



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

September 11, 2017

Paul DiMarco
1751 S. Underwood Road
Sykesville, MD 21784

RE: WP-18-018 Willow Brooke

Dear Mr. DiMarco:

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 16.120(b)(6)(ii)(a), Section 16.120(b)(4)(i), Section 16.120(b)(4)(iii)(b), Section 16.115(c)(2) and Section 16.120(b)(5).**

Approval is subject to the following conditions:

1. The permitted disturbance to the floodplain is limited to the amount necessary to upgrade the existing culvert for the driveway crossing on Lot 4 as shown on the alternative compliance exhibit. No additional disturbance to the floodplain is permitted under this Alternative Compliance request.
2. The proposed houses on Lots 1-3 shall be situated as to provide at least 35' of usable rear yard between the proposed houses and the 65 dBA line.
3. An Environmental Setback shall be established on the final plat as 35' from the floodplain, stream buffer and any forest conservation easements on Lots 1-4. No principal structure will be permitted within the 35' Environmental Setback.
4. The pipestem of proposed Lot 3 may not exceed the length as shown on the alternative compliance exhibit, unless determined to be necessary by the Subdivision Review Committee.
5. A use-in-common driveway easement and maintenance agreement shall be prepared and recorded for proposed Lots 1-4 under the future subdivision plan.
6. No grading, removal of vegetative cover and trees, paving and new structures are permitted within the 100' streambank buffer.
7. Compliance with Development Engineering Division comments dated August 21, 2017. The lowest house floor elevation shall be set at a minimum of 2-feet above the design high water elevation. The proposed houses shall be relocated to maximize the distance from the 65dBA noise line to the building envelopes. Provide a general note on the record plat stating that the 65 dBA line exists in the rear yards.
8. Compliance with Department of Fire and Rescue Services comments dated November 17, 2015. A pull-off will be required at approximately midpoint of the driveway. An address sign shall be provided at the intersection of the driveway and Underwood Road clearly identifying all houses accessed from the driveway.

Our decision was made based on the following:

Extraordinary Hardships or Practical Difficulties:

The property currently contains a 1,060-foot-long pipestem which provides access from Underwood Road. In order to satisfy the minimum lot width of 200 feet required by the Zoning Regulations, the pipestem of proposed Lot 3 will exceed the maximum 1,500 foot length by less than 100 feet. Strict enforcement of the regulations would result in the loss of one lot, which is 25% of the total lots proposed.

Lot 1 is generally rectangular, while Lots 2-4 are irregularly shaped. The existing parcel is irregularly shaped and any subdivision of the property will yield irregularly shaped lots. It is not feasible to provide regular lot shapes while also satisfying the required 3-acre minimum lot size, meeting the minimum lot width and accommodating the approved well and septic areas.

The property currently contains a perennial stream, stream buffer and 100-year floodplain. The applicant is also proposing onsite forest conservation easements. Given the size of the property and its numerous environmental features, strict compliance with the Regulations would be an extraordinary hardship for the applicant and would result in the loss of two proposed lots.

The onsite floodplain is based on a 30-acre drainage area and is not associated with a regulated waterway. The applicant is proposing to upsize an existing culvert to cross the floodplain at the beginning of the 30-acre drainage area for the driveway of proposed Lot 4. The floodplain will be entirely located on Lot 4 and will not impact Lots 1-3. The property's developable area is severely limited due to the existing shape, environmental features and noise contour. Strict compliance with the Regulations would result in the loss of proposed Lot 4.

The subject property borders Interstate-70 to the south, a principal arterial highway. The applicant's noise analysis indicates that the unmitigated noise contour is located approximately 400 feet from the I-70 right-of-way, extending into the rear yards of proposed Lots 1-3. Several iterations were made to attempt to mitigate the noise, including barriers 8-12 feet in height along the property line adjacent to I-70. These variations all resulted in minimal to no effect on the noise contour. Other potential mitigation methods would be cost prohibitive for construction and maintenance. Construction of a noise wall would have minimal effect on the location of the 65 dBA line due to the topographic characteristics of the property and the linear source of the sound. The noise contour traverses the center of the property, which prohibits an arrangement of the lots that would keep the noise contour from extending into the rear yards.

Not Detrimental to the Public Interest:

The proposed lots were arranged to limit disturbances to the floodplain, stream and stream buffer. Allowing the pipestem of Lot 3 to be minimally longer than 1,500 feet will not have any detrimental effects on the public interest. A pull-off will be required at the midpoint of the driveway.

The subject property adjoins several lots that are irregularly shaped and allowing the new lots to also have irregular shapes will not have any detrimental effect on the public interest. The irregular shapes are a direct result of the existing parcel's configuration, environmental features and the locations of the approved well and septic areas.

The building envelopes will be located at least 35 feet from any environmental features onsite. This will allow for a usable yard and the proposed afforestation will provide additional buffering for the perennial stream.

The area of floodplain to be disturbed has no associated environmental components such as streams, wetlands or buffers. The floodplain area has been previously impacted by farming activities and routine mowing operations. Upsizing the existing culvert for the proposed driveway crossing will not be detrimental to the public interest.

Will not nullify the intent or purpose of the Regulations:

The pipestem of Lot 3 must exceed the maximum length in order to provide the minimum lot width and greater protection of the environmental features located onsite. This is a direct result of the existing parcel's configuration and the proposed design is consistent with the intent of the Regulations.

The proposed irregular lot shapes will not nullify the intent of the Regulations. Lots 2-4 are proposed to be approximately 3.6 and 5.1 acres in size, which will be large enough to provide ample yard space. The large lot sizes will allow the lots to be usable regardless of the proposed irregular shapes. The proposed houses will be grouped together and linearly aligned, as is typical for other neighborhoods.

The building envelopes of the proposed lots will be located 35 feet from the environmental features. This will ensure that the lots have sufficient usable areas while respecting the environmental features. The proposed afforestation will provide additional buffering for the perennial stream.

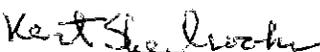
The petitioner will be required to provide an engineered channel on Lot 2 to act as a precautionary conveyance if the floodplain were to breach its known limits. This will provide adequate flood protection for the houses on Lots 2-3. The lowest house floor elevation will be required to be a minimum of 2 feet above the design high water elevation. Since the floodplain is not associated with any regulated waterways, the disturbance will not have any adverse environmental impacts.

Given that the potential noise barriers would be either ineffective or cost prohibitive, noise mitigation is not possible. An adequate rear yard, approximately 40-70 feet, will be provided between the proposed houses on Lots 1-3 and the 65 dBA noise line. Each lot will have approximately one acre of usable area around its respective house outside of the noise contour. This alternative will satisfy the intent and purpose of the Regulations.

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 plan 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.

Sincerely,


Kent Sheubrooks, Chief
Division of Land Development

KS/eb

cc: Research
DED
Real Estate Services
Benchmark Engineering