



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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July 12, 2011

W. Deemer Class & Son
8449 Dorsey Run Road
Jessup, MD 20794

RE: WP-11-199, W. Deemer Class & Son
Subdivision; United Road Services, Inc.

To Whom It May Concern:

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

On July 11, 2011, the Planning Director **denied** your request to waive **Section 16.155(a)(1)(i)**, the requirement to submit a site development plan for new or expanded nonresidential development, and **Section 16.131(b)**, which requires that site development plans shall provide for sewage disposal and for an appropriate supply of potable water. The Planning Director **approved** your request to waive Section 16.1101(b) which requires passage of adequate road facilities testing.

The denial of the waiver of Sections 16.155(a)(1)(i) and 16.131(b) was based on the following reasons:

1. No structures currently exist on the property. The establishment of a modular office building is akin to establishing a new use on the property, which requires a Site Development Plan per the May 1, 2011 memo, "*Site Development Plan Applicability, Section 16.155*".
2. The proposed building and its water and sewer extension and connections need to be shown on a plan. Please see the attached response from the Development Engineering Division.
3. Water and sewer fronts the property and the modular office is intended to be a permanent facility. Please see the attached response from the Development Engineering Division.
4. Section 16.131(b) specifically states it cannot be waived. The Department of Public Works confirmed that an exception to this rule cannot be granted in this case.

The approval of the waiver to Section 16.1101(b) is subject to the following conditions:

1. Based only on the addition of a 600 sf modular office building housing existing employees. The building cannot be used to house a net increase in the number of employees.
2. Any increase in the number of employees requires an inquiry to the Development Engineering Division to determine if a traffic study is required.

Our decision to approve the waiver to Section 16.1101(b) was based on the following:

Extraordinary Hardship or Practical Difficulty: See the enclosed justification statement submitted by the applicant. The proposed modular building is meant to house three employees that currently exist on site. Requiring a traffic study for a 600 square foot building for existing employees would create an extraordinary hardship.

Regulations will be served to a greater extent through the implementation of an alternative proposal: See the enclosed justification statement from the applicant.

Not Detrimental to the Public Interest: See the enclosed justification statement from the applicant. Since the employees currently work out on site without the structure, there would be no increase in traffic created by the proposed modular structure. Therefore, there would be no detriment to the public interest.

Will Not Nullify the Intent or Purpose of the Regulations: See the enclosed justification statement from the applicant. The purpose of the regulations is to ensure that increases in traffic caused by a new development are offset by improvements made to the street network infrastructure by the developer. Since there will be no increase in traffic due to the fact that existing employees would utilize the building, the purpose and intent of the regulations would not be nullified.

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 any associated site development plan remains in active processing.

If you have any questions, please contact Jill Manion-Farrar at (410) 313-2350 or email at jfarrar@howardcountymd.gov.

Sincerely,


Kent Sheubrooks, Chief
Division of Land Development

KS/JMF 

cc: Research
DED
Richardson Engineering