



# 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 11, 2016

Joe and Jennifer Hill  
PO Box 189  
Woodbine, MD 21797

RE: WP-16-109 Five Hills Farm

Dear Mr. and Mrs. Hill:

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)** of the Subdivision & Land Development Regulations, which states that a lot or buildable preservation parcel must be 10 acres or greater in size in order to allow floodplains, wetlands, streams, their buffers and forest conservation easements to be located on the lot or parcel.

Approval is subject to the following conditions:

1. No grading, removal of vegetative cover and trees, paving or new structures will be permitted within the limits of 100-year floodplain, wetlands, streams or their required buffers in accordance with Section 16.116 of the Subdivision and Land Development Regulations. The building restriction lines must be established as 35 feet from the edge of any environmental buffer or feature located within the lot.
2. Forest conservation easements will not be permitted within 100 feet of the proposed houses to avoid future encroachments and to allow for usable yards.
3. The proposed reforestation easements shall be located adjacent to the environmental features in the rear of the property. No easements for reforestation or afforestation will be permitted in the areas of the property where development is proposed. Relocate the proposed reforestation easements to encompass the stream and wetland buffers and to provide a contiguous forested riparian buffer along the rear of the property.

Our decision was made based on the following:

Extraordinary Hardships or Practical Difficulties:

Strict compliance with the regulations would create a hardship for the developer. The stream, floodplain, wetlands and buffers will be located along the northern property line at least 260 feet from the proposed houses. This will provide for protection of the environmental resources and will help to reduce any negative effects from the proposed construction activities. Forest conservation easements are proposed onsite instead of paying a fee-in-lieu or purchasing credits in an offsite forest bank in order to fulfill the forest conservation obligation. The property is located along a scenic road and preservation of existing forest along the road is highly desirable. The lots are large enough in size to accommodate the forest easements while still providing for usable space in the lawn areas surrounding the houses. A 35-foot environmental setback will help to minimize encroachments into the easement areas.

Not Detrimental to the Public Interest

The proposal will not be detrimental to the public interest because the environmental features will be protected through forest easements and substantial buffers from the proposed development. The preservation of existing wooded areas on the property will help to maintain the scenic nature of this section of Old Frederick Road. The existing topography and proposed forest conservation easements located along the roadway will help to maintain the aesthetics and to screen the proposed development from the road.

Will not nullify the intent or purpose of the regulations

Approval of this waiver will not nullify the intent or purpose of the regulations. The intent of the regulations is to protect the environmental resources and to minimize the potential for encroachments into these areas. A 35-foot environmental setback will be maintained from the proposed structures to the environmental areas and forest easements. This will allow for usable space in the lawn areas of the lots. The floodplain, stream buffer, wetlands and wetland buffer will be further protected by placing these areas into forest conservation easements.

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 remains in active processing.

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

Sincerely,



Kent Sheubrooks, Chief  
Division of Land Development

KS/eb

cc: Research  
DED  
Real Estate Services  
FCC