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| DataBase | No. | | |
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HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

Division of Land Development

| DATE: _ | December 9, 2009 | | | DPZ File No. WP-10-075 | |
|---------|--|---|----------|---|--|
| Departr | nent of Planning and Zoning Transportation Planning Resource Conservation (Historic/Ag Pres) Public Service and Zoning Administration Research Address Coordinator | | 2 | Comprehensive & Community Planning Development Engineering Division Other File See: N/A | |
| Agencie | | | | Tou Accessorate | |
| 1 1 | Soil Conservation District Department of Inspections, Licenses & Perr Department of Fire and Rescue Services State Highway Administration Health Department Public School System Recreation and Parks WSSC (Non-Residential Only) MD Aviation Administration | | | Tax Assessment Verizon BGE Cable TV Police MTA Finance DPW, Real Estate Services DPW, Construction and Inspection DPW, Bureau of Utilities | |
| RE: | | | | –13170 Triadelphia Mill Road | |
| | SED FOR YOUR Signature | Approval | | | |
| THE EN | CLOSED = Original | | | Pre-Packaged Plan Set | |
| Plans | Sketch Plan Prel Equiv Sketch Plan Preliminary Plan Final Plat/Plat of Easement/RE Plat Final Constr Plans (RDS) Final Development Plan Site Development Plan Site Development Plan Landscape Plan/Supplemental Plan Grading Plan House Type Revision/Walk-Thru Red-Line Water and Sewer Plan ons Waiver Petition Applic/Exhibit Planning Board Application ASDP/CSDP Application DED Application/Checklist DED Fee Receipt/Deeds/Cost Estimate Overall Scaled Composite Water & Sewer Plans List of Street Names | # of Plans | | Supplemental Documents Wetlands Report Soils/Topo Map/Drain Area Map FSD/FCP/Worksheet and Application Declaration of Intent (Forest Cons) Drainage and/or Computation/Pond Safety Comp Preliminary Road Profiles APFO Roads Test/Mitigation Plan/Traffic Study Noise Study ✓ Sight Distance Analysis/Speed Flow Study Floodplain Study Stormwater Management Comps/Geo-Tech Report Industrial Waste Survey (DPW) Road Poster Form Letter ✓ Justification Letter Perc Plat Scenic Road Exhibits ✓ Deeds ✓ Photographs Retaining Wall Comps/Details Poster/Community or HDC Meeting Information Route 1 Details/Summary | |
| WAS: | | Tentatively Approv Approved | ed | Recorded On December 9, 2009 | |
| СОММЕ | | 200 • • • • • • • • • • • • • • • • • • | | Due- 17 Working Days: January 12, 2 | |
| The | 1K | nt of Planning and | d Zonina | ng if plan is approved with no comments. | |

| I KOSCET OTTEL | | | | - | - | | |
|----------------|---|--|--|---|-------|--|------|
| 1 | 1 | | | | | | |

Howard County Department of Planning and Zoning Division of Land Development

WAIVER PETITION APPLICATION

| Dat | te Submitted/Accepted 2 9 09 | DPZ File Number <u>WP-10-075</u> | | | | | | | |
|-----|---|---|--|--|--|--|--|--|--|
| ١. | Site Description | | | | | | | | |
| | Subdivision Name/Property Identificati | On: PROPERTY OF NADU A. TURKLI REVOCABLE TRUST | | | | | | | |
| | Location of property: 13170 II | ELADELPHIA MILL RO | | | | | | | |
| | | eet Address and/or Road Name) | | | | | | | |
| | RESIDENTIAL (1 HOUSE) | RESIDENTIAL (ZLOTS, ZHOUSES) | | | | | | | |
| | (Existing Use) | (Proposed Use) | | | | | | | |
| | 54 5 | 5 <u>1/1</u> | | | | | | | |
| | (Tax Map No.) (Grid/Block No. | 17 12 23 | | | | | | | |
| | KR-VEO | - 1.4913 M.I | | | | | | | |
| | (Zoning District) | (Total Site Area) | | | | | | | |
| | | ference to all previously submitted or currently active planson file with | | | | | | | |
| | the County (subdivision plans, Board of | of Appeals petitions, waiver petitions, etc.) | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| II. | Waiver Request | | | | | | | | |
| | In accordance with Section 16.104 of the HowardCounty 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. | | | | | | | | |
| | | enumerate the specific numerical section(s) from the Subdivision and nich a waiver is being requested and provide a brief summary of the additional information is appropriate. | | | | | | | |
| | Section Reference No. | Summary of Regulation | | | | | | | |
| | 1. 16.116(a)3) | REQUIRING WETLANDS, STREAMS AND THEIR BUFFERS TO BE | | | | | | | |
| | 201. 7.7.7 | ON CHEN SPACE OR PRESERVATION PARCELS | | | | | | | |
| | 2. 16.120(b)(4)(111)b. | REQUIRING RESIDENTIAL LOTS TO BE 10 ACRES OR GREATER TO | | | | | | | |
| | 3. 16.120(B)(6)(vi) | ALIOW PRESENCE OF FOCOPUTIONS, WETLANDS, GREAMS AND THEIR BUFFERS PROHIBITING A DRIVEWAY FROM BEING LOCATED WITHIN 10' OF | | | | | | | |
| | | A PREJECT ROUDARY | | | | | | | |
| | 4. | | | | | | | | |
| | 5. | | | | | | | | |
| | | | | | | | | | |

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 whib rationalize or substantiate the requestin accordance with the following criteria:

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

| PLANESSEATTACHEDL | STEPP | | |
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IV. Pre-Submission Meeting Requirements



HDC Meeting Requirement - A pre-submission advisory meeting with the 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 Zoning Administration for the HCD

the waiver petition application submission, if applicable.

service desk. The property owner/developer must contact the DPZ, Division of Public Service and 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.



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 appeal of final plan road and SWM construction drawings, and/osite 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.



Design Advisory Panel (DAP) - For projects requesting a waiver of the SDP requirement for any proposed building or site improvements, a pre-subnission advisory meeting with the Design Advisory Panel may be required for new development or redevelopment projects on parcels locatein the U.S. Route 1 corridor that are zoned 'CE', 'CAC' or 'TOD' or that adjoin the Route 1 right-of-way and that are subject to the Route 1 Design Manual in accordance with Sections 16.1501 and 16.1504 of the Howard County Code (CB Nos. 24-2008 and 25-2008). The property owner/developermust contact the DPZ, Division of Comprehensive and Community Planning to verify this requirement information concerning the DAP meeting scheduling process and procedures. owner/developer must submit a copy of the DAP project design recommendation to DPZ along with



Historic District

V. Plan Exhibit

A. Number of Copies Required

The waiver petition application must be accompanied by opies of a detailed plot plan, subdivision plat or site development plan (7 sets of the completed waiver application and plan exhibit if the subject property adjoins a County road; 11 sets for properties adjoining a State road). In instances where the waiver request concerns an approval extension or if an associated plais in active processing, only 2 sets of plans are required along with 7 or 11 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 app lication submissions are ACCEPTED BY

APPOINTMENT ONLY. All plan submission appointments must be scheduled with the Division of Land Development at (410) 313-2350.

Plan applications are available on the DPZ website at formsfeesapplications.htm.

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.

http://www.co.ho.md.us/DPZ/

B. Plan Requirement Checklist

The detailed waiver petition exhibit, plot plan, subdivision pla 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: | T_ In: _NA_ | formation Not Appli | Provided J | ustification | _X Informatio | n Not Provided, Attached | |
|------------|--|------------------------|---------------------------|-------------------------------|----------------------------|--|---|--------------------------|
| 1 | | 100 | 1" = 2,000' ads and no | | nd identifyin | g the total bound | dary of the property | y, exact site |
| 1 | in the State of th | | | | ary lines for | the entire tract a | and size of tract are | ea. |
| 4 | | | cale of plan | | of any prop | and late | | |
| V | T. LUCALION, S. Anv existi | | | es and area | | | eways, topography | v natural |
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| / | | | | | | nvironmentally se | | |
| 1/ | | | ding setbac | | | | | |
| V | | | | | | I street systems. | | |
| 1 | | | | all easements | | - d d - f d- d | areas if applicab | lo and/or |
| ~ > | | | | | | | areas, if applicab exist on the proper | |
| <u> </u> | Road prof | file to eva | aluate sight | | he applicati | on includes a re | quest for direct acc | |
| 1 | | | | | | | to wetland buffers | an |
| - | alternative there is no | e analysi o subdivi | s and mitigation of land | ation proposa I, an APFO F | al are neede Roads Test | ed; for waivers to evaluation may b | SDP requirement be neededfor waive | ts where ers of final |
| 1 | | | | | | | us of property is ne | |
| <u>~</u> ; | Photograph request. | ohs, pers | spective ske | tches or cro | ss-sectons | as necessary to a | adequately portray | the waiver |
| / | | it plans | should be h | ahlighted to | accurate ill | ustrate the reque | estedwaiver(s) to al | low proper |
| | | | | | | | rithin erivonmentally | |
| , | areas or b | ouffers). | TA XXXX | Section 1 | | | | |

| 14 | N/A 16. | 크로 100kg 회에 특히 USC 100 100 100 m 요시를 맞았어요? 그리를 하시어 있는데 200 대한 USC | quired for new development and some alterations or |
|------|--------------|---|--|
| | | within the Route 1 corridor. All plan submis development plan, shall show all applicable | streescape, site and building designs responding to the |
| | | | mendations. All plan submissions shall provide a written |
| | | | ves the objectives of the Route 1 Manual. Also, building on details must be included with the initial subdivision or |
| | | site development plan submission. | Tradition That be included with the milital subdivision of |
| | 17 | | ne legal creation or status of the property to be improved |
| | | , , , , | d Records Office or record plat name and recording |
| | | | logical deed history is required for all deeded of the recorded deeds for the subject property tracing |
| | , | its history back to 1960. | of the recorded deeds for the subject property fracing |
| | N/A 18. | Please complete the following: | |
| | 7 | A pre-submission meeting was he | [.1-1-] |
| | | [DPZ, Director, DLD Division Chief or other | EDMONDSON if applicable. |
| M | Fees | | |
| VI. | | iver Detition application for shall be in access | dense with the adented for eahadule. All absoluted like |
| | | 5.5 | dance with the adopted fee schedule. All checkshall be ion will not be accepted for processing until the fee |
| | | - (요즘) | ing information may result in the rejection of the |
| | | | equiredo revise the petition for resubmittal and re-review. |
| | For mor | re information or questions, contact DPZ at (| 410) 313-2350. |
| VII. | | s/Petitioner's Certification | |
| | | | aske application to the Howard County Department of |
| | | g and Zoning to relax the minimum requirem | ents of the Howard County Subdivision and Land certifis the information supplied herewith is correct and |
| | | 를 보고 있는 것으로 1 Hard 다른 사람들이 되었다. 그는 사람들은 바다를 하는 것이 되었다면 하는 것이다. 그리고 있다면 다른 사람들이 없는 것이다. | s as referred to in the attached are understood, and |
| | | | rd County Subdivision Review Committee agencies. *If |
| | 0.70 | | umentation from ow ner granting that authority is |
| | require | | |
| | / | Owner =s authorization attach | ed " |
| | An. | e of Property Owner) 1 3 0 (Date) (Signature | (Doct shamalers utistor |
| - | (Signature | | of Petition Preparer) * (Date) |
| | (ree Simple | Owner Only) | G SCOTT SUNDABORGER |
| | MAD | VI II VIOIT VO | SHADABGEGER & LAVE |
| | (Name of F | Property Owner) | (Name of Petition Preparer, Surveyor/Engineering or Agent/Developer |
| | 1360 | 3 Gilbride Lane | 50176 701 |
| | (Address) | | Address) |
| | Cla | uksville MD 21029 | ELLICOTT CITY, MD. ZIOB |
| | (City, State | e Zin Code) | (City, State, Zip Code) |
| | E-N | Mail RLSanche @ aul. com | E-Mail home chancere.com |
| | (Telephone | 465 7627 | (40)460-9763 $(40)460-9693$ (Fax) |
| | | 1 | 0/ |
| | Contact | Person: Koberto Sanchez | Contact Person: TOOK THOUGHT |

Howard County Department of Planning and Zoning Division of Land Development

INITIAL SUBMISSION WAIVER PETITION WORKSHEET

(For DPZ Use Only)

| Pro | ject Name | DPZ File No. | |
|------|--|---------------------|-------------|
| DPZ | Z Plan Reviewer | Submission Date | |
| Plai | n Consultant Representative Tin | ne | |
| l. | Application Requirements a. Application is complete b. Required number of plans and applications are provided | | |
| | Plans (7 sets on County Road of Language Plans (7 sets on State Road) Supplemental Information is provided | | |
| | d. Certification of pre-submission HDC advisory meeting for Historic District or listed in Historic Sites Inventory e. Photographs of existing structures (for Historic Preservation) | | |
| | f. MAA Approval Letter (if applicable) | | |
| | g. Written summary of Route 1 manual compliance (if applications) | able) | |
| | h. DAP project design recommendation for Route 1 projects | | |
| II. | Fee Computation Number of waivers requested | | Fee |
| * | 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 | 144 |
| | | | |
| III. | Certification Cash Receipt No Account #011-00 | 05-4201 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 | | |

SHANABERGER & LANE

Surveying • Land Planning • Construction Stakeout

December 4, 2009

Mr. Kent Sheubrooks, Chief Division of Land Development Howard County Department of Planning and Zoning 8930 Stanford Blvd. Columbia, Maryland 21045

RE:

Waiver Request

Property of Nadu A. Tuakli Revocable Trust (no file number yet assigned)

Dear Mr. Sheubrooks:

This letter is written to supply justification of a request for a waiver of 3 Sections of the Subdivision and Land Development Regulations connected with a subdivision plan for the Property of Nadu A. Tuakli Revocable Trust. The property is located at 13170 Triadelphia Mill Road, Tax Map 34, Grid 3, Parcel 6. The specific sections for which waivers are requested are as follows:

<u>Section 16.116.(a)(3)</u> --- Requiring wetlands, streams, and their buffers to be on Open Space or Preservation Parcels.

<u>Section 16.120.(b)(4)(iii)b.</u> --- Requiring residential lots to be 10 acres or greater in size to allow the presence of floodplains, wetlands, streams, and their buffers to be on those lots.

<u>Section 16.120.(b)(6)(vi)</u> --- Prohibiting a driveway from being located within 10 feet of a project boundary.

I believe the proposed lot layout is the best way to subdivide the property without undermining the intent of the Subdivision and Land Development Regulations, and offer the following justification for granting the waiver requests:

The property is basically triangular, with a long section of road frontage on low ground and 2 sides running uphill and tapering to a point in the rear. Much of the road frontage and the southeastern side of the side feature soil types with hydric inclusions, a fairly high water table, some wetlands, 2 small areas of standing water at some times of the year, and 2 streams. These are natural conditions, not manmade. The existing house on the property was constructed in or around 1959 on the higher ground near the rear of the property. The existing septic system is southeast of the house, well away from the water table issues. The existing well is on the patio outside the house.

Water table conditions do not permit successful perc testing below the elevation shown on the accompanying drawing. There is a signed percolation certification plat for the lots with proposed wells and septic areas as shown on the accompanying drawing. With water table issues forcing perc areas uphill, and with the existence of offsite private sewage easements, there is very limited room for well sites at the top of the site. The existing well will have to be moved, since it is too close to the house and to the proposed septic areas. The requirement for 3 proposed well sites per lot has been met on the perc certification plat, with all well sites to be northwest of the existing house. There is very little room available for any other well sites.

The available septic areas cannot go any lower any lower on the hillside due to water table issues, and cannot go much higher on the hillside without interfering with proposed well sites. This precludes a front-and-back lot arrangement. In addition, and quite importantly to the owners, siting the lots side-to-side preserves the view of a pond on the southern side of Triadelphia Mill Road from the large picture window in the living room of the existing house, which will remain. If the lots were situated front-to-back, a house on the front lot would interrupt this view. It is desirable to preserve the view.

The existing driveway is paved and is in good condition, allowing easy access up the hill from Triadelphia Mill Road. The driveway has good sight distance to the northwest and excellent sight distance to the southeast. This is shown both on the road profile and on the photographs submitted with this request. If a the existing driveway was used only for the new lot, and a new driveway was built to serve the existing house, the sight distance from such a new driveway would be significantly less to the southeast: 464 feet instead of 1554 feet. The existing driveway location, used as a shared driveway, provides the safest possible access to both lots.

The 3 main goals of this lot layout are

To preserve the view of the existing pond from the living room of the existing house.

To provide adequate well sites and septic areas.

To minimize disturbance of environmental features.

To provide a safe driveway entrance for each lot.

There is no disturbance proposed of the wetlands, wetland buffers, streams, stream buffers, or the floodplain involved in this proposed lot layout. The driveway is at the safest access point for the whole property, and one of the safest access points on Triadelphia Mill Road. The view of the pond will not be interrupted by a new house. Well and septic locations are tight, but have already been approved by the Bureau of Environmental Health. For these reasons I believe the lot layout complies with the intentions of the Subdivision and Land Development Regulations, taking advantage of existing site conditions without straining the environment.

The waiver to allow a driveway within 10 feet of the property line is requested only to reflect existing conditions. The existing driveway is closer than 10 feet to the property line in the area shown on the plan and has been that way for years. The proposed widening of the driveway to 16 feet will not create any new driveway paving within 10 feet of the line, and will only be outside the stream buffer. Within the stream buffer itself the intention is to leave the driveway at its present width and create no disturbance at all.

If you need any further information with which to evaluate this waiver request, please do not hesitate to ask.

Sincerely,

Professional L.S.

G. Scott Shanaberger

