



Howard County Department of Planning and Zoning

3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Valdis Lazdins, Director

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September 28, 2016

Sanford Land Holdings
8600 Snowden River Parkway
Suite 207
Columbia, Maryland 21045
ATT: Bruce Jaffe

RE: WP-16-007/Fels Lane, Parcel 328

Dear Mr. Jaffe:

The Director of the Department of Planning and Zoning considered the request for waiver(s) from the Howard County Subdivision and Land Development Regulations for the above referenced project.

As of the date of this letter, the Planning Director **approved** the waiver requests to Section 16.116(a)(2)(ii) requiring no disturbance, grading or vegetative removal within the 75' Stream Bank Buffer; Section 16.116(b)(1) prohibiting grading and removal of vegetative cover on 25% or greater steep slopes with a contiguous area of 20,000 sq.ft or more and **denied** waiver to Section 16.155(a)(2) requiring the submission of a site development plan for residential development. Approval of the waiver requests is subject to the following conditions:

1. Based on comments dated August 11, 2015, from the Development Engineering Division, numerous design factors which must be reviewed, including but not limited to, storm water management, sight distance and retaining wall design will require the submission of a site development plan.
2. Disturbance, grading and vegetative removal within the 75' Stream Bank Buffer shall be the minimum necessary to afford relief. The limit of disturbance as shown on the petitioner's exhibit will be approximately 4,200 sq.ft. and will have no impact to the western perennial stream.
3. The area of disturbance on 25% or greater steep slopes having a contiguous area of 20,000 sq.ft or more will be minimized by construction of retaining walls to the north, south and east of the proposed dwelling. The limit of disturbance will be approximately 4,200 sq.ft. and represents a reasonable extent of grading necessary for the construction of the house, driveway and storm water management facilities.
4. Increased sediment and erosion control measures such as a super silt-fence shall be installed along the western property line to protect the on/off site perennial stream and adjoining Forest Conservation Retention Easement from any storm drainage run-off.
5. The property owner is advised that Fels Lane is a designated Scenic Road. As such, all efforts shall be made to retain existing vegetation of at least 35' from the right-of-way of Fels Lane, except for location of the proposed driveway.
6. The property owner is advised that an Historic Preservation Commission review will be required.
7. The applicant shall mitigate any potential long term stream degradation from excessive storm water drainage by replanting the disturbed hillside between the new house at the stream with shrubs, trees, ornamental grasses and ground cover plantings. The proposed hillside plantings shall be shown and approved on the site development plan.

JUSTIFICATION FOR DENIAL/APPROVAL:

1. Extraordinary hardships or practical difficulties will result from strict compliance with the Regulations. The subject parcel has undergone reconfiguration numerous times over the years through the deed process when transfer of land was permitted by Deed conveyance and prior to the subdivision requirement. Deed conveyances between owners of Parcels 119, 328 and with the Board of County Commissioners for the Fels Lane Renewal Project began between 1869 and 1963. Continuous deed transfers thereafter has resulted in the final configuration of the parcel now containing a portion of a perennial stream, the 75' Stream Bank Buffer, as well as, 25 % or greater steep slopes having a contiguous area of 20,000 sq.ft. or more. The applicant has indicated that storm drain outfall from surrounding properties enters the perennial stream located along the western border of Parcel 328 and flows southward across adjoining Parcel 291 which contains a Forest Conservation Easement and is owned by Howard County. Parcel 328 does not contain any forest and the limit of tree clearing will be less than 10,000 sq.ft. Public water and sewer is available along Fels Lane frontage, a Scenic Road and one-way public street. The Scenic Road designation requires that existing vegetation a minimum of 35' from the road right-of-way be retained. The applicant shall be required to maintain any existing vegetation along Fels Lane, except as necessary to construct the proposed driveway on the parcel. Under Section 16.155(a)(2)(ii) of the Subdivision Regulations, development on a parcel located within the Planned Service Area requires the submission of a site development plan and the delineation of streams, the stream bank buffer and steep slopes. The delineation of the environmental features has resulted in the parcel being almost totally encumbered with the 75' Stream Bank Buffer, as well as, 25% steep slopes with a contiguous area of 20,000 sq.ft. or more. To deny the waivers to allow disturbance of the 75' Stream Bank Buffer and grading of approximately 3,676 sq. ft. of steep slopes on this parcel which is only 25,251 sq. ft. in size would render the land unbuildable. The better solution is to allow the minimum disturbance necessary to afford relief in order to construct a house, driveway and storm water management and require the submission of a site development plan. The petitioner has submitted an exhibit which indicates that construction of retaining walls to the north, south and east around the proposed house will reduce the area of disturbance of the steep slopes to approximately 4,200 sq.ft. and is the minimum to afford relief for reasonable development.

2. The intent of the Regulations will still be served to a greater extent through implementation of an alternative proposal and approval of the waiver request(s) will not nullify the intent of the Regulations. Permitting disturbance in the 75' Stream Bank Buffer and steep slopes will allow the property owner to move forward with development of the site. The disturbance and removal of vegetation shall be the minimum necessary to construct the house, driveway and storm water management facilities. By providing retaining walls around the house to the north, south and east, the applicant has demonstrated an obligation to reduce disturbance on the steep slopes. All other subdivision and zoning requirements shall be reviewed under a required site development plan submission. The developer is advised that disturbance of the western on/off site perennial stream is not permitted and all sediment and erosion control measures shall be taken to protect the stream and adjoining Forest Conservation Retention Easement. This parcel is not located within a 100 Year Flood Plain and does not contain wetlands.

3. Approval of the waiver will not be detrimental to the interests of the public. The owner is not subdividing, adding any new roadways or new acreage to the site, but is only constructing a single family dwelling on a parcel of land. Surrounding properties have been developed with single family dwellings and the continuation of the residential use will not be detrimental to the neighborhood. Fels Lane is a Scenic Road and is a narrow one-way street with limited shoulder parking. Although no vegetation exists at road frontage of the site, the developer shall retain existing vegetation to the south of the parcel and will be required to provide perimeter landscaping under the site development plan review. In addition, a minimum of 2.3 parking spaces can be accommodated in the driveway with a sufficient area for turnaround. The house size is the smallest to allow for sufficient living space while providing a reasonable useable rear yard to the south. The site will be further evaluated under the site development plan for storm water management, driveway site distance, retaining wall design and landscaping and shall comply with all other requirements of the Zoning and Subdivision Regulations. The property owner is advised that an Historic Preservation Commission review will be required.

Indicate this waiver petition file number, request, section of the regulations, action taken, date and conditions of approval on all related future plats, site development plans and and/or building permits. This requested waiver will remain valid for a period of one year from the date of this letter (**on or before September 28, 2016**). Should you have any questions regarding this matter, please contact Brenda Barth at (410) 313-2350 or email: bbarth@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development



:btb
cc: Research/DED
Robert Vogel Engineering, Inc.