



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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FAX 410-313-3467
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August 18, 2010

McCuan Farms, LLC
attn: Patrick McCuan
8850 Columbia 100 Parkway
Suite 400
Columbia, MD 21045

RE: WP-11-012 McCuan Farms

Dear Mr. McCuan:

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 16.144(m) of the Amended Fifth Edition – The Department of Planning and Zoning shall provide the developer with a written report of the findings of the review committee, including the comments of the review committee and its recommendations. If the Department of Planning and Zoning or the review committee indicates that additional information is needed in order to decide whether to approve the final plan, the developer shall provide the information within 45 days of receiving such indication.

Approval is subject to the following two (2) conditions:

- 1) Within **45 days** from the date of this approval (**on or before October 2, 2010**) the developer/owner shall resubmit the revised plans to the Department of Planning and Zoning.
- 2) The owner should resolve all unresolved matters concerning percolation testing directly with the Health Department.

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 final plat that missed its deadline to resubmit revised plans. The owner had a deadline date of May 13, 2010 to resubmit the revised plans, but failed to do so. Delays with the required percolation testing compromised the petitioner's goals of subdividing his farm and therefore contributed to the missing of the resubmission deadline. 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 and his plans to create two parcels from one parcel. Extraordinary hardship would result if the applicant is required to submit and process a completely new final plat, 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. The site is zoned for residential use and has received approval (for subdivision) from the Howard County Agricultural Preservation Board. No proposed improvements to the farm are planned and no change in use is requested. Furthermore, no changes are occurring to the property beyond what is approved on the plat. The Agricultural Board is requiring that the one tenant house be relocated from proposed Parcel B to proposed Parcel A. The plat 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 County's Health Department in order to complete the required percolation testing 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 staff with additional information within 45 days of receiving staff review comments. The petitioner has met all of staff requirements, except the approval for percolation testing as required by the Health Department. The purpose of 16.144(m) 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 the delays associated with the percolation testing.

Indicate this waiver petition file number, request, section of the regulations, action, conditions of approval, and date of approval on all subsequent plans filed with this subdivision. Also, please reference this waiver on all future permits. **This requested waiver will remain valid for one year from the date of this letter or as long as the related plat remains in active processing.**

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

Sincerely,



Kent Sheubrooks, Acting Chief
Division of Land Development

KS/dj

enc: Justification Letter from Petitioner

cc: Research

DED

DPW- Real Estate Services

Health Dept. – Heidi Scott

DPZ – Joy Levy

Benchmark Engineering

F-10-035