



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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October 31, 2012

Mojan Bagha
8290 Main Street
Ellicott City, MD 21043

RE: WP-12-175, Plat of G. Hunter Sykes, Lots
297 & 298, Reconsideration

Dear Ms. Bagha:

The Director of the Department of Planning and Zoning reconsidered 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(a)(2)(i)** which requires the developer to submit a site development plan, approved by the Department of Planning and Zoning, for new residential development of single-family attached residential lots and deeded parcels. Approval of this waiver is subject to the following conditions:

1. Compliance is required for all comments from the April 5, 2012 Historic District Commission letter from the Historic District Commission's executive secretary.
2. The applicant shall submit a detailed plot plan of the site, similar to the waiver petition plan exhibit, along with the building permit application as required by the Department of Inspections, Licenses & Permits for all the SFA units.
3. The proposed SFA units shall comply with the building setbacks and other zoning requirements for the "R-VH" Zoning district.
4. Grading, removal of vegetative cover and trees, paving and new structures are not permitted within any 100-year floodplain area, forest conservation easements, wetlands, streams, or their required buffers in accordance with Sections 16.115, 16.116 and 16.1200 of the Howard County Code for the placement of the proposed SFA units.
5. The petitioner shall comply with all applicable County and State regulations and obtain all necessary permits.
6. Compliance with the e-mail DED comments dated October 16, 2012 indicating that no SWM is required. However, if the LOD is expanded even by 5 feet, the 5,000 sq. ft. threshold would be triggered and the requirement for full ESD management will be required.
7. Parking shall be provided for the new duplex unit as previously provided for the existing duplex unit.

Our decision was made based on the following:

Extraordinary Hardships or Practical Difficulties:

Extraordinary hardship would result if the applicant is required to process a new site development plan for the subject property. The Petitioner proposes demolition of a small existing dwelling (800 square feet) within an established neighborhood in the Ellicott City Historic District. The Petitioner will be reconstructing a new two-story duplex with minimal disturbance of less than 5,000 square feet. The Petitioner has already received approval from the Historic District Commission.

Alternative Proposal

One alternative would be to require the Petitioner to submit new site development plan under standard review. This option would be time consuming and costly. The implementation of the waiver petition proposal is an acceptable alternative to submitting a site development plan for standard review because the waiver petition exhibit complies with the Regulations and provides all necessary site information as a suitable alternate for the SDP plan.

Not Detrimental to the Public Interest

The waiver request will not be detrimental to the public interest since the proposed residential SFA house would be a major improvement to the existing well maintained neighborhood. Tearing down and rebuilding in the same location will improve the neighborhood and improve the tax base for the County. SWM meets MDE criteria and limit of disturbance is less than 5,000 sq.ft. Two parking spaces will be maintained, the project is exempt from forest conservation requirements and no waivers or variances are required.

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 because the requirements of the Site Development Plan have been generally presented on the enclosed Plot Plan and engineered with respect to the environment and building regulations. The Plan will also be required to apply for all applicable permits through the Department of Inspection, License & Permit's.

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 1 year from the date of this letter (on or before October 31, 2013) or as long as a building permit remains in active processing.

If you have any questions, please contact Jennifer Wellen at (410) 313-2350 or email at jwellen@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/jw

cc: Research
DED
Real Estate Services
Division of Zoning Administration