



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

April 12, 2016

Orville & Patricia Shepard
5020 Ten Oaks Road
Clarksville, MD 21029

RE: WP-16-108, Ten Oaks Farm
(ECP-16-013)

Dear Mr. and Mrs. Shepard:

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) Lot Design** which states that for a lot or buildable preservation parcel of 10 acres or greater in size that 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.

Approval is subject to the following conditions:

1. A 35 foot Environmental BRL shall be provided from the environmental buffer and forest conservation easements (from whichever extends further into the lots).
2. Subject to the approval of ECP-16-013 and submission of a Preliminary Equivalent Sketch Plan for processing.
3. Waiver approval is conditioned on the approval of the required percolation testing, and any well and septic requirements of the Health Department.
4. No grading, removal of vegetative cover and trees, paving, and new structures are permitted within the floodplain, wetlands, stream and buffers for all lots except the essential driveway crossing disturbance.
5. At the subdivision plan and building permit stages the applicant should make all reasonable efforts to keep the distance between the proposed house sites and the forest conservation easement areas at a maximum to avoid possible future encroachments by the homeowners.

Our decision was made based on the following:

Self-Created Hardship:

The applicant would have experienced hardship and practical difficulty with the development of the property through strict compliance with the regulations. The floodplain, wetlands, wetland buffer, stream, stream buffer, and forest conservation easements have been placed to the rear of Lots 1 thru 3. Wetlands, wetland buffers, stream, and stream buffer occurring on proposed Lots 4 thru 6. The forest conservation easements have been placed on lots 1 thru 3 in order to meet the forest conservation requirements on-site rather than paying a fee-in-lieu of Forest Conservation or buying into an off-site

forest bank. The locations of the aforementioned environmental features are spread throughout the site but there is still reasonable room for development while maintaining the 35 foot environmental setback for the structures.

Implementation of Alternative Proposal:

The intent of the regulations is not to include environmental features on lots less than 10 acres, the proposed lots are over 3 acres in size, which creates the ability to retain these features on the lot and still have reasonable use and adequate spacing on the lots to protect the environmental features. The 35 foot environmental setback for the structures will still be maintained from the environmental features and will not be impacted. The environmental setback and the placement of the existing and proposed forest within a forest conservation easement will protect the existing environmental features on site.

Detrimental to the Public Interests:

The existing floodplain, wetlands, wetland buffer, stream, stream buffer, and forest areas will be protected on site and will not be impacted by the proposed development. The public interest will be served by protecting these features.

Nullifies the Intent or Purpose of the Regulations:

The intent of the regulations is to protect floodplains, wetlands, streams, their buffers, and forest conservation easements for afforestation, reforestation, and allows development if the building envelope is no closer than 35 feet from these environmental features. The petitioner has maintained the 35 foot buffer from these features and is placing the floodplains, streams, and their buffers within forest conservation easements for added preservation. The petitioner therefore feels that this is not a nullification of the regulations.

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 plan remains in active processing.

If you have any questions, please contact Nick Haines at (410) 313-4333 or email at nhaines@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/NH

cc: Research
DED
Real Estate Services
FCC