus the reduction to 10 feet would not have any adverse affect to the structure. Much like Lot 4, Lot 9 would only require a 10 foot distance in the back right corner and would increase gradually up to 15 feet on the left rear corner.

The swale on Lot 14, much like Lot 9 begins at the side of the house at the side load driveway and runs across the back of the house from the right to the left. All the rooftop drainage on this lot will be directed to the rain gardens located on that lot and not discharge into the swale; therefore, this swale will receive virtually no runoff.

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 and site development 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
F-11-034
SDP-11-034
Benchmark Engineering, Inc.