



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Marsha S. McLaughlin, Director

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April 22, 2010

Mary and Louis Mangione
1205 York Road
Lutherville, MD 21093

Dear Mr. and Mrs. Mangione:

RE: WP-10-142, Harmony Hall, Sheltered
Housing, (SDP-81-36)

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

As of the date of this letter, the Planning Director **approved** your request to waive Section **16.1202** - Applicability; Exemptions and Declaration of Intent. The applicant is requesting that the Forest Conservation net tract area be based on the limit of disturbance instead of the total size of the parcel (12.30 acres).

Approval is subject to the following conditions:

1. The limit of disturbance for this project is restricted to the area shown on the Waiver Petition Plan and the red-line revision for SDP-81-36.
2. Future improvements must satisfy the Forest Conservation requirements applicable at that time.
3. Payment of a Fee-in-lieu for Forest Conservation in the amount of \$3,267.00. The fee must be paid prior to any changes being made to the original mylars for SDP-81-036.

Our decision was made based on the following:

Extraordinary Hardship or Practical Difficulty - If the waiver petition is not granted, the applicants will be required to address forest conservation on approximately 12.29 acres. The applicant has asked to address Forest Conservation on the limit of disturbance (.66 acres). Addressing forest conservation on the 12.29 acres would be an unfair hardship to the applicant since a large portion of the site was improved prior to the adoption of the Forest Conservation Law. In addition, the applicant will be required to satisfy the Forest Conservation requirements for all future improvements.

Not Detrimental to the Public Interest - Approval of the waiver request will not alter the essential character of the neighborhood and will not substantially impair the appropriate use or development of the surrounding properties. Allowing the net tract area to be based on the limit of disturbance will not be detrimental to the public because the forest conservation obligation will be satisfied by the payment of a fee-in-lieu. In addition, all future improvements will be subjected to Forest Conservation Law.

Will Not Nullify the Intent or Purpose of the Regulations - Approval of this waiver request will not nullify the intent or purpose of the regulations since many of the improvements to the site were made prior to the adoption of the Forest Conservation Law. In addition, Forest Conservation requirements for the proposed improvements will be satisfied by the payment of a fee-in-lieu. All future improvements will be required to address the Forest Conservation requirements at that time. Approval of this waiver request will satisfy the intent of the Regulations.

Indicate this waiver petition file number, request, section of the regulations, action, conditions of approval, and date on all related plats, and site development plans, and building permits. This requested waiver will remain valid for one year from the date of this letter or as long as the site development plan remains in active processing.

If you have any questions, please contact Brenda Luber at (410) 313-2350 or email at BLuber@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Acting Chief
Division of Land Development

KS/BL

cc: Research
DED
SDP-81-036