



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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June 1, 2012

NVR, Inc.  
6085 Marshalee Drive  
Elkridge, MD. 21075

RE: WP-12-066 (Bonnie Branch Woods)

Dear Interested Parties:

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(b)(1)** which prohibits grading, removal of vegetative cover and trees, structures and paving on land with existing steep slopes.

**Approval is subject to the following conditions:**

1. Impacts to steep slopes (25% or greater) may not be greater than a total 350 Square Feet of existing slope (as outlined in the waiver exhibit) unless it can be sufficiently demonstrated by the applicant to be justified.
2. Super Silt Fence shall be erected along the entire LOD associated with the proposed grading. In no instance may the grading disturb the 75' stream buffer.
3. Applicant must obtain a ROE (Right of Entry) from the Real Estate Services Division for the area where work is to be performed.
4. The area must be re-planted with 14 native trees, 2" caliper or greater. Contact Bryan Moody, Forest Conservation Inspector at 410-313-6201 for approval of selected species.
5. The approved Site development Plan (SDP-10-039) shall be redlined to reflect the removal of the proposed retaining wall.

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

**Extraordinary hardships or practical difficulties:**

The extraordinary hardship or practical difficulty involved with the steep slopes disturbances is based partly on the existing unique physical constraints inherent with the subject property. The existing steep slopes on and adjacent to this site combine to restrict and limit the required usable area of the property. The house was almost completely constructed before all of the complicated steep slope issues presented themselves. A retaining wall of 8 feet or greater is cost prohibitive and not aesthetically compatible to the subdivision and surrounding land area.

**Detrimental to the Public Interest:**

The proposed impacts to steep slopes will be mitigated by planting of the disturbed area with 14 native trees as dictated by the Department of Recreation and Parks. The nearest property to the disturbance is Lot 8 and therefore would not be a detriment to other property owners. Impacts will not disturb any other environmental feature on site.

**Nullifies the Intent or Purpose of the Regulations:**

The disturbance of steep slopes is considered to be an acceptable solution based on extenuating circumstances as well as the fact that on a site highly encumbered by steep slopes, citing the dwelling on Lot 8 presented an unique challenge. Permitting this grading in the open space allows for the complete removal of the unsightly retaining wall and creates a more useable yard for the owners of Lot 8. The Department of Recreation and Parks, (the owners of the Open Space), have provided written approval for the proposed grading, providing the area is re-planted once the grading is completed. All other steep slope areas are to be left undisturbed.

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.

If you have any questions, please contact Tanya Krista-Maenhardt at (410) 313-2350 or email at [tmaenhardt@howardcountymd.gov](mailto:tmaenhardt@howardcountymd.gov).

Sincerely,



Kent Sheubrooks, Chief  
Division of Land Development

**attachment**

KS/TKM/waivers 2012/Bonnie Branch Woods WP-12-166 approval

cc: Research  
DED  
DRP  
MBA  
F-10-042 file  
SDP-10-039 file