



# 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

December 10, 2015

Hassein Kazemadeh  
8535 Edenton Road  
Laurel, MD 20707

RE: WP-16-062 Beaufort Park Lot 3

Dear Mr. Kazemadeh:

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 **denied** your request to waive **Section 16.116(a)(2)(iii)** of the Subdivision and Land Development Regulations. Section 16.116(a)(2)(iii) in the Subdivision Regulations specifies that grading, removal of vegetative cover and trees, paving, and new structures shall not be permitted within one hundred feet of a perennial stream bank for Use III and IV streams.

Denial was based on the following reasons:

**Self-Created Hardship**

1. The requested waiver is deemed a self-created hardship since the applicant has an approved Simplified Environmental Concept Plan, and approved grading and building permits for the subject property, and has already constructed the house located on Lot 3. Per the justification, the applicant was in agreement with his civil engineer when the initial plans showing a 2 to 1 slope on Lot 3 were prepared and approved by DPZ (that complies with the Regulations). Now that the applicant has seen the slope, the applicant wants to grade into the stream buffer to create a more usable front and side yard for their children to play.
2. In accordance with the attached comments recommending denial from Development Engineering Division dated November 19, 2015, and the Health Department dated December 2, 2015 regarding this waiver.

**Implementation of Alternative Proposal**

3. The applicant has not provided any significant evidence that the intent of the regulations can be served to be a greater extent through the implementation of alternative design proposals which seek to avoid or minimize detrimental impacts of the existing stream buffer that is located on Lot 3&4. Section 16.114 of the Subdivision and Land Development Regulations requires that subdivisions be designed to reflect the existing natural features on site.

**Detrimental to the Public Interests**

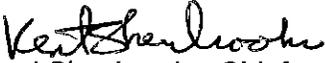
4. The applicant has not sufficiently demonstrated that approval of this waiver request will not be detrimental to the public interest concerning the 100' stream buffer other than creating a more usable yard for their children. The applicant previously agreed to the plans their civil engineer submitted to the DPZ that was approved.

**Nullifies the Intent or Purpose of the Regulations**

5. The applicant failed to sufficiently demonstrate that the proposal would not nullify the intent and purpose of Section 16.116(a)(2)(iii) of the Subdivision and Land Development Regulations, which is to design developments to reflect the unique characteristics of the site by preserving natural features and maintaining environmental buffers and setbacks to protecting the existing stream located on the adjacent lot. The proposal for the existing house on Lot 3, looks to be a forced design for this site. Therefore, allowing the grading and disturbance within the required 100' stream buffer on Lots 3&4 would be contrary to the purpose and intent of the environmental protection regulations.

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

Sincerely,

  
Kent Sheubrooks, Chief  
Division of Land Development

Attachments (From DED & DEH)  
KS/RJ

cc: Research  
DED  
Real Estate Services  
Health Department  
Adcock & Associates, LLC.