



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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September 28, 2011

Winters Lane Investments  
6420 Autumn Sky Way  
Columbia, Maryland 21044

Re: Winters Lane  
Waiver Petition WP-12-009  
(Preliminary Equivalent Sketch Plan SP-08-003)

Dear Sirs:

The Director of the Department of Planning and Zoning considered your request for a waiver of the Howard County Subdivision and Land Development Regulations. As of the date of this letter, the Planning Director approved your request to waive Sections 16.120(c)(2)(i), 16.121(a)(2), 16.132(a)(2)(i), 16.134(a)(1), 16.135(a), 16.136 and 16.1202(a) of the Howard County Code. Waiver approval allows for the temporary deferral of subdivision design and improvement requirements to allow an interim subdivision to occur. The deferred subdivision design and improvement requirements will be fulfilled upon resubdivision, which will take place following the granting of housing unit allocations and passing of the schools tests.

Approval is subject to the following conditions:

1. Petitioner shall submit a new final plan to establish Lot 1 and Non-Buildable Parcels "A" and "B" to the Department of Planning and Zoning. The plan shall establish easements and include the scope of work indicated by the waiver exhibit dated August 24, 2011.
2. Petitioner shall, upon APFO approval of housing unit allocations and passing of schools tests, submit a new final plan to the Department of Planning and Zoning to resubdivide Non-Buildable Parcel "A" and "B", establishing building lots, open space lots and forest conservation easements in accordance with SP-08-003. Petitioner shall fulfill the requirements of Subsections 16.120(c)(2)(i), 16.121(a)(2), 16.132(a)(2)(i), 16.134(a)(1), 16.135(a), 16.136 and 16.1202(a) upon resubdivision.
3. Petitioner shall submit \$2,230.00 to the Forest Conservation Fund, Section 16.1211, SAP Acct. #2060000000-3000-3000000000-PWPW000000000000-432521.
4. Petitioner shall disclose to potential buyers of Lot 1 the proposed resubdivision of Non-Buildable Bulk Parcels "A" and "B".
5. Petitioner shall cite this waiver and its conditions on all related plats, plans and building permits.

Our decision was made based on the following:

*Extraordinary Hardship or Practical Difficulty Would Result from Strict Compliance*

Strict compliance with the regulations would result in the petitioner having to wait for housing unit allocations, and then be subject to further delays due to schools test failure. The resulting delays to the petitioner are a handicap in the present economic climate, and the interim proposal will provide a measure of relief in the form of providing a marketable product without compromising the larger subdivision as a whole. Strict compliance with the regulations would simply reinforce the handicap to the petitioner while disregarding an innovative means of relief to a hardship.

*Waiver Approval Will Not Nullify the Intent or Purpose of the Regulations*

The parcel would remain unchanged as a result of the interim subdivision but for installation of water and sewer to provide service to the existing house and future lots resulting from resubdivision. Only upon passing of the schools test would resubdivision be allowed to proceed, and at the time of ultimate subdivision compliance with all applicable regulations would be required. Therefore, waiver approval will not nullify the intent or purpose of the regulations.

*Waiver Approval will not be Detrimental to the Public Interest*

Waiver approval will not be detrimental to the public interest. Since a preliminary equivalent sketch plan has been processed, the configuration of the ultimate subdivision is known, including the means by which minimum lot frontage will be provided, and locations of open space and forest conservation. Waiver approval will have no adverse effect on surrounding properties, the community where the property is located, or the County as a whole.

Indicate this waiver petition file number, request, section of the regulations, action, conditions of approval, and date on all related plats, site development plans and building permits. This waiver will remain valid for one year from the date of this letter or as long as the final plat to establish Lot 1 and Non-Buildable Bulk Parcels "A" and "B" remains in active processing.

Should you have any questions please contact Dave Boellner by telephone at 410-313-3956 or by e-mail at [dboellner@howardcountymd.gov](mailto:dboellner@howardcountymd.gov).

Sincerely,



Kent Sheubrooks, Chief  
DPZ, Division of Land Development

KS/DBB:dbb

CC: DPZ, Research  
DPZ, DED  
DPZ, Forest Conservation Coordinator

Fisher, Collins & Carter, Inc.  
SP-08-003 file