



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

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October 16, 2014

Robert L. Curtis, Jr.  
Deep Run Property Management, LLC  
191 Miller Hollow Lane  
Lake City, Tennessee 37769

Horse Farm LLC  
9200 Rumsey Road, Suite 200  
Columbia, Maryland 21045  
Attn: Richard Hayward

RE: WP-15-042, Trotter's Knoll  
(ECP-15-020)

Dear Mr. Curtis & Mr. Hayward:

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(a)(1) of the Subdivision and Land Development Regulations, which states no grading, removal of vegetative cover and trees, paving, and new structures shall not be permitted within 25 feet of a wetland in any zoning district.

Approval is subject to the following conditions:

1. The disturbance to the wetland and wetland buffer should be limited to what is required for the construction of the public roadway. All disturbed areas must be stabilized, as appropriate.
2. The applicant must contact Maryland Department of the Environment (MDE) for any necessary permits for disturbances to the environmental features. The MDE tracking permit number must be referenced on all plan submissions
3. Approval of this waiver is contingent upon submission of the appropriate development plans to the Department of Planning and Zoning based on the proposed layout as shown on the waiver petition exhibit. If the plan should drastically change, a new waiver petition may be warranted in order to re-evaluate the environmental encroachment. Also, on all future subdivision plans, site plans and building permit plans provide a general note that gives a brief description of the waiver petition request, section of the regulations waived, date of approval and any conditions of approval.

Our decision was made based on the following:

*Extraordinary Hardship or Practical Difficulty*

There are three separate environmental encroachments proposed for this development; one encroachment on Parcel 748 for public road access to Parcel 753; and two separate encroachments on the off-site SHA parcel (west of Parcel 748) for water and sewer connections. Since the off-site

disturbances are necessary to connect to public water and sewer, they are considered essential in accordance with Section 16.116(c) of the Howard County Subdivision and Land Development Regulations, and therefore are not included as part of this waiver petition request. However, the creation of the public road across the wetland and wetland buffer on Parcel 748 is not considered essential.

Parcel 753 was originally part of a larger parcel (also known as the Shipley's Grant Subdivision) that was divided when the State Highway Administration acquired land to build Maryland Route 100. This division left Parcel 753 with a singular 12 foot wide pipestem to Fetlock Court, which is surrounded with existing residences on both sides of the pipestem making it impossible to provide a safe and adequate access road to the interior of Parcel 753 for potential development. The remainder of Parcel 753 is surrounded by MD Route 100 right-of-way and Parcel 748. Although the 12 foot wide pipestem on Parcel 753 is adequate for a singular driveway it does not provide the appropriate frontage width for a public access road; therefore creating an extraordinary hardship and practical difficulty for the owner. Therefore the most viable option for public road access to Parcel 753 is via Parcel 748.

*Alternative Proposal Will Serve the Regulations to a Greater Extent*

At this time, the environmental encroachment on Parcel 748 is inevitable when trying to provide public road access to Parcel 753.

*Not Detrimental to the Public Interest*

Encroachment within the wetland and wetland buffer will not be detrimental to the public interest because the appropriate mitigation of environmental features will be done in accordance with the Army Corps of Engineers and the Maryland Department of the Environment.

*Will Not Nullify the Intent or Purpose of the Regulations*

The intent of the regulation is to protect environmental features during the development process. The proposed public road crosses a non-tidal wetland and the wetland buffer. The proposed crossing will minimize disturbance to the wetland and maintain the existing wetland hydrology to the maximum extent possible. The proposed disturbance includes 2,376 square feet of wetland disturbance and 6,531 square feet of 25' wetland buffer disturbance. This is the minimum disturbance required to make this right-of-way crossing. All disturbances will require review and permit approval by the Maryland Department of the Environment.

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, site development plan, or grading plan remains in active processing.

If you have any questions, please contact Julia Boone at (410) 313-2350 or email at [jboone@howardcountymd.gov](mailto:jboone@howardcountymd.gov).

Sincerely,



Kent Sheubrooks, Chief  
Division of Land Development

KS/jb

cc: Research  
DED  
Morris & Ritchie  
ECP-15-020 (PDox)