



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

May 12, 2015

Mr. John Due
Attn: Mark S. Richmond
6044 Trotter Road
Clarksville, MD 21029

DPW, SWM Division
Attn: Brian Cleary
6751 Columbia Gateway Drive, Suite 514
Columbia, MD 21046

RE: WP-15-127, Trotter Road Stream Bank Stabilization Project
Capital Project No. D-1163

Dear Mr. Due and Mr. Cleary:

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)** of the Howard County Subdivision and Land Development Regulations, which requires a site development plan for a non residential use or change in use. The capital project is a maintenance project for streambank stabilization that will require work performed as soon as possible due to the severity of the erosion and the affected infrastructure.

Approval is subject to the following conditions:

1. Prior to completion of the work all graded and disturbed areas within the public and private space shall be stabilized and fully restored to the existing natural conditions prior to the performed work.
2. The petitioner shall comply with all applicable County and State regulations and obtain all necessary permits prior to commencement of work.

Our decision was made based on the following:

Extraordinary Hardship or Practical Difficulty - The applicant would experience extraordinary hardships and practical difficulties with the project due to the limited area of work to be performed. The stream project is to address the eroding areas along Trotter Road that is negatively impacting the existing stream and county infrastructure. Strict compliance to Section 16.155(a)(1)(ii) would require additional plans, time, effort and cost to address what is essentially a road maintenance project and stream bank restoration. The additional work required would include survey work beyond that which is needed for the streambank repair, as well as additional computations, mapping, reports, plans, and exhibit preparation. Full compliance with the regulations and expenditure of the design teams resources would not improve the final design or construction project and would take away valuable funds from the implementation of the project design and construction. Performing the additional work would also lengthen the schedule for the project.

Implementation of an Alternative Proposal – The streambank stabilization project has been designed to minimize impacts to the environment by reducing erosion and sediment transport downstream and providing a stable stream system. The County is working with registered arborists to selectively remove and prune only those trees necessary to accomplish the project in lieu of completely clearing out a large area for the contractor to work. The project will provide an efficient and environmentally friendly solution to the streambank's erosion problem.

Not Detrimental to the Public Interest – The existing stream is currently moving laterally, eroding stream banks, potentially exposing sewer pipes, and causing a loss of trees and native vegetation. The loss of the vegetation further causes the destabilization of the streambank. The erosion problems will only worsen over time if they are not corrected. The roadway and sewer infrastructure needs to be protected. Public interests and safety will be improved by the proposed project.

Will Not Nullify the Intent or Purpose of the Regulations - Approval of the waiver request shall not nullify the intent of the regulations. The waiver request is not intended to exempt the project from County regulations, but rather to more appropriately match the goals and resources of the project to the overall intent of the regulations. The project is being performed to stabilize approximately 400 linear feet of eroding streambank and protect the existing roadway and infrastructure. Continued erosion will cause the loss of streambank and the potential for falling trees that could cause safety issues. The potential also exists for sewer infrastructure damage and leaks that could cause health issues and environmental damage. No work proposed by this project is in any way contrary to County regulations or policy.

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 grading plan remains in active processing.

If you have any questions, please contact Nick Haines at (410) 313-2350 or email at nhaines@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/NH

cc: Research
DED
Real Estate Services