



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

Marsha S. McLaughlin, Director

[www.howardcountymd.gov](http://www.howardcountymd.gov)  
FAX 410-313-3467  
TDD 410-313-2323

November 15, 2010

TSZ Properties  
Attn: Stephanie Porta  
10382 Baltimore National Pike  
Ellicott City, MD 21042

RE: WP-11-015, Harwood Park, Lots 558 & 559, Waiver Petition, request to waive Section 16.155 of the Subdivision Regulations

Dear Ms. Porta:

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 16.155 requiring the developer to submit a site development plan, approved by the Department of Planning and Zoning for new residential development.

Approval is subject to the following conditions:

1. The developer must apply for any necessary permits through the Department of Inspections, Licenses, and Permits for the proposed residential development.
2. The developer must submit an approval letter from the Maryland Aviation Administration when applying for his or her building permit.
3. The developer must comply with all conditions contained in the Decision and Order for case BA-09-02V.
4. Correct the landscaping exhibit so that the number of evergreen trees proposed in Note# 6 matches the number of evergreen trees shown on the plan (The note states that there are 16 evergreen trees proposed, but only 15 evergreen trees are shown on the plan). Also, please update all surety amounts to reflect any changes that you make. A copy of the corrected plan must be submitted to the Department of Planning and Zoning before a grading permit will be issued for this property.
5. Please be advised that the existing fish pond that crosses the property boundary may become a title issue in the future. The owner may want to address this issue before it becomes a problem.

The waiver approval is based on the following justifications:

**Extraordinary Hardship or Practical Difficulty** - Justification letter submitted by the applicant dated August 5, 2010. Extraordinary hardship or practical difficulty would result if the applicant is required to submit a new site development plan and pay all the associated fees since there are no forest conservation or storm water management requirements that must be fulfilled.

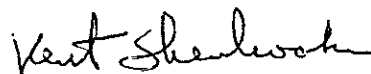
**Alternative Proposal** - Justification letter submitted by the applicant dated August 5, 2010. The only alternative for not granting the requested exemption of the site development plan is to require the submission of new site development plan for this project. Because there are no forest conservation, storm water management, noise, or traffic study requirements that must be fulfilled, and the limit of disturbance is less than 5,000 square feet, the project should be exempt from this requirement.

**Not Detrimental to the Public Interest** - Justification letter submitted by the applicant dated August 5, 2010. Approval of this waiver will not be detrimental to the public interest in that the proposed construction is typical of the development in this area. The Board of Appeals has already reviewed and approved a variance of the building restriction setback. In so doing, the proposed concept was reviewed and the process provided a public hearing for the proposed construction on this site. No adverse testimony was presented at the hearing.

**Will not Nullify the Intent or Purpose of the Regulations** - Justification letter submitted by the applicant dated August 5, 2010. The approval of the waiver will not nullify the intent of the regulations since the developer is willing to generally present the requirements of a Site Development Plan on a plot plan for the building permit application. Additionally, the site will be inspected during the building process until a use and occupancy permit is issued. This will allow the County to review and comment on the plan in a more streamlined process, while ensuring that any staff concerns are addressed.

Indicate this waiver petition file number, request, section of the regulations, action, conditions of approval, and date on all related plats, site development plans, and building permits. This requested waiver will remain valid for one year from the date of this approval letter. If you have any questions, please contact J.J. Hartner at (410) 313-2350 or email at [jehartner@howardcountymd.gov](mailto:jehartner@howardcountymd.gov).

Sincerely,



Kent Sheubrooks, Acting Chief  
Division of Land Development

KS/TKM/JH

cc: DED  
Research  
Benchmark Engineering  
J.J. Hartner, DLD  
File # WP-11-015