



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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March 25, 2013

Diana Gupta
10610 Vista Road
Columbia, MD 21045

RE: Second Addition to Holiday Hills, Lot 107
WP-13-041 (SDP-12-011)

Dear Ms. Gupta:

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 **DENIED** your request to waive **Section 16.120.(B).(4).(III).(C)**, which requires that residential lots shall be designed to be usable. For R-20 infill subdivisions, the building envelope shall be no closer than 35 feet from environmental features located on the lot. Denial was based on the following reasons:

- Self-Created Hardship

In accordance with the following comments from the Development Engineering Division dated December 20, 2012 and February 28, 2013 (copies enclosed). The applicant has failed to provide sufficient justification to substantiate extraordinary hardships or practical difficulties with compliance of the Subdivision and Land Development Regulations and to address the concerns of the Development Engineering Division as enumerated below.

1. The recorded plat, including the Supplemental plan (F-11-081) created this lot under the premise of the smaller house size shown on these plans. General Plat Note #25 on both plans justified this lot as buildable based on this house size and location.
2. General Plat Note 27 based the approval of the creation of this lot with a house that would disturb less than 5000 square feet.
3. This subdivision allowed the creation of this lot based on no disturbance to environmental areas or their buffers.
4. This lot can be developed based on the previous design without placing the structure within the environmental areas.
5. With any additional submissions please add to the plat and plans the most current floodplain on file with DPW. This is required to be shown to verify that the disturbance is outside potential, County or Federal floodplains.
6. Due to the presence of groundwater, soil borings should be presented showing that the proposed design is viable. The driveway slope must be reduced to meet the 5% maximum slope for the Alternative surface proposed.

- Implementation of Alternative Proposal

The applicant has not verified that the intent of the Regulations will be served to a greater extent through the implementation of the alternative proposal. Due to the presence of groundwater, soil borings must be presented showing that the proposed design is viable. The driveway slope must be reduced to meet the 5% maximum slope for the alternative surface proposed.

- Detrimental to the Public Interest

The applicant has not adequately demonstrated that approval of this waiver request will not be detrimental to the public interest. The applicant has failed to provide the Development Engineering Division with the most current floodplain information on file with DPW which is required to verify that the disturbance is outside County or Federal floodplains.

- Nullifies the Intent or Purpose of the Regulations

The applicant has failed to make his case and to provide verification that the intent of the Regulations will be served to a greater extent through the implementation of an alternative proposal. Also, the applicant has failed to adequately demonstrate that the approval of this waiver request will not be detrimental to the public interest and will not nullify the intent of the Regulations.

Our decision was made based on the following:

- The applicant has failed to demonstrate that the intent of the regulations will be served through the implementation of an alternative proposal which will not nullify the intent of the Regulations and will not be detrimental to the public interests.

Approval of the waiver would nullify the intent and purpose of Section 16.101 of the Howard County Subdivision and Land Development Regulations which is to ensure that the development plans follow uniform procedures and standards to assist with the orderly, efficient and integrated development of land to promote the health, safety and welfare of the residents of the County by ensuring that the erection of structures are in areas free from the danger of flooding and to ensure appropriate development with regard to natural resources and natural features.

Indicate this waiver petition file number, request, section of the regulations, action and date on all related plats, and site development plans, and building permits.

If you have any questions, please contact Ms. Pat Britt-Fendlay at 410-313-3371 or via e-mail at pfendlay@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/JMF/MPB 

Attachment: DED Comments

cc: Research

Chad Edmondson – Development Engineering Division

Mildenberg, Boender & Associates, Inc.

DPZ File # SDP-12-011