



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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April 26, 2011

Walter & Roberta Davis
3959 Old Columbia Road
Ellicott City, MD 21043

RE: The Walter Davis Property Lot 1 & Non-Buildable
Bulk Parcels A & B
WP-11-155 (SP-10-003 & F-11-049)

Dear Mr. & Mrs. Davis:

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 16.1202.(a) which requires any person developing land 40,000 square feet or greater in area shall file a Forest Conservation Plan with the Department of Planning and Zoning; and, Section 16.120.(a).(2) which requires that Open Space be provided at the time of subdivision.

Approval is subject to the following conditions:

1. Compliance with all SRC Agency comments and the conditions outlined in the revised technically complete letter to be generated with the review of the revised modified subdivision design, F-11-049, which was received by this office on March 24, 2011.
2. Payment of a FC fee-in-lieu in the amount of \$2,351.81 for the approximate 15% afforestation obligation for Lot 1 (20,365 sq.ft.) and Non-Buildable Bulk Parcel A (540 sq.ft.) at the rate of \$0.75 per sq.ft. of obligation. The Applicant is required to pay this fee at the time of submission of the original mylar record plat (F-11-049) for signature approval and recordation.

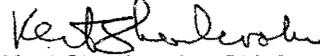
Our decision was made based on the following:

- Summary of the extraordinary hardship resulting from strict compliance with the regulations: The Davis' are experiencing an extreme financial hardship as a result of their paying fees and development costs to create a five(5) buildable lot subdivision, only to find out that schools are at capacity and that development could be delayed up to four years. Approval of this waiver will allow them to move forward with the creation of Lot 1. The sale of this lot will off-set some of their accumulating debt.
- The intent of the regulations will be served through the implementation of the alternative proposal and will not be detrimental to the public interests: Forest Conservation obligations will be met for Lot 1 and Non-Buildable Bulk Parcel A prior to the recordation of the revised modified subdivision design, F-11-049. Once the schools open, the Non-Buildable Bulk Parcel B will be resubdivided and the rest of the Forest Conservation and all of the Open Space requirements will be satisfied at the time of recordation of the ultimate subdivision design. In fact, the open space shown on the ultimate subdivision design is 1.528 acres, which is approximately four(4) times the required open space of 0.388 acres. Approval of this waiver will not be detrimental to the public interests since all forest conservation and open space obligations will eventually be met; hence, the approval of this waiver will not nullify the intent of the Regulations which is to satisfy these obligations prior to the creation of new lots.

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 this subdivision plan remains in active processing.

If you have any questions, please contact Ms. Pat Britt-Fendlay at 410-313-2350 or via e-mail at pfendlay@howardcountymd.gov.

Sincerely,


Kent Sheubrooks, Chief
Division of Land Development

KS/JMF/MPB 

cc: Research
Jayesh Pancholi – Development Engineering Division
DeMario Design Consultants
DPZ File #F-11-049 & SP-10-003