



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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January 16, 2013

Brian Boy
HB Development, Inc.
9695 Norfolk Avenue
Laurel, Maryland 20723

RE: WP-13-094, Parkside Estates

Dear Mr. Boy:

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 **Sections 16.144(b) & 16.145** of the Subdivision and Land Development Regulations which requires a Sketch Plan or Preliminary Equivalent Sketch Plan to commence the subdivision process for major subdivisions, and **Section 16.121(a)(3)** of the Subdivision and Land Development Regulations which states that parking lot islands, driveway easements serving non-open space uses, overhead utility transmission lines, and narrow strips under 35 feet wide may not count towards minimum open space requirements. The applicant is specifically requesting to waive the Sketch Plan or Preliminary Equivalent Sketch Plan Process and allow strips of land less than 35 feet in width to be counted as credited open space.

Approval is subject to the following conditions:

1. The final plan must be submitted to the Department of Planning and Zoning within 4 months from the date of this letter (on or before May 16, 2013).
2. Section 16.121(a)(3)(iii) of the Subdivision and Land Development Regulations contains several items that are not permitted to be credited toward the required open space obligation. This waiver approval is to allow open space credit for narrow strips less than 35 feet wide for Open Space Lot 7 only. No other requests are being endorsed by this waiver approval.
3. The proposed open space lot shall accommodate a pathway that meets the Department of Recreation and Parks standards, while incorporating a site design that provides adequate stormwater management and landscaping per the County Code and Landscape Manual.
4. The proposal must be in compliance with the Department of Recreation and Parks comments dated September 21, 2011. The applicant shall continue to cooperate with the Department of Recreation and Parks to ensure the pathway comes into fruition and the open space with the pathway dedicated to the County.

Our decision was made based on the following:

Extraordinary Hardship or Practical Difficulty (see justification from applicant)

Sections 16.144(b) & 16.145 – A final plan for the subject property was previously submitted and reviewed as a minor subdivision in accordance with the Regulations. The developer purchased the property based on the previous design. The new design proposes to demolish the existing house and add one additional lot in order to add financial feasibility to the project. The new design adds a fifth lot therefore defining the subdivision as major, and requiring the initial submission to be at the Sketch or Preliminary Equivalent Sketch Plan phase. Since the subject property has recently undergone a review and the re-design does not have any substantial changes to the lot locations, road improvements, or overall design scheme extensive time and money would be spend submitting a replicate plan at the Sketch or Preliminary Equivalent Sketch Plan.

Section 16.121(a)(3) – The Department and Recreation and Parks is requesting the applicant to provide a pedestrian connection between Whiskey Bottom Road and the North Laurel Park, which abuts the rear of the subject property. Provision of this connection within a fully creditable 35 foot section would reduce the remainder such that constructing houses and driveways with adequate setback would be difficult.

Not Detrimental to the Public Interest (see justification from the applicant)

Sections 16.144(b) & 16.145 – Approval of the waiver will not be detrimental to the public interest. A new public meeting will be conducted, and the new configuration will be presented to all interested parties.

Section 16.121(a)(3) – The design will provide a sufficient open space buffer along three sides of the property with the fourth side containing the rear setback. Other than this exemption, all County and State design Regulations will be implemented. The Open Space is being configured as such to allow access to the community park to provide better public access to the park.

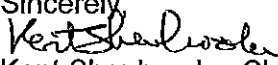
Will not Nullify the Intent or Purpose of the Regulations (see justification from the applicant)

Sections 16.144(b) & 16.145 – The intent of these Regulations is provide a timely, comprehensive review and consideration of the proposed development, which has mainly been addressed with the past subdivision submission. DPZ believes a better design is achieved by demolishing the existing house under the newest proposed design.

Section 16.121(a)(3) – The intent of this Regulation is to ensure adequate open space for natural resource conservation and recreational uses. The proposed open space will provide pedestrian access to the park, landscape planting area and recreational open space, in addition to allowing creation of adequately sized lots.

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 the time period specified in the conditions of approval or as long as this subdivision and site plan remain in active processing.

If you have any questions, please contact Julia Boone at (410) 313-2350 or email at jboone@howardcountymd.gov.

Sincerely,

Kent Sheubrooks, Chief
Division of Land Development

KS/JB:jb

cc: Research, DED, DRP, Benchmark Engineering, Inc.