



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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December 12, 2012

Christian Family Outreach Center
1475 Sykesville Road
Sykesville, Maryland 21784
ATT: Tim Keane

RE: WP-13-033/Keane Property
(F-13-006); Amended Application

Dear Mr. Keane:

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

As of the date of this letter, the Planning Director **approved** your request for waiver to Section 16.120(b)(4)(iii)b. prohibiting environmental features on lots less than ten acres in size to allow Forest Conservation Easements on Lots 5, 6 and 7, subject to the following conditions:

1. A 35' Building Restriction Line shall be shown from the Forest Conservation Easements located on Lots 5, 6 and 7.
2. Reference this waiver petition file number, action taken and date on the final plat F-13-016, and any future development plans and/or building permits.
3. Add a note to the final plan to indicate: No grading, removal of vegetative cover and trees, paving or new structures are permitted within the 100' Stream Bank Buffer or Forest Conservation Easements.

JUSTIFICATION FOR APPROVAL:

1. Extraordinary hardships or practical difficulties will result from strict compliance with the Regulations. The subject site is a resubdivision of Lot 4 of the previously recorded final plan, F-99-098, and will create new Lots 5 to 8 and Non-Buildable Preservation Parcels A (6.10 Ac) and B (.27 Ac). Each buildable lot will be a minimum of 3 acres and consist of pipestems that gain road frontage onto MD Route 32. An existing house which is to remain will be located on Lot 5. Wetlands, a Perennial Use III Stream, their buffers and forest are situated along a large of the southern property of which a majority will be placed on Non-Buildable Preservation Parcel A. Waiver approval was granted on September 13, 2012, to allow a small portion of the 100' stream bank buffers on Lots 6 and 7. That waiver application was requested prior to realizing that forest conservation had not been addressed for the resubdivision of Lot 4. In accordance with the Forest Conservation Worksheet shown on the revised waiver petition, 6.97 acres of Forest must be retained in easement to meet the breakeven point. The owner is now attempting to address all forest conservation on-site. Due to creation of two previously recorded cluster lots, the owner is required to provide a preservation parcel of 6.16 acres under the resubdivision plat. This requirement

further restricts the design of new lots to be any larger in size than 3 acres and impedes the ability to place all retention on the Non-Buildable Preservation Parcel A without reducing the minimum 3 acre lot sizes. Accordingly, the total acreage of retention on the buildable Lots 5, 6 and 7 will be no greater than one acre. To require the owner to fulfill one acre of retention off-site would create a hardship by necessitating the purchase of retention easements and possibly recordation of an off-site Forest Conservation Plat of Easement. The better alternative is to allow a small portion of retention easements on Lots 5, 6 and 7 of no greater than a total of one acre. These easements will adjoin a retention easement placed entirely on Non-Buildable Preservation Parcel A of 5.94 acres (minus the pipestem).

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 record a 35' environmental setback from the forest conservation retention easements located on Lots 5, 6 and 7. The forest conservation easements will be located on the rear of each lot which are three acres in size. Portions of the 100' stream bank buffer which was previously approved to be located on Lots 6 and 7 will now be located within the Forest Conservation Easements. The stream bank buffer is of high priority for placement in forest conservation easement in accordance with the Forest Conservation Manual and placement of the buffer into the easement will further serve to protect this environmental feature. The homes will be located towards the front portion of the lots and a majority of the rear portion will retain existing forest. The small easement areas are sufficiently far enough away from the homes to not adversely affect the ability to construct future additions to the residences or to have accessory uses on the rear of the lots. The forest easements will be further protected by requiring a 35' environmental setback from the proposed easements on each lot.

3. Approval of this waiver request will not adversely affect the interests of the public nor nullify the intent of the Regulations. The proposed Forest Conservation Easement located on Non-Buildable Preservation Parcel A will consist of 5.94 acres and abut an adjacent forest conservation easement located on Parcel 91 to the south. Allowing an additional one acre of easement on the subject lots will assist in further buffering of proposed development from surrounding homes. In addition, approving the waiver request will permit placement of easements on Lots 5, 6 and 7 and will allow the owner to meet all required forest conservation obligation on site. This is a better alternative than requiring a small obligation be fulfilled off-site. Approving this waiver request will, therefore, have no adverse affect to the surrounding properties nor to the existing forest placed in easement which will be protected by recordation of a 35' environmental building restriction line on each of the subject lots.

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. This requested waiver will remain valid for as long as development plans are in process. 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



cc: Research/DED

Robert Vogel Engineering, Inc.
F-13-006