



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

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January 30, 2015

Marilyn P. Oliva
2850 Florence Road
Woodbine, MD 21794

RE: WP-15-087, Oliva Subdivision, Lots 3-5 (F-15-004)

Dear Ms. Oliva:

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 16.120(b)(4)(iii)(b)**- For a lot or buildable preservation parcel of 10 acres or greater in size floodplains, wetlands, streams, their buffers, and forest conservation easements for afforestation, reforestation, or retention may be located on the lot or parcel if the building envelope is no closer than 35 feet from these environmental features, provided that a deck may project 10 feet beyond the building envelope. The waiver request is to allow a floodplain, stream buffer, steep slopes area and a proposed forest conservation easement on new Lot 4 (9.02 acres).

Approval is subject to the following conditions:

1. The forest conservation easement area is to be properly identified and protected on the subject lots by posting forest conservation easement signs every 50 feet around the perimeter of the easement area. The forest conservation easement signs are to remain posted and visible in perpetuity.
2. The final plat must provide the required 35' setback from the edge of the forest conservation easement as depicted on the waiver petition plan exhibit in accordance with Section 16.120(b)(4)(iii) of the Subdivision Regulations.
3. No, grading, removal of vegetative cover and trees, paving and new structures are permitted within the forest conservation easement.
4. On all future subdivision plans and building permit plans, provide a brief description of waiver petition, WP-15-087 as a general note to include requests, sections of the regulations, action and date.

Our decision was made based on the following:

Extraordinary Hardship or Practical Difficulties

The extraordinary hardship or practical difficulty involved with this waiver request is based on the existing unique physical constraints inherent with the subject property and the existing environmental features on-site. Additionally, this is a resubdivision of a large existing lot created around an older home when the original subdivision was created. The two new lots are being configured to have no impact

from these environmental features. Lot 4 which contains the existing home, will be the only lot encumbered by the environmental features. Lot 4 will be 9.02 acres, which is a reasonable size to contain the environmental features and allow the lot to continue to be farmed.

Alternative Proposal

The processing of this waiver petition should be viewed as a reasonable alternative to serve the intent of the Regulations by retaining the character of this residential neighborhood. The proposed lot design establishes a 35' environmental setback from the forest conservation easement which is more restrictive than the zoning regulated building restriction lines. The property is not overly burdened since the environmental features are located in the rear of the property and the forest conservation retention easement is being placed on Lot 4 to satisfy the forest conservation requirement.

Not Detrimental to the Public Interest

Approval of this waiver request will not have any detrimental impacts to public interest, will not alter the essential character of this residential neighborhood and will not impair the use or development of the surrounding properties. It will benefit the public interest by providing for the continued protection of the natural wooded buffer to the adjoining property owners. Lot 4 contains the existing home and will be the only encumbered lot encumbered by the environmental features. Nothing will essentially change for the existing home, except that the size of the Lot will reduce to 9.02 acres.

Will not nullify the intent or purpose of the regulations

Approval of this waiver request will not nullify the intent or purpose of the regulations since the Forest Conservation Easement will be protected in perpetuity. Lot 4 is still a sizable 9.02 acres and a 35 foot setback will be utilized from the environmental features on the lot as would be required for lots over 10 acres in size..

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 remains in active processing.

If you have any questions, please contact Jennifer Wellen at (410) 313-2350 or email at jwellen@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/jw

cc: Research
DED
Real Estate Services
F-15-004
FCC