



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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March 7, 2012

Bruce Gist
Howard County Public School System
10910 Maryland Route 108
Ellicott City, Maryland 21042

Re: Elementary School #41 (Mass Grading)
Waiver Petition WP-12-134

Dear Mr. Gist:

The Director of the Department of Planning and Zoning considered your request for a waiver of Subsection 16.155(a)(1)(i) of the Howard County Subdivision and Land Development Regulations. Waiver approval would allow grading permits to be obtained for the project referenced without having to submit site development plans to DPZ for approval.

As of the date of this letter the Planning Director approved your request, subject to the following condition:

1. Petitioner shall obtain Howard Soil Conservation District approval and a grading permit prior to the start of work.

Our decision to approve the waiver was made based on the following justification:

Extraordinary Hardship or Practical Difficulty Would Result from Strict Compliance with the Regulations.

Extraordinary hardship and practical difficulty to the petitioner would result if the waiver was denied and strict compliance with the regulations enforced. The petitioner wishes to mass grade the site in preparation for construction of the new elementary school, which is scheduled to be completed in August 2013. The mass grading would be performed while waiting for U.S. Army Corps of Engineers and Maryland Department of Environment authorization to fill onsite wetlands. Waiver denial would force the petitioner to prepare and submit a site development plan for mass grading to the Department for review by Subdivision Review Committee agencies. Practically speaking, review of a mass grading plan is required by only a small number of agencies, and distribution to the entire committee for review would be wasteful and time-consuming; in this case the review process would jeopardize the timely completion of this very important project. On these grounds waiver approval is warranted.

Waiver Approval will not be Detrimental to the Public Interest

Waiver approval will help ensure that the elementary school is completed in a timely fashion, which is to the public benefit. Review of the waiver petition revealed that the project either complies with all current

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regulations or will comply once conditions of waiver approval are observed. Waiver approval will result in no adverse impact to surrounding properties, the adjacent community, or the County as a whole.

Will Not Nullify the Intent or Purpose of the Regulations

As implied by the justification above, approval of this waiver will not nullify the intent or purpose of the regulations.

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

Should you have any questions please contact Dave Boellner by telephone at 410-313-3956 or by e-mail at dboellner@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
DPZ, Division of Land Development

KS/DBB:dbb

CC: DPZ, Research
DPZ, DED
FC&C