



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING  
3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Marsha S. McLaughlin, Director

[www.howardcountymd.gov](http://www.howardcountymd.gov)

FAX 410-313-3467

TDD 410-313-2323

December 2, 2014

Mark Gaulin  
Gaulin Properties LLC.  
7340 Montevideo Road  
Jessup MD. 20794

RE: **WP-15-074, 7430 Montevideo Road  
(L.B. Smith Property)**

Dear Mr. Gaulin:

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 **Section 16.155(a)(1) Applicability** which requires that a site development plan and process, for approval by the Department of Planning and Zoning, is required for new or expanded nonresidential development, including commercial, industrial, and utility development, in accordance with Section 128.0 of the Zoning Regulations. The applicant requested the waiver in order to perform limited site grading as shown on the plan exhibit as an interim condition until a comprehensive SDP is submitted to expand the area of surface storage in the rear of the property in order to fulfill an obligation to the future tenant, and to correct site grading.

Approval is subject to the following conditions:

1. The applicant must obtain all required grading permits from the Department of Inspections, Licenses & Permits prior to the start of the proposed grading.
2. The applicant shall continue to complete the plan revision (Red-Line) for SDP-88-154 showing the proposed grading change and submit a new Site Development Plan for this project to show the ultimate site grading and improvements.
3. The proposed site grading shall not impact the existing wetlands and 25' buffer.

Our decision was made based on the following:

**Extraordinary Hardship or Practical Difficulty** - The applicant would incur practical difficulties and unnecessary hardship if the waiver request were not approved. The submission of a Site Development Plan would be an expensive and time consuming venture considering the limited nature of the proposed grading and design. This is only a temporary measure to remove the existing mounded soil and flatten out the storage area until approval of the overall SDP can be submitted. Hardship would be experienced with processing a developer's agreement and preparing multiple substitution sheets for a SDP that is currently being drafted.

**Implementation of an Alternative Proposal** – The proposed grading of the site is only to remove the mounded soil and flatten the existing storage area. Alternatively, a Redline SDP is presently in process but will require a developer agreement to address the required on site SWM measures. This process will take an extended amount of time and would not allow the petitioner to complete the grading on time in order for his tenant to move in to the property.

**Not Detrimental to the Public Interest** - Approval of the waiver request will allow the project to move forward as designed with the requested on-site grading improvements. The waiver is necessary due to the time restraints present to achieve the proposed grading. The site will be stabilized after all the earthwork is completed and will only be detrimental to the visual quality of the rear of the property until the ground is seeded and stabilized.

**Will Not Nullify the Intent or Purpose of the Regulations** - Approval of the waiver request will allow the interim proposed grading to occur as planned. Conformance with sediment and erosion control measures and necessary permitting will be met on site. The proposed design for this project calls only for necessary site disturbance to remove the excess soil and flatten the storage area. No regulations will be nullified in granting approval of this waiver.

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 (**December 2, 2015**) or as long as this grading plan remains in active processing.

If you have any questions, please contact Nicholas Haines at (410) 313-4333 or email at [nhaines@howardcountymd.gov](mailto:nhaines@howardcountymd.gov).

Sincerely,

  
Kent Sheubrooks, Chief  
Division of Land Development

KS/NH

cc: Research  
DED  
Real Estate Services  
FSH Associates