



# 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 8, 2016

Kerry Murphy  
904 Beacon Square Court, Apt. 310  
Gaithersburg, MD 20878

RE: WP-17-043, Ellicott Woods, Lot 30

Dear Ms. Murphy:

The Director of the Department of Planning and Zoning considered your request for an alternative compliance from the Howard County Subdivision and Land Development Regulations.

As of the date of this letter, the Planning Director **approved** your request for an alternative compliance of Section 16.156(o)(1)(ii) and 16.116(b)(1) subject to the following conditions:

1. Approval of SDP-93-036 is hereby reactivated and extended for 6 months from the date of the alternative compliance approval letter to apply for all building permits for Lot 30 or until June 8, 2017. The applicant shall comply with all building permit application requirements of the Department of Inspections, Licenses and Permits.
2. No additional disturbance or grading shall occur beyond the 1,700 sq. of limit of disturbance of the 25% steep slopes that are detailed on the alternative compliance exhibit unless it can be sufficiently demonstrated to be warranted or justified.
3. The site plan will require a standard red-line revision of SDP-93-036 to be submitted to the Development Engineering Division for processing that adds the new house model on Lot 30 and a general note on sheet 1 referencing this alternative compliance file number, request, section of the regulations and approval date of the 6 month extension to apply for building permits.

Approval is subject to the following conditions:

**Extraordinary Hardships or Practical Difficulties:** The proposed grading of the existing steep slopes is a result of the demolition of the existing dome structure on the lot. To construct a new house and allow for a reasonable useable yard the applicant is proposing disturbance of 1,700 sq. ft. of steep slopes. To minimize the disturbance of the steep slopes the new house will be placed on the front building restriction line and a retaining wall of 2.9' maximum height will be installed in the rear of the dwelling. In addition extraordinary hardship would result if the applicant were required to process a new site development plan for the subject property. The applicant has an approved site development plan on file, which still conforms to all County regulations and requirements. Requiring the applicant to go through site development plan process again for reviewing the proposed 1 single family detached dwelling would create unnecessary time delay and effort and cause practical difficulties and extraordinary hardship on the applicant, to start over with a new SDP plan since the goal is to have one comprehensive site development plan for the subdivision.

Alternative Proposal: Submission of a new site development plan will create an extraordinary hardship as the plan would have to be resubmitted with new fees and re-circulated through the County for review even though the overall site development plan has not been altered except for Lot 30, thereby wasting County resources and creating an unnecessary additional time delay for the applicant. The lot already exists and there are no practical or possible alternatives for placing the new SFD in an area that would avoid grading on steep slopes. The SDP has an established file history and has been through previous review cycles and has received approval by the SRC agencies.

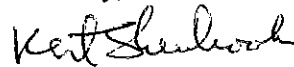
Not Detrimental to the Public Interest: The alternative compliance request will not be detrimental to the public interest since the proposed disturbance to the steep slopes is minimal while the natural character of the lot is still maintained. There will be no adverse impact to neighboring properties. The site development plan for this project has been reviewed by the SRC agencies for compliance of the County and State regulations and was approved. Therefore, the requested extension of SDP approval to file for building permits will not have any adverse effect on the surrounding properties where the project is located.

Will not nullify the intent or purpose of the regulations: Approval of this alternative compliance request will not nullify the intent or purpose of the Regulations since the site development plan is in compliance with the County and State regulations and received signature approval. Therefore, approval of this alternative compliance request will satisfy the intent of the Regulations by permitting fairness and consistency in the application of the plan processing procedures. All SRC agencies have recommended approval of this alternative compliance request to extend plan approval for SDP-93-036.

This requested alternative compliance will remain valid for the time period specified in the conditions of approval, or as long as this site development plan remains in active processing.

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

Sincerely,



Kent Sheubrooks, Chief  
Division of Land Development

KS/jw

cc: Research  
DED  
Real Estate Services  
FSH