



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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FAX 410-313-3467
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January 4, 2013

Vinod Takiar
320 Meadowcroft Lane
Timonium, Maryland 21093

RE: WP-13-016/Takiar Property, Lot 2
(F-07-104); Reconsideration

Dear Mr. Takiar:

The Director of the Department of Planning and Zoning considered your request for reconsideration of waiver(s) from the Howard County Subdivision and Land Development Regulations.

As of the date of this letter, the Planning Director **Approved** the waiver to 16.120(b)(4)(iii)c, requiring a 35' environmental setback from the stream bank buffer for construction of a house and driveway on Lot 2 of the Takiar Property and **Denied** the waiver to Section 16.116(a)(2)(i) prohibiting grading, removal of trees and cover, paving and structures within 50' of an intermittent stream for grading and a deck. **Approval to Section 16.120(b)(4)(iii)c is subject to the following conditions:**

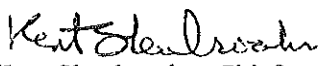
1. Submission of a site development plan for construction of a new house on Lot 2 is required prior to issuance of any grading or building permits.
2. No grading, removal of vegetative cover or trees, paving and new structures are permitted within the recorded 50' intermittent stream bank buffer as shown on Plat No. 20453 for Lot 2.
3. The Limit of Disturbance (LOD) and setback for the new house and driveway construction on Lot 2 shall be pulled back out of the 50 intermittent stream bank buffer to allow installation of the required sediment and erosion control measures in accordance with Section 16.116(b)(1)(ii) of the Subdivision and Land Development Regulations. A super silt fence shall be used for the LOD associated with the new house and driveway construction to further reduce the potential impact to the stream system from storm water run-off during the construction activity on Lot 2.
4. The applicant shall mitigate any potential long term stream degradation from excessive storm water drainage by installing a landscaped bed of shrubs, perennials, ornamental grasses and ground cover plantings on the hillside between the proposed new house and the stream.
5. The applicant shall be advised that at the site development plan review, a further evaluation will take place regarding the final placement of the proposed new house and driveway on Lot 2 to lessen the impact within the 35' Environmental Building Restriction Line (BRL) through a possible shifting of the house further to the west. Additionally, the proposed deck shall be relocated to the rear of the house to avoid any encroachment into the 50' stream bank buffer.
6. Although not a condition of approval, this Division recommends that the applicant re-examine the proposed house footprint and model to reduce the house length so as to lessen the impact within the 35' Environmental BRL.

JUSTIFICATION FOR RECOMMENDATION:

1. Extraordinary hardships or practical difficulties will result from strict compliance with the Regulations. The subject lot consists of unique features which inherently restricts the placement of a residence on the site. These features consists of steep slopes (both 25% or greater and 15 to 25%), a recorded 50' Stream Bank Buffer and a 35' Environmental BRL from the stream buffer, as well as, a 16.5' wide AT&T Easement (containing buried fiber optic cable) which diagonally crosses the upper portion of the lot. Additionally, a 7' BRL is recorded from the AT&T Easement further reduces the buildable area of Lot 2. The applicant has presented several building scenarios which shows practical difficulties in meeting the required 35' Environmental Restriction Line, but an ability to restrain disturbance within the 50' Stream Bank Buffer. To deny the waiver would present a hardship to the owner by restricting the size and placement of a reasonably sized house and driveway designed to meet Design Manual requirements and the Regulations.
2. The intent of the Regulations will still be served to a greater extent through implementation of an alternative proposal and approval of the waiver request(s) will not nullify the intent of the Regulations. The property owner will be required to submit a site development plan which will be further evaluated for any impact to the stream bank buffer and 35' Environmental BRL. The existence of the underground fiber optic cable lines within the AT&T easement places a significant encumbrance on the property, and AT&T will not allow any excavation or fill over this cable, only an at grade driveway crossing which restricts any grading on the western half of the lot. A super silt fence shall be used for the limit of disturbance associated with the new house and driveway construction to further reduce potential impact to the stream system from storm water run-off-during construction on Lot 2.
3. Approval of this waiver request will not adversely affect the interests of the public nor nullify the intent of the Regulations. The applicant shall be required to mitigate any potential long term stream degradation from excessive storm water drainage by installing a landscaped bed of shrubs, perennials, ornamental grasses and ground cover plantings on the hillside between the proposed new house and the stream. Additionally, this Division will recommend that the applicant re-examine the proposed house footprint and model to reduce the house length as much as possible to lessen the impact within the 35' environmental building restriction line.

Indicate this waiver petition file number, request, section of the regulations, action taken, date and conditions of approval on all related future plats, site development plans and and/or building permits. The approved waiver will remain valid for **one year** from the date of this letter (**on or before January 4, 2014**). You are advised to submit a site development plan for construction on Lot 2 prior to January 4, 2014, or a new waiver petition application may be required as applicable. Should you have any questions regarding this matter, please contact Brenda Barth at (410) 313-2350 or email: bbarth@howardcountymd.gov.

Sincerely,


Kent Sheubrooks, Chief
Division of Land Development


:btb

cc: Research/DED
Zoning Administration (BA-695-D)
F-07-104