

Howard County Department of Planning and Zoning
Division of Land Development
WAIVER PETITION APPLICATION

Date Submitted/Accepted 12/8/05 DPZ File Number DP-06-058

I. Site Description

Subdivision Name/Property Identification: THALER ESTATES, LOT 1A RESIDUE, LOTS 7 & 8
Location of property: 13550 TRIADAPLHIA MILL ROAD
(Street Address and/or Road Name)

SINGLE FAMILY RESIDENTIAL
(Existing Use)

2B
(Tax Map No.)

RR
(Zoning District)

20
(Grid/Block No.)

SINGLE FAMILY RESIDENTIAL
(Proposed Use)

64
(Parcel No.)

33.18 ACRES ±
(Total Site Area)

5th
(Election District)

Provide a brief site history including reference to all previously submitted or currently active plans on file with the County (subdivision plans, Board of Appeals petitions, waiver petitions, etc.)

F 00-58 HEDGEROW ESTATES (RESUB LOT 2B) AND LOTS 1-4

F 00-59 THALER ESTATES LOT 1-3 AND CEMETERY LOT 4

F 01-81 THALER ESTATES LOT 5-6 (RESUB OF LOT 3)

II. Waiver Request

In accordance with Section 16.104 of the Howard County Subdivision and Land Development Regulations, the Department of Planning and Zoning, in conjunction with the Subdivision Review Committee may grant waivers or modifications to the minimum requirements stipulated within the Regulations if it is determined that extraordinary hardships or practical difficulties may result from strict compliance with the regulations, or if it is determined that the regulations may be served to a greater extent by an alternative proposal.

In the area below, the petitioner shall enumerate the specific numerical section(s) from the Subdivision and Land Development Regulations for which a waiver is being requested and provide a brief summary of the regulation. Attach a separate sheet if additional information is appropriate.

Section Reference No.	Summary of Regulation
1. <u>SECTION 16.116(2)(2)</u>	<u>PROTECTION OF WETLANDS, STREAMS AND STEEP SLOPES</u>
2. <u>SECTION 16.120(b)(4)(iii)</u> <u>(b)</u>	<u>LOT LAYOUT</u>
3. _____	_____
4. _____	_____
5. _____	_____

III. **Justification** (if additional space is needed for justification, please attach to the application)

All waiver requests must be fully justified by the petitioner. Incomplete or inadequate justification may result in rejection of the application. Justification must be specific to the subject property. The justification provided by the petitioner should include all factors which rationalize or substantiate the request in accordance with the following criteria:

- a. Summarize any extraordinary hardships or practical difficulties which may result from strict compliance with the Regulations.
- b. Verify that the intent of the Regulations will be served to a greater extent through the implementation of the alternative proposal.
- c. Substantiate that approval of the waiver will not be detrimental to the public interests.
- d. Confirm that approval of the waiver will not nullify the intent of the Regulations.

SEE ATTACHED ADDENDUM

IV. **Pre-Submission Meeting Requirements**

- a. **HDC Meeting Requirement** - A pre-submission advisory meeting with the Historic District Commission is required for new development located within a Historic District or if the site is listed in the Historic Sites Inventory in accordance with Section 16.605 of the Howard County Code. Verify this requirement by checking the Historic Sites Inventory list and maps available at the DPZ public service desk. The property owner/developer must contact the DPZ, Division of Public Service and Zoning Administration for the HDC scheduling process and procedures. **The property owner/developer must submit a copy of the minutes from the HDC Advisory Meeting to DPZ along with the initial subdivision or site development plan application.**
- b. **MAA Meeting Requirement** - For all proposed subdivisions or developments located within the BWI Airport Noise Zone or the Airport Zoning District (4 mile radius from the center of the airport), the review and approval by the Maryland Aviation Administration is required prior to signature approval of final plan road and SWM construction drawings, and/or site development plans, or waiver approval of SDP. Please contact the MAA at P.O. Box 8766, BWI Airport, Maryland, 21240-0766, or (410) 859-7100. A copy of the MAA approval letter must accompany the submission of the final road/SWM construction plan original drawings, and/or site development plan original, or waiver petition application.

ADDENDUM TO WAIVER PETITION APPLICATION

On behalf of our client, Michael Londner, LDE provides the following waiver request. The Petitioner seeks relief from *Section 16.116: Protection of Wetlands, Streams and Steep Slopes* and *Section 16.120: Lot Layout* to create two (2) residential lots from the 33 acre residue Lot 1 (Thaler Estates / Plats 14436 and 14437).

1. Project Background: The Lot 1 residue comprises the remainder parcel from previous subdivisions: Hedgerow Estates (resubdivision of Lot 28) and Lots 1-4 (F00-58), Thaler Estates Lots 1-3 and Cemetery Lot 4 (F00-59) and Thaler Estates Lots 5 and 6 (resubdivision of Lot 3) (F01-81). The 33.1836 acre parcel is improved by a two story brick dwelling, detached garage, detached pool house and pool, tennis court and two (2) barns. Tax records indicate the main house was constructed in 1865. The owner has spent considerable time and resources renovating the main house and constructing new improvements. The completed architecture offers a finished product that compliments the site's natural setting. A long curvilinear driveway provides vehicular access to the site improvements from Triadelphia Mill Road, a minor collector roadway.

The site's topography consists of moderate to moderately steep slopes that drain to two unnamed tributaries of Triadelphia Reservoir. The project areas associated with these tributaries contain wetlands, flood plain and are primarily wooded. The remainder of the site is open pasture which surrounds the project improvements. During the course of the previous subdivisions of the RR zoned property, portions of the residue parcel have been encumbered by Forest Conservation Easements.

2. Project Proposal: The owner desires to create two (2) new 3 acre lots within the southeast quadrant of the site. This area is bounded on the rear by a perennial stream system with associated wetlands, buffers and 100 year floodplain flowing to the southwest. A second perennial stream system bisects the front portion of the project area and flows east to west. The lot area is also crossed by a 60 foot Atlantic Seaboard right-of-way for a gas transmission main. This right-of-way crosses the site area in a northwest to southwest direction. The project area is presently a recorded Forest Conservation Retention Easement comprising 7.130 acres.

Utilizing the RR zone building setbacks and the environmental buffer subdivision setbacks, a significant buildable envelope is located on an elevated knoll between the two stream systems. The owner has performed percolation testing establishing viable sewage disposal areas and well sites for two (2) building sites. Access to the building sites from Triadelphia Mill Road will be provided by a shared use-in-common driveway. The proposed driveway will cross the 75 foot stream buffer above the headwater of the previously mentioned second stream system. Lot areas used for the proposed buildings will pay a fee-in-lieu for loss of forest conservation easement. Undisturbed forest conservation areas located on the proposed lots will be retained with the stream buffers. The remaining residue of Lot 1 would be placed in a conservation easement administered by the Howard County Conservancy.

3. Waiver Request: The owners request relief from *Section 16.116: Protection of Wetlands, Streams and Steep Slopes* and *Section 16.120: Lot Layout*. The specific relief requests creation of a use-in-common driveway for vehicular access from Triadelphia Mill Road to the two (2) proposed lots. The location of the driveway crossing has been placed above the streams headwaters in such a manner to minimize stream buffer disturbance. The impacted environmental area does not contain wetlands or floodplain. Additional relief requests placement (retention) of forest conservation easements on lots less than 10 acres in size.

4. Waiver Justification: Strict compliance with the regulations would result in a substantial injustice to the owner. The owner would be unable to make reasonable use of his property due to practical difficulties. The area to be developed as two (2) new lots is encumbered with environmental features and their buffers to the north, south and west. The area is further restricted by the position of an existing 60 foot transmission right-of-way for a gas main. The proposed development of the lots and access driveway has been placed in locations which minimizes disturbance to the environmental features and their buffers.

The alternative proposal provides compliance as necessary disturbance in conformance with *Section 116.c*.

1) The disturbance to the stream buffer is necessary for construction of a use-in-common driveway for vehicular access to the proposed lots.

2). The location of the use-in-common driveway is placed above the headwaters of the secondary stream system minimizing impact to environmental features and minimizing grading disturbance.

3). No other reasonable alternative can be provided. As an alternative, moving the proposed entrance to the west would create greater downstream impacts to the existing stream systems wetland and stream buffers. Utilizing the existing driveway to #13550 (ex-house) would also create greater downstream impacts by construction of a proposed use-in-common driveway for the lots parallel to the stream system (buffer) and reconstruction of the existing 30" driveway culvert.

4). The proposed development of the two lots does not increase or maximize the residential density permitted by the Zoning Regulations. The gross density of Lot 1 could be 11 – 3 acre lots.

5). The alternative proposal demonstrates that the grading, removal of trees / vegetative cover and construction is only that which is required to accommodate the residential access and improvements.

The alternative proposal provides protection of environmental resources by allowing minimal disturbance and permitting placement of forest conservation easements over the same protected environmental features. The permitted easements continue protection of existing areas of forest retention within the stream buffers. The owner will pay the required fees for the building areas removed from easement protection. The owner will also place the remaining residue lot of 26 acres under a protective conservation easement administered by the Howard County Conservancy.

While the existing dwelling structure (#13550) is not identified by Howard County as a historical resource, the structure's date of construction (1865) and the nature of the improvements and site setting provides substantial compliance with *Section 16.118: Protection of Historic Resources*. As previously mentioned, the residue lot will be protected as part of the development proposal. (See site photos of existing improvements.)

Approval of the Waiver Request will not be detrimental to the public interests. The public's interest will be secured. Public safety and public health issues will be addressed. Relief can be granted in such a manner without substantial injury to the public health, safety and general welfare. Approval of the Waiver Request will not nullify the intent of the regulations.

Relief can be granted in such a manner that the spirit of the Subdivision Regulations will be observed and public safety and welfare secured.

V. Plan Exhibit

A. Number of Copies Required

The waiver petition application must be accompanied by copies of a detailed plot plan, subdivision plat or site development plan (**14 sets of the completed waiver application and plan exhibit if the subject property adjoins a County road; 18 sets for properties adjoining a State road**). In instances where the waiver request concerns an approval extension or if an associated plan is in active processing, only 2 sets of plans are required along with 14 or 18 copies of the application form. **Plans must be folded to a size no larger than 7-1/2" x 12". The pre-packaging of plans and supplemental reports by SRC agency will be permitted by DPZ provided that each package contains a cover letter which itemizes all plans, reports and documents included in the package.**

Please be advised that all plan application submissions are ACCEPTED BY APPOINTMENT ONLY. All plan submission appointments must be scheduled with the Division of Land Development at (410) 313-2350.

B. Plan Requirement Checklist

The detailed waiver petition exhibit, plot plan, subdivision plan or site development plan must indicate the following required information relevant to the waiver request to ensure acceptance of the waiver petition application for processing.

Legend:	<u>T</u> Information Provided	<u>X</u> Information Not Provided, Justification Attached
	<u>NA</u> Not Applicable	

- ✓ 1. Vicinity map scale 1" = 2,000' indicating and identifying the total boundary of the property, exact site location, vicinity roads and north arrow.
- ✓ 2. Bearings and distances of property boundary lines for the entire tract and size of tract area.
- ✓ 3. North arrow and scale of plan.
- ✓ 4. Location, extent, boundary lines and area of any proposed lots.
- ✓ 5. Any existing or proposed building(s), structures, points of access, driveways, topography, natural features and other objects and/or uses on the subject and adjacent properties which may be relevant to the petition; i.e. historic structures, cemeteries or environmentally sensitive areas.
- ✓ 6. Delineation of building setback lines.
- ✓ 7. Delineation of all existing public road and/or proposed street systems.
- ✓ 8. Identification and location of all easements.
- ✓ 9. Approximate delineation of floodplain, streams, wetland and forested areas, if applicable, and/or provide a professional certification that environmental features do not exist on the property.
- NA 10. Road profile to evaluate sight distance, if the application includes a request for direct access to a major collector or more restrictive roadway classification.
- ✓ 11. Any additional information to allow proper evaluation (e.g. for waivers to wetland buffers an alternative analysis and mitigation proposal are needed; for waivers to SDP requirements where there is no subdivision of land, an APFO Roads Test evaluation may be needed).
- ✓ 12. Photographs, perspective sketches or cross-sections as necessary to adequately portray the waiver request.
- ✓ 13. The exhibit plans should be highlighted to accurately illustrate the requested waiver(s) to allow proper evaluation (i.e. proposed grading, tree clearing or other disturbances within environmentally sensitive areas or buffers).
- ✓ 14. Submit 2 sets of photographs for all existing on-site structures.
- ✓ 15. Identify the location of any existing wells and/or private septic systems.

N/A

16. Route 1 Manual

Compliance with the Route 1 Manual is required for new development and some alterations or enlargements located in the CE, TOD and CAC zoning districts and for other zoning districts located within the Route 1 corridor. All plan submissions, beginning with the initial subdivision or site development plan, shall show all applicable streetscape, site and building designs responding to the Route 1 Manual's requirements and recommendations. All plan submissions shall provide a written summary of how the proposed design achieves the objectives of the Route 1 Manual. Also, building design and schematic architectural elevation details must be included with the initial subdivision or site development plan submission.

VI. **Fees**

The Waiver Petition application fee shall be in accordance with the adopted fee schedule. All checks shall be made payable to the *Director of Finance*. **The petition will not be accepted for processing until the fee has been paid. Incomplete, incorrect or missing information may result in the rejection of the application** and could cause additional time to be required to revise the petition for resubmittal and re-review. For more information or questions, contact DPZ at (410) 313-2350.

VII. **Owner's/Petitioner's Certification**

I/WE the undersigned fee simple owner(s) hereby make application to the Howard County Department of Planning and Zoning to relax the minimum requirements of the Howard County Subdivision and Land Development Regulations. The undersigned hereby certifies the information supplied herewith is correct and complete, confirms that the regulations and policies as referred to in the attached are understood, and authorizes periodic on-site inspections by the Howard County Subdivision Review Committee agencies. ***If the applicant is the owner's agent, written documentation from owner granting that authority is required.**

☒ Owner's authorization attached *


(Signature of Property Owner)
(Fee Simple Owner Only) **AGENT**

12/7/05
(Date)

MICHAEL S. LONDNER
(Name of Property Owner)

38350 SLEEPY HOLLOW LANE
(Address)

HAMILTON, VA. 20158
(City, State, Zip Code)

E-Mail MILONDNER@JHMI.EDU

410 977 0895
(Telephone)

—
(Fax)

Contact Person: GREGORY PHILLIPS (AGENT)
DL/DWP 14059 HIGHLAND ROAD
CLARKSVILLE, MD 21029
410 977 0864


(Signature of Petition Preparer) *

12/7/05
(Date)

BRUCE D. BURTON P.E. / LDE, INC.
(Name of Petition Preparer, Surveyor/Engineering or Agent/Developer)

9250 RUMSEY ROAD #106
(Address)

COLUMBIA, MD. 21045
(City, State, Zip Code)

E-Mail Bburton@ldeinc.net

410 715 1070
(Telephone)

410 715 9540
(Fax)

Contact Person: BRUCE BURTON

Oct. 26. 2005 4:48PM

No. 6644 P. 2

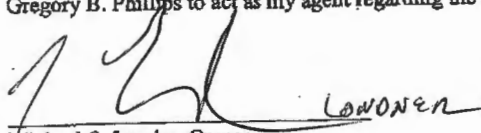
October 26, 2005

Ms. Cindy Hamilton, Chief
Division of Land Development
Department of Planning and Zoning
3430 Courthouse Drive
Ellicott City, MD 21043

Re: Thaler Estates Waiver Petition
Letter of Authorization
#13550 Triadelphia Mill Road

Dear Ms. Hamilton:

I, Michael S. Londer, owner of the property known as 13550 Triadelphia Mill Road, hereby authorize Gregory B. Phillips to act as my agent regarding the attached Waiver Petition Application.


Michael S. Londer, Owner

Howard County Department of Planning and Zoning
Division of Land Development

**INITIAL SUBMISSION
WAIVER PETITION WORKSHEET**
(For DPZ Use Only)

Project Name _____ DPZ File No. _____
DPZ Plan Reviewer _____ Submission Date _____
Plan Consultant Representative _____ Time _____

- I. **Application Requirements** *Indicate Yes, No or N/A*
- a. Application is complete _____
- b. Required number of plans and applications are provided _____
 _____ Plans (14 sets on County Road or
 _____ Applications 18 sets on State Road)
- c. Supplemental Information is provided _____
- d. Certification of pre-submission HDC advisory meeting for new projects in
 Historic District or listed in Historic Sites Inventory _____
- e. Photographs of existing structures (for Historic Preservation Review) _____
- f. MAA Approval Letter (if applicable) _____
- g. Written summary of Route 1 manual compliance (if applicable) _____

- II. **Fee Computation** **Fee**
- Number of waivers requested _____
- * Base Fee for first two waiver sections (\$450) _____
- Fee for each additional waiver section (____ additional waivers x \$50 each) _____
- * (Maximum fee of \$350 for Agricultural Preservation parcels)

TOTAL _____

III. **Certification**

Cash Receipt No. _____ Account #011-005-4201 Amount _____

Check issued by _____

____ Waiver petition application is accepted for processing.

____ Scheduled SRC meeting date.

____ Waiver petition application is rejected.

Reason: _____

____ Resubmission is accepted. Date _____ Staff initials _____

Comments/Notes _____



FRONT VIEW OF EXISTING HOUSE #13550
FROM EXISTING DRIVEWAY



REAR VIEW OF EXISTING HOUSE #13550
(LOOKING SOUTH WEST)

LDE *INC.*

Planning/Engineering/Surveying

9250 Rumsey Road Suite 106/Columbia, Maryland/21045

(410)715-1070 (Balto.)/(301)596-3424(Wash.)/(410)715-9540 FAX

Title: THALER ESTATES
LOTS 7, 8 AND
RESIDUE OF LOT 1

Date: 12/05 Drawn: CAD

Scale: N/A LDE Job No:
05-23 Sheet:
1 OF 8



SIDE VIEW OF EXISTING HOUSE #13550
(LOOKING NORTH)



REAR VIEW OF EXISTING HOUSE #13550
(LOOKING NORTHERLY)

LDE INC.

Planning/Engineering/Surveying

9250 Runsey Road Suite 106/Columbia, Maryland/21045

(410)715-1070 (Balto.)/(301)596-3424(Wash.)/(410)715-9540 FAX

Title: THALER ESTATES
LOTS 7, 8 AND
RESIDUE OF LOT 1

Date: 12/05

Drawn: CAD

Scale: N/A

LDE Job No:
05-23

Sheet:
2 OF 8



FRONT VIEW OF EXISTING POOL HOUSE
(LOOKING WEST)



REAR VIEW OF EXISTING POOL HOUSE
(LOOKING EAST)

LDE INC.

Planning/Engineering/Surveying

9250 Rumsey Road Suite 106/Columbia, Maryland/21045

(410)715-1070 (Balto.)/(301)596-3424(Wash.)/(410)715-9540 FAX

Title: THALER ESTATES
LOTS 7, 8 AND
RESIDUE OF LOT 1

Date: 12/05 Drawn: CAD

Scale: N/A LDE Job No:
05-23

Sheet:
3 OF 8



VIEW OF TENNIS COURT & ENTRANCE ARBOR
(LOOKING EAST)



VIEW INTO SERVICE AREA LOOKING NORTH

LDE INC.

Planning/Engineering/Surveying

9250 Rumsey Road Suite 106/Columbia, Maryland/21045

(410)715-1070 (Balto.)/(301)596-3424(Wash.)/(410)715-9540 FAX

Title: THALER ESTATES
LOTS 7, 8 AND
RESIDUE OF LOT 1

Date: 12/05 Drawn: CAD

Scale: N/A

LDE Job No:
05-23

Sheet:
4 OF 8



VIEW OF EXISTING BARNs
(LOOKING WESTERLY)



VIEW OF EXISTING BARNs
(LOOKING NORTHWESTERLY)

LDE INC.

Planning/Engineering/Surveying

9250 Rumsey Road Suite 106/Columbia, Maryland/21045

(410)715-1070 (Balto.)/(301)596-3424(Wash.)/(410)715-9540 FAX

Title: THALER ESTATES
LOTS 7, 8 AND
RESIDUE OF LOT 1

Date: 12/05 Drawn: CAD

Scale: N/A

LDE Job No:
05-23

Sheet:
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VIEW OF EXISTING SHED AND FUEL PUMP
(LOOKING SOUTHERLY)



VIEW OF EXISTING SHED AND BARNs
(LOOKING SOUTHERLY)

LDE_{INC.}

Planning/Engineering/Surveying

9250 Runsey Road Suite 106/Columbia, Maryland/21045

(410)715-1070 (Balto.)/(301)596-3424(Wash.)/(410)715-9540 FAX

Title: THALER ESTATES
LOTS 7, 8 AND
RESIDUE OF LOT 1

Date: 12/05 Drawn: CAD

Scale: N/A

LDE Job No:
05-23

Sheet:
6 OF 8



REAR VIEW OF BARNs AND SERVICE AREA
(LOOKING WESTERLY)



FRONT VIEW OF GARAGE
AND NORTH SIDE VIEW OF HOUSE

LDE INC.

Planning/Engineering/Surveying

9250 Rumsey Road Suite 106/Columbia, Maryland/21045

(410)715-1070 (Balto.)/(301)596-3424(Wash.)/(410)715-9540 FAX

Title: THALER ESTATES
LOTS 7, 8 AND
RESIDUE OF LOT 1

Date: 12/05 Drawn: CAD

Scale: N/A LDE Job No: 05-23 Sheet: 7 OF 8



VIEW OF EXISTING POOL, POOL HOUSE AND BARN
(LOOKING NORTHWESTLY)



VIEW OF POND
FROM REAR OF EXISTNG HOUSE #13550
(LOOKING SOUTHEAST)

LDE INC.

Planning/Engineering/Surveying

9250 Rumsey Road Suite 106/Columbia, Maryland/21045

(410)715-1070 (Balto.)/(301)596-3424(Wash.)/(410)715-9540 FAX

Title: THALER ESTATES
LOTS 7, 8 AND
RESIDUE OF LOT 1

Date: 12/05

Drawn: CAD

Scale: N/A

LDE Job No:
05-23

Sheet:
8 OF 8