



# 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

June 1, 2017

Molly H. Fredette  
Christopher O. Esposito  
13605 Frederick Road  
West Friendship, MD 21794

RE: WP-17-102 Five Hills Farm- Lot 3

Dear Mr. Esposito & Ms. Fredette:

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

As of the date of this letter, the Planning Director **approved** your reconsideration request for alternative compliance of **Section 16.120(b)(4)(iii)(b)**, which states that a lot or buildable preservation parcel must be 10 acres or greater in size to allow floodplains, wetlands, streams, their buffers and forest conservation easements to be located on the lot or parcel. The request is to construct a house on Lot 3 approximately 72 feet from an existing forest conservation easement.

Approval is subject to the following conditions:

1. A split rail fence (with no wire mesh attachments) shall be installed along the northern boundary of Forest Conservation Easement #2 on Lot 3 as shown on the alternative compliance plan exhibit.
2. The proposed house on Lot 3 shall be located no closer than 72 feet from Forest Conservation Easement #2 and 100 feet from Forest Conservation Easement #1 (as recorded on Plat No. 24112).
3. No grading, removal of vegetative cover and trees, paving or new structures will be permitted within the forest conservation easements (except as permitted by the Deed of Forest Conservation Easement).

Our decision was made based on the following:

Extraordinary Hardships or Practical Difficulties:

The owners of Lot 3 and the homebuilder were not aware of the additional 100' setback as required by WP-16-109. The proposed house was custom designed in accordance with the building restriction lines as shown on the recorded plat. The additional 100' setback was described in a note on both the recorded plat and supplemental drawing, but was not included as a building restriction line since it was a condition of alternative compliance approval and not a zoning setback. The owners have paid in full for a complete set of architectural plans for the proposed house. The owners have one year from the closing date on their loan to complete construction before incurring substantial penalties associated to permitting delays.

Any adjustments to the size of the 0.24 acre Forest Conservation Easement would render the easement in non-compliance due to the minimum size requirement of 10,000 square feet. This would result in the complete removal and replacement of the easement. The owners understand the requirements to protect the easement and have agreed to install a split rail fence across the front of the property to protect the forest conservation area.

Alternative Proposal

The proposed design does meet the required 100' setback from Forest Conservation Easement #1 in the rear of the property. The yard area in the rear of the house is typically considered the usable area of the property. The front yard area will be protected in an alternative manner by the installation of a split rail fence outside of the perimeter of Forest Conservation Easement #2.

Not Detrimental to the Public Interest

The proposed house will meet the required setback to Forest Conservation Easement #1 and will protect Easement #2 by the installation of a fence to prevent encroachments and disturbance to the forest resources.

Will not nullify the intent or purpose of the regulations

The intent to protect the forest conservation areas on Lot 3 will be achieved by providing the required 100' buffer in the rear of the property and by installing a split rail fence in the front yard which will prevent access and encroachments.

Indicate this alternative compliance petition file number, request, section of the regulations, action, conditions of approval and date on all related plats and building permits. This alternative compliance approval will remain valid for one year from the date of this letter or as long as a subdivision or building permit is being actively processed in accordance with the processing provisions of the Regulations.

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  
John M. Berger- JMB Homes