



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 24, 2011

Ryan Simmons
4615 Bonnie Branch Road
Ellicott City, MD 21043

RE: **WP-11-109 Airey Property (SDP-10-057)**

Dear Mr. Simmons:

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 the following section of the Subdivision and Land Development Regulations:

Section 16.156(g)(2) of the Amended Fifth Edition – If the Department of Planning and Zoning or the review committee indicates that additional information is needed in order to decide whether to approve this plan, the developer shall provide the information within 45 days of receiving such indication.

*** Approval is subject to the following conditions:**

- 1) Within 45 days from the date of this approval, **on or before March 10, 2011**, the developer/owner shall resubmit the revised site development plan to the Department of Planning and Zoning. The companion environmental concept plan (ECP) should be resubmitted with the SDP as well within 45 days.
- 2) The owner should resolve all unresolved matters concerning stormwater management with DED.

The decision of this waiver petition is based on the following justification:

Hardship:

See the applicant's justification letter submitted with this request. The purpose of this waiver is to allow the petitioner to reactive a voided site development plan that missed its deadline to resubmit revised plans. The owner had a deadline date of November 27, 2010 to resubmit the revised plans, but failed to do so. The contract-builder of the proposed house became ill prior to the November 27, 2010 deadline date and therefore, the property owner (the petitioner) decided to cease processing of the site development plan. Since there have been no changes to the Subdivision and Land Development Regulations between the lapse of the resubmission deadline and the request of this waiver, it would create an additional hardship for the petitioner's goals of constructing a new house.

Extraordinary hardship would result if the applicant is required to submit and process a completely new site development plan, since one is already on file for this project with an established file history.

Not detrimental to public interest:

See the applicant's justification letter submitted with this request. By granting this waiver, it will not have any detrimental impacts to the public interests, will not alter the essential character of the area and will not impair the use or development of the surrounding properties since the lot is currently improved with an existing house. The site is zoned for residential use and the land is of adequate size for the new house that's proposed on the lot. No other improvements or changes to the lot are proposed beyond what is approved on the site development plan. The owner/petitioner seeks to limit any/all disturbances to the steep slopes that do exist at the rear of the lot. The site development plan shall comply with all County and State laws and is not affected by changes in the stormwater management regulations. The petitioner and his consultants are working close with the Development Engineering Division in order to complete the required stormwater management requirements for the property.


Not nullify the intent or purpose of the regulations:

See the applicant's justification letter submitted with this request. Based upon all of the above justifications, approval of this waiver request will not nullify the intent of the Regulations which requires the petitioner to provide additional information within 45 days of receiving staff comments from DPZ. The petitioner has met all of staff requirements, except the approval for stormwater management, as required by the Development Engineering Division. The purpose of 16.156(g)(2) is to grant the developer an opportunity to respond to agency comments and to resubmit the plan with corrections and/or additional information. The petitioner was not able to resubmit the additional information within the 45 day time period due to an illness that the contract-builder encountered during the review process and therefore, the owner/petitioner decided to cease plan processing. The owner/petitioner is now ready to proceed.

Indicate this waiver petition file number, request, section of the regulations, action, condition of approval, and date of approval on the Site Development Plan and on all permits related to this property. This requested waiver will remain valid for the period specified above.

If you have any questions, please contact Derrick Jones at (410) 313-2350.

Sincerely,



Kent Sheubrooks, Acting Chief
Division of Land Development