



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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December 8, 2011

9291 Whiskey Bottom LLC
9112 Gross Avenue
Laurel, Maryland 20723

RE: WP-12-023, LePore Property

Dear Sir or Madam:

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 16.121(a)(3)(iii)** of the Subdivision and Land Development Regulations, which states that parking lot islands, driveway easements serving non-open space uses, overhead utility transmission lines, and narrow strips under 35 feet wide may not count towards minimum open space requirement. The applicant specifically requested a waiver to allow strips less than 35 feet in width to be counted as open space credit.

Approval is subject to the following conditions:

1. Section 16.121(a)(3)(iii) of the Subdivision and Land Development Regulations contains several items that are not permitted to be credited toward the required open space obligation. This waiver approval is to allow open space credit for narrow strips less than 35 feet wide only. No other requests are being endorsed by this waiver approval.
2. The proposed open space lot shall accommodate a pathway that meets the Department of Recreation and Parks standards, while incorporating a site design that provides adequate stormwater management and landscaping per the County Code and Landscape Manual.
3. In compliance with the Department of Recreation and Parks comments dated November 30, 2011. The applicant shall continue to cooperate with the Department of Recreation and Parks to ensure the pathway comes into fruition and the open space with the pathway is dedicated to the County.
4. In compliance with the Development Engineering Division's comments dated November 9, 2011.

Our decision was made based on the following:

Extraordinary Hardship or Practical Difficulty

Retention of the existing home is fundamental to the viability of this subdivision, however, its placement on the property creates practical difficulty in the creation of, and access to the new lots, when combined with other regulatory requirements. This waiver petition application is requesting relief from the 35 foot minimum width requirement, allowing Open Space Lot 6, as shown on the waiver exhibit, to be fully credited.

Alternative Proposal will Serve the Intended Regulations to a Greater Extent

The intent of the regulation is to provide adequate open space for natural resources and recreational uses. The proposed layout provides sufficient open space area to fulfill the area requirement (0.35 acres required, 0.44 acres provided); however, a significant amount of proposed Open Space Lot 6, as shown on the waiver exhibit, is below the minimum 35 foot wide threshold.

The proposed layout provides open space buffer around three sides of the development, and the rear-yard setback provides buffer on the remaining boundary. Open Space Lot 6, as shown on the waiver exhibit, will include common stormwater management facilities, and a location for a public access pathway from Whiskey Bottom Road to the North Laurel Park (to be constructed by DRP). There is also adequate space for installation of a fence. The lots within the development will benefit from additional space 'on-lot' as the resulting layout provides lot sized well in excess of the minimum sizing without encumbering the lots with a high level of stormwater facilities. Open Space Lot 1, as shown on the waiver exhibit, is under the required 10,000 square feet size for forest conservation, so unless an additional waiver is pursued, it is likely that forest obligations will be met by fee-in-lieu, which would leave Open Space Lot 1 for recreation use.

Not Detrimental to the Public Interest

Approval of this waiver will not be detrimental to the public interest. Sufficient buffer space is provided on all sides of the property and stormwater management will be fully implemented.

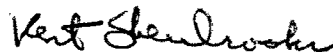
Will not Nullify the Intent or Purpose of the Regulations

Approval of this waiver will not nullify the intent of the regulations, as the intent of these sections is to ensure adequate open space for natural resource conservation and recreational uses. The proposed open space will provide park access, stormwater management, planting areas and recreational open space, in addition to allowing creation of attractively sized 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, site development plan, and/or grading plan remains in active processing.

If you have any questions, please contact Julia Boone at (410) 313-2350 or email at jboone@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

enclosure

KS/JB:jb

cc: Research
DED
Raul Delorme - DRP
Benchmark Engineering