



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

December 17, 2010

Doug Chamberlain
SD Properties LLC
3138 Rogers Avenue
Ellicott City, MD 21043

RE: WP-11-082, 5842 Main Street (Elkridge)

Dear Mr. Chamberlain:

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 December 16, 2010, the Planning Director **approved** your request to waive **Section 16.155(a)(2)(ii)**, which states that a site development plan approved by the Department of Planning and Zoning is required for new residential development for development of single-family detached residential lots and deeded parcels within the Planned Service Area for both public water and sewer, except that lots in recorded subdivision created before February 7, 1976 are exempt from site development plan requirements unless more than 5,000 square feet of disturbance is proposed and the lots have not been reconfigured or merged through the recordation of a plat recorded on or after February 7, 1976.

Approval is subject to the following conditions:

1. When applying for building permits, the applicant must provide the waiver plan exhibit that includes all the pertinent information and details for the existing and proposed site improvements that are normally shown on a standard site development plan.
2. The applicant must comply with all applicable building permit requirements for a single family detached home with the Department of Inspections, Licenses and Permits.
3. The applicant must comply with all building setback requirements for construction a new single family dwelling in the "R-12" Zoning District, or be compliant with the approved Administrative Adjustment (AA-10-018) for the side setbacks from 7.5' to 6' on the east side of the property and 6.22' on the west side of the property.
4. It is recommended that the applicant plant a shade or evergreen tree and/or shrubs along the west side of the lot in the area of the driveway and garage to help provide some landscape buffering for the neighboring residence.

Our decision was made based on the following:

Extraordinary Hardship or Practical Difficulty

Due to the small limit of disturbance which is below the 5,000 square foot minimum to trigger stormwater management requirements, the exemption from Forest Conservation obligations, the approved administrative adjustment and the determination at the meeting on December 3, 2009 that landscaping would not be required, there is little need for a site development plan for a single home on a lot that cannot be subdivided in the future. Requiring a site development plan would be unnecessarily time consuming for the applicant and the department.

Implementation of an Alternative Proposal

The alternative would be to process a site development plan, including all applicable fees. However, the processing of this waiver petition should be viewed as a reasonable alternative to processing a standard site development plan because the waiver plan exhibit provides all the pertinent information and details for the existing and proposed site improvements that are normally shown on a site development plan.

Not Detrimental to the Public Interest

Due to the minor nature of the improvements, the waiver exhibit satisfactorily substitutes for the detail required on a site development plan. Furthermore, there is no major change to the character of the neighborhood since one dilapidated house is being replaced with one new house. The conditions of this approval further assure the public interest. No impact will occur on adjacent properties and no impacts to environmental features will occur.

Does Not Nullify the Intent or Purpose of the Regulations

The waiver petition exhibit provides the information required for the work that was completed on site. Therefore, approval of this waiver request will not nullify the intent or purpose of the Regulations which is to ensure that all development proposals follow uniform procedures and standards for processing to obtain the necessary County review and approvals. No SRC agency objects to the 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 or as long as the grading plan for this site remains in active processing.

If you have any questions, please contact Jill Manion-Farrar at (410) 313-2350 or email at jfarrar@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Acting Chief
Division of Land Development

KS/JMF



cc: Research
DED
Zoning
Vogel Engineering