



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

Marsha S. McLaughlin, Director

www.howardcountymd.gov
FAX 410-313-3467
TDD 410-313-2323

June 11, 2015

Louis Mangione
Executive Center Parcel D, LP
1205 York Road, Penthouse
Lutherville, Maryland 21093

Re: The Gatherings at Ellicott's Retreat
Waiver Petition WP-15-150
(Site Development Plan SDP-14-090)

Dear Mr. Mangione:

The purpose of this letter is to inform you that the Director of the Department of Planning and Zoning considered your request for a waiver of Subsections 16.155(a)(2)(i) and 16.156(o)(3)(i) of the Howard County Subdivision and Land Development Regulations. Waiver approval would allow residential new development in the form of mass grading and retaining wall construction to commence without site development plan signature approval and would allow issuance of a building permit for retaining wall construction without site development plan signature approval.

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

1. Petitioner shall obtain Howard Soil Conservation District approval of the grading plan prior to issuance of the grading permit.
2. Petitioner shall obtain a building permit for construction of the section of Wall 'D' indicated by the waiver exhibit.
3. A grading permit shall be required. The associated plan will only show a portion of the retaining wall as the only permanent structure on this plan.

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

Extraordinary hardships or practical difficulties may result from strict compliance with the regulations.

Strict compliance with the regulations creates practical difficulties by delaying mass grading operations until beyond the construction season, which will result in a longer construction period, thereby adversely affecting adjacent retail, institutional and residential properties for a longer period of time.

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The intent of the regulations will be served to a greater extent through the implementation of the alternative proposal.

The granting of the waiver will better serve the regulations by lessening impacts to the neighborhood in the following ways: 1) it will limit the possibility of disturbance to surrounding properties and the neighborhood by enabling mass grading operations to be performed in the driest part of the year, 2) the property is adjacent to wetlands; by grading in the drier months the possibility of impacting the resource will be lessened, and 3) allowing the mass grading to commence will decrease the level of uncertainty regarding the timing of completion of the building construction. This will enable the property owner to phase building construction, thereby making housing allocations for other projects available.

Waiver approval will not be detrimental to the public interest.

Approval of the waiver will not be detrimental to the public interest. It will limit inconvenience to the immediate neighborhood and allow for a more balanced development of the region by making allocations available to other developments.

The waiver shall not nullify the intent or purpose of the regulations.

The intent of the regulations will not be nullified. All necessary approvals required for grading and sediment control will be obtained prior to construction and the intent of orderly development will be better achieved.

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

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

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/DBB:dbb

CC: DPZ, Research
DPZ, DED
Bob Frances - DILP