



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Marsha S. McLaughlin, Director

www.howardcountymd.gov
FAX 410-313-3467
TDD 410-313-2323

January 21, 2015

Mr. John Byrd
Howard County Recreation and Parks
7120 Oakland Mills Road
Columbia, MD 21046

Mr. Richard Powell
Howard county Department of Public Works
6751 Columbia Gateway Drive, Suite 514
Columbia, MD 21046

Dear Messrs. Byrd and Powell:

RE: WP-15-080, Dorsey Hall, Section 2,
Area 2, Lot 1

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 16.155(a)(1)(ii)** which requires a Site Development Plan for any establishment of a use or change of use unless the Department of Planning and Zoning determines that the establishment or change in use will cause less than 5,000 square feet of site disturbance, that no significant alteration to access, parking, circulation, drainage, landscaping, structures, or other site features is required, and that the proposed use does not qualify as redevelopment that requires stormwater management in accordance with the Design Manual; **Section 16.1202(n)**: Definitions: "Net Tract Area" and **Section 16.1202(b)(1)(i)**: Applicability; Exemptions; to allow the Limit of Disturbance to serve as the Net Tract Area when determining the forest conservation obligation.

Approval is subject to the following conditions:

1. The petitioner shall obtain authorization from the Maryland Department of the Environment and the U.S. Army Corps of Engineers for activities in regulated areas associated with the Dorsey Hall Village Stream Restoration project. A copy of that authorization will be provided to the Department of Planning and Zoning for the waiver file.
2. Disturbance is limited to the 1.4 acre LOD as depicted on the waiver exhibit and as described in the justification prepared by Richard Powell, received on December 15, 2014.
3. Add a detailed note to the General Notes on plan sheet 1 for this waiver petition that indicates this waiver petition file number, the sections of the Regulations, request, action, conditions of approval, and the approval date. Reference WP-15-080 on any future permit applications.
4. Within the Permit Information Chart on sheet 1, change the plat recordation reference to "6390", Grid# to "4", Section/Area to "2/2", Lot/Parcel# to "1", Zoning to "RA-15", Tax Map No. to 30 and Election District to "2".

Our decision was made based on the following:

Extraordinary Hardship or Practical Difficulty -

Denial of the waiver petition would result in undue hardship because strict compliance would require additional time, effort and cost to address a large area of land that is not affected by the proposed project and would include computations, mapping and other exhibits which would not be integral to the restoration project. This project has no proposed structures, buildings, roads, utilities, public or private facilities or easements or grade changes. This restoration, that has now been funded, is needed to address an environmental public safety concern and the applicant hopes to address the erosion problem that is negatively impacting County Open Space. There is no viable way to address the eroding conditions within the stream without working within the stream itself.

The riparian buffer is to be planted with 37 trees and 1270 shrubs. A sediment and erosion control plan is included in the design plans and has been submitted to HSCD for review and approval has been obtained from MDE and USACOE. Since the limit of disturbance is located within the 100-year floodplain, this project does not have a forest conservation obligation.

Not Detrimental to the Public Interest – The parcel of ground is not being “developed” in the traditional understanding of the term, but restored to its natural condition. The improvements include stabilizing eroding conditions below the four existing storm drainage outfalls. Clearing and grading are limited only to those areas necessary for construction access. Waiver approval would not be Detrimental to the Public Interest because it will result in the establishment of a forested riparian buffer along the stream where one currently does not exist. Public interest and safety will be improved by the restoration project and approval of the waiver will more appropriately match the goals and resources of the project to the overall intent of the regulations. Approval of the waiver allows the corrective actions of the Capital Project to proceed, which through the budgetary process, has already been determined to be in the public interest. Since the limit of disturbance is located within the 100-year floodplain, this project does not have a forest conservation obligation.

Will Not Nullify the Intent or Purpose of the Regulations – The Intent and Purpose of the Regulations will be upheld through the required review process. The project is being completed in order to stabilize eroding stream banks. The Intent of the Regulations is to “preserve steep slopes, wetlands and streams in their natural state and to prevent disturbance of these natural features by development activities. Currently the natural condition is being disturbed by the impacts of excessive runoff generated by the development upstream, which is primarily the “Dorsey Hall Community Center”. Allowing the stream to continue eroding will further impact the stream, buffer and open space. No specimen trees will be removed. Furthermore, the very nature of the project is to protect the environment by reducing erosion and sediment transport downstream and by providing a stable stream system. “The Intent of the Regulations is to preserve and maintain the forest areas in the County. This project will be planting 37 trees and 1270 shrubs to establish a riparian buffer along the stream. Since the limit of disturbance is located within the 100-year floodplain, this project does not have a forest conservation obligation.

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 Brenda Luber at (410) 313-2350 or email at BLuber@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/BL

cc: Research
DED
Real Estate Services