



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING  
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Marsha S. McLaughlin, Director

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January 12, 2011

Ruther Fisher & Charles Cole, Jr.  
1585 Route 32  
Sykesville, MD 21784

RE: Shipley's Lodge Lot 1 & Buildable Preservation Parcel A  
WP-11-096 (F-09-101, WP-10-015 & WP-10-116)

Dear Ms. Fisher & Mr. Cole:

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.(p) & (q) and 16.120.(b).(4).(iii).(b) of the Subdivision and Land Development Regulations** which requires the developer to pay all fees and to submit the final subdivision plat to the Department of Planning and Zoning for signature approval and recordation within 180 days of final plan approval, and which allows the creation of a forest conservation retention easement on Buildable Preservation A which is less than 10 acres in size.

Approval is subject to the following conditions:

1. Compliance with all SRC Agency comments generated with the review of the subdivision plat, F-09-101.
2. Final Plat, F-09-101, shall be designed so that a 35-foot environmental residential structure setback is required from the edge of the most restrictive environmental buffer or feature for the stream, wetlands, and forest conservation easement located within the subject lots in accordance with Section 16.120.(b).(4).(iii) of the Subdivision Regulations.
3. Submission of the final plat original for signature and recordation within one(1) year from the date of this approval letter (**on or before January 12, 2012**).
4. Final Plat, F-09-101 Shipley's Lodge, shall be recorded prior to or concurrent with the recordation of the Final Plat for Shipley's Choice (property also known as, ECP-10-004 – Tax Map 9 & 10, Parcel 15).

Our decision was made based on the following justification:

- Extraordinary Hardship or Practical Difficulty - The extraordinary hardships or practical difficulties involved with these waiver requests are:

As stated in the enclosed Waiver Petition Justification letter, enclosing these features in a non-buildable preservation parcel on this property presents a practical difficulty in lot design which would either interfere with the existing house's septic field or would create a fragmented lot layout.

The time extension will only slightly delay recordation of an approved subdivision. Otherwise, the developer would be required to submit a new final plan.

- Not Detrimental to the Public Interests - See the enclosed Waiver Petition Justification letter. Approval of this waiver request will not be detrimental to the public interest. It will not create incompatibility or destroy the continuity and the harmony of the existing neighborhood.

Allowing a Forest Conservation Retention Easement on Buildable Preservation Parcel A, as shown on the waiver petition exhibit, and which includes the stream and wetland buffers mentioned in WP-10-015 and an area of 25% or greater steep slopes, makes it a high priority for retention.

Allowing the applicant additional time to submit original final plat for recordation will not be detrimental to the public since the design is not changing. The extension of time will allow the developer additional time to deal with the current economic conditions.

- Will not nullify the intent or purpose of the regulations - See the enclosed Waiver Petition Justification letter. Approval of this waiver request will not nullify the intent or purpose of the regulations.

Retaining 3.01 acres of forest through an easement on this site, which includes stream and wetland buffers and steep slopes, will preserve the scenic beauty and natural resources for the benefit of the surrounding community. There will be no difference from the current use of the property. The property will be further protected by a preservation easement per the regulations laid out in the Howard County Subdivision and Land Development Regulations.

The design of the final plan has been reviewed and approved by the County's Subdivision Review Committee.

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

If you have any questions, please contact Ms. Pat Britt-Fendlay at 410-313-3371 or via e-mail at [pfendlay@howardcountymd.gov](mailto:pfendlay@howardcountymd.gov).

Sincerely,



Kent Sheubrooks, Chief  
Division of Land Development

KS/MPB 

cc: Research

Jim Witmer – Development Engineering Division

Mike Antol – Division of Land Development (ECP-10-004 – Shipley's Choice)

Tim Feaga – Heritage Land Development

Sill, Adcock & Associates