



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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February 21, 2012

Harmony Builders, Inc.  
4228 Columbia Road  
Ellicott City, MD 21042  
Attn: Scott Godstre

RE: Clay Subdivision Lot 1, Single Family  
Detached Dwelling (SDP-07-106)  
WP-12-120

Dear Mr. Godstre:

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 February 17, 2012, the Planning Director conditionally **approved** your request to waive **Sections 16.156.(o).(1).(i) and 16.156.(o).(2)** to allow for the reactivation of the approved and signed Site Development Plan SDP-07-106. Approval of this waiver is subject to the following conditions:

1. Compliance with the attached comments from the Development Engineering Division which requires storm water management (SWM) redesign in order for this plan to meet current SWM regulations.
2. Submission of a "Red-Lined Revision" to address condition #1. The "Red-Lined Revision" package shall include a letter of permission from the original engineer of record for SDP-07-106; and, the current name of the owner/developer should be updated on each sheet of the plan set.
3. *COMPLETION OF THE DEVELOPER'S AGREEMENTS AND PAYMENT OF DPW FEES:*
  - Submission of a Declaration of Covenants and Maintenance, and Right of Entry Agreement for Private Stormwater Management Facilities – Rain Gardens (Bio-Retention Facilities) to the Department of Public Works, Real Estate Services Division. Contact the Real Estate Services Division directly at 410-313-2330 regarding this requirement. Real Estate Services requires a minimum of three (3) weeks to execute this agreement.
  - Payment to the Department of Public Works, Real Estate Services Division of the balance of the Department of Public Works, Engineering Review Fee. The fee is based on the final construction cost estimate approved by DPZ, Development Engineering Division.
  - A landscape agreement and surety must be included in the Developer's Agreement executed with the Department of Public Works, Real Estate Services Division. Submit an itemized landscaping cost estimate to the Department of Planning and Zoning with the Red-Line Revision submission.

4. Add to the Red-Lined SDP a General Note which states that SDP-07-106 has been re-activated subject to WP-12-120. This note should indicate this waiver petition file number, request, section of the regulations, action, conditions of approval, and date.
5. **Once the Developer Agreements are executed and the Red-Lined SDP-07-106 is approved, the developer will have one-year from the date of red-line approval to apply for a building permit for the construction of the proposed dwelling on Lot 1.**

Our decision was made based on the following justification:

- Extraordinary Hardship or Practical Difficulty – The extraordinary hardship or practical difficulty involved with this waiver request would require the developer to submit a new site development plan for review and approval to site a single family detached dwelling on undeveloped Lot 1.
- Not Detrimental to the Public Interests – 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 applicant to re-activate SDP-07-106 will not be detrimental to the public since the SWM design changes should not significantly impact the overall site design or adjacent properties. The project was not controversial and it had no environmental issue or APFO related issues.
- 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 the design of the site development plan has been reviewed and approved by the County's Subdivision Review Committee at large; and, the design changes which are required for this plan to meet the current SWM regulations can be adequately reviewed by the affected County Agencies as a "Red-Lined Revision" to the approved site development plan.

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

If you have any questions, please contact Ms. Pat Britt-Fendlay at 410-313-3371 or via e-mail at [pfendlay@howardcountymd.gov](mailto:pfendlay@howardcountymd.gov).

Sincerely,



Kent Sheubrooks, Chief  
Division of Land Development

KS/JMF/MPB 

cc: Research  
Jim Witmer - Development Engineering Division  
Real Estate Services Division  
Zoning Front Counter (Permit Section)  
Department of Inspections, Licenses & Permits  
Mildenberg, Boender & Associates