



Howard County Department Of Planning And Zoning
3430 Courthouse Drive, Ellicott City, Maryland 21043 + 410-313-2350

Marsha S. McLaughlin, Director

www.co.ho.md.us
FAX 410-313-3467
TDD 410-313-2323

April 22, 2010

Mr. Arnold Sagner
Blue Stream, LLC
P.O. Box 416
Ellicott City, MD 21041

RE: WP-10-120, The Overlook at Blue Stream, Parcels H - M and Open Space Lots G-1 and G-2 (F-10-055)

Dear Mr. Sagner:

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

As of the date of this letter, the Planning Director **approved** your request to waive Subdivision Section:

1. 16.116(b)(1), request to be permitted to clear, grade and develop on 3 areas (425 sq. ft., 1,873 sq. ft. & 9,858 sq. ft.) of protected steep slope (currently non-forested) totaling 12,156 sq. ft. for residential development on Parcel H and Open Space Lot G-1, as shown on the waiver petition exhibit/plan, and;
2. 16.120(b)(4)(iii)d, request to be permitted to construct condominium units and/or rental apartments less than 15 feet from environmental features on Parcel H as shown on the waiver petition exhibit/plan.

Approval of this waiver petition is subject to compliance with the following conditions of approval:

1. Any area(s) of the existing reforestation forest conservation easements on steep slopes to be disturbed as shown on this waiver petition exhibit/plan that cannot be reforested, shall be relocated onsite, offsite or satisfied with a fee-in-lieu payment to the Ho. Co. Forest Conservation Fund.
2. Compliance with the enclosed DED comment if possible.

Justification for the approval recommendation for this waiver petition:

1. The enclosed Petitioner's justification.
2. The existing steep slope areas to be impacted are the result of an abandoned quarry operation and are not a nature feature.
3. The three impacted area of the steep slopes, that are currently non-forested and not in other environmental areas or buffers, are very small in total area (0.279 ac.) in relationship to the total area of steep slopes to remain undisturbed along with other environmental areas on this site.

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4. This waiver petition request, if approved, will not nullify the intent and purpose of the regulations, or be detrimental to the public interest, because any area(s) of the existing reforestation forest conservation easements on the steep slope areas to be disturbed as shown on this waiver petition exhibit/plan that cannot be reforested, shall be relocated onsite, offsite or satisfied with a fee-in-lieu payment to the Ho. Co. Forest Conservation Fund.
5. Because the original design and layout of this subdivision was intended for industrial/commercial development and not the current high density/mixed use development allowed by current "CAC" zoning, undue hardship and practical difficulty would result from strict compliance with the Regulations.

Indicate this waiver petition file number, request, section of the regulations, action, condition of approval, and date in a detailed note on sheet 1 of related plan, SDP-06-034.

This requested waiver petition approval will remain valid for as long as this project remains in active processing.

If you have any questions, please contact Michael Antol at (410) 313-2350 or email at mantol@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Acting Chief
Division of Land Development

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KS/MA/WP10120.appr.ltr.
cc: Research
DED
P-10-005
F-10-055
HSCD
R. Vogel Engineering