



# HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Courthouse Drive

Ellicott City, Maryland 21043

410-313-2350

Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

October 15, 2015

Mr. Raj Kathuria  
7410 Grace Drive, LLC  
13007 Twelve Hills Road  
Clarksville, MD 21029

Dear Mr. Kathuria:

RE: WP-16-040, Grace Drive (SDP-15-078)

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(b)(1)(i)** prohibiting grading, removal of vegetative cover and trees, new structures, and paving on land within existing steep slopes of 25% or greater.

Approval is subject to the following conditions:

**Waiver Action:** The Division of Land Development recommends **APPROVAL** of a waiver of Section 16.116(b)(1)(i) to allow grading within steep slopes, subject to the following conditions:

1. Subject to compliance with SRC agency comments for SDP-15-078.
2. Provide a brief description of waiver petition, WP-16-040, as a general note to include request(s), section(s) of the regulations, action and date.

Our decision was made based on the following:

## JUSTIFICATION FOR RECOMMENDATION

***Extraordinary hardship or practical difficulty may result from strict compliance with the regulations.***

The proposed site design is for a 61,603 square foot 3-story building with parking underneath. The building and parking will be constructed at the rear of the site and will require disturbance to the steep slopes. A retaining wall will be constructed along the rear of the building. The 5,242 square foot disturbance within the steep slope area is required for the construction of a retaining wall which is needed for the construction of the building and a micro-bioretenion facility. The site was graded under SDP-06-102 and the retaining walls located to the west of the building were constructed. The steep slope areas will be planted as part of the Forest Conservation obligation required for this site. The new building and parking have been sited on the parcel to accommodate the grading which was approved on the prior site development plan (SDP-06-102). Approval of the waiver will allow the site to be developed with the proposed building and associated parking instead of the parcel remaining in its current previously graded condition. The prior developer abandoned the site development plan (SDP-06-102) for the construction of religious facility because of lack of funding.

Approval of the waiver petition will allow the developer the ability to develop the site utilizing the current grades with minimal disturbance to the steep slopes.

***Waiver approval will not be detrimental to the public interest.***

Approval of the waiver request will not alter the essential character of the neighborhood and will not substantially impair the appropriate use or development of the surrounding properties. The site was previously graded under the prior site development plan which was later voided. The additional grading required to site the building will be located at the rear of the property. Retaining walls will be constructed to stabilize the remaining steep slopes.

All effort has made to design the current site development plan to accommodate the previous grading scheme and limits of development rather than significantly re-grading and re-designing the site. The proposed design will require a minor encroachment into the steep slopes (5,242 square feet) for the construction of a retaining wall. These engineered retaining walls will limit the need to grade within a larger portion the steep slope area. Approval of the waiver petition will allow the developer the ability to develop the site with minimal additional grading.

***Waiver approval 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 steep slopes to be disturbed were created by the construction associated with Site Development Plan 06-102. The disturbance is specifically required for a retaining wall which is needed for the construction of the buildings lower level parking and for a micro-bioretenention facility.

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 the site development plan remains in active processing.

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

Sincerely,



Kent Sheubrooks, Chief  
Division of Land Development

KS/BL

cc: Research  
DED  
Real Estate Services  
Vogel Engineering, Inc.  
SDP-15-078