



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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October 25, 2011

Stuart-Kret Homes
c/o Bill McElwee
7090 Samuel Morse Drive
Columbia, MD 21046

RE: WP-12-041, Stone Lake, Lot 51,
Waiver Petition Request Denied

Dear Mr. McElwee:

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 **denied** your request to waive **Section 16.155(a)(2)(ii)** of the Subdivision and Land Development Regulations, requiring a site development plan, approved by the Department of Planning and Zoning, for new residential development of single-family detached residential lots and deeded parcels within the Planned Service Area for both public water and sewer.

Denial was based on the following reasons:

Nullifies the Intent and Purpose of the Regulations

- The waiver, if approved, would violate the intent and purpose of Section 16.101 of the Subdivision and Land Development Regulations which is to ensure that the development of this lot follows uniform rules, procedures, and established standards for the review and processing of a site plan prior to approval. The Regulations assume that the burden of proof is on the applicant to demonstrate the desirability of the waiver request. The Department of Planning and Zoning must determine that the purpose of the Regulations will be served to a greater extent by this alternative proposal for waiving the site development plan requirement. The preparation and review of a site development plan is necessary and important to properly evaluate the development of this single lot in relationship to the overall development because this project is zoned "R-ED" (Residential Environmental Development). The subdivision of this property required the Planning Board's review and approval for the proposed layout of lots, roads, and utilities to minimize the site disturbance for the protection of all environmental features on site. As part of Planning Board case number 345, and the "R-ED" Zoning Regulations, the County's review of subdivision and site development plans for Stone Lake are important to verify compliance with the Planning Board's Decision and Order for this project.
- Approval of this waiver request would not satisfy the intent of the Regulations since approval would not promote fairness and consistency in the application of plan processing procedures because there have been 17 developments that have complied with the Howard County Subdivision and Land Development Regulations and submitted site development plans for this subdivision to date. Approximately half of these site development plans have been for three lots or fewer, and there have been no instances where the site development plan requirement has been waived for this subdivision.

Self Created Hardship

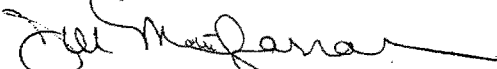
- The application submitted does not contain sufficient justification to substantiate extraordinary hardship or practical difficulties with compliance for providing a professionally prepared site development plan for the construction of a new single family dwelling. This waiver request is a self created hardship because a site development plan can be prepared which addresses the requirements of the Regulations and the other concerns of the Subdivision Review Committee.

Alternative Proposal

- As an alternative to submitting a new site development plan to this Department, the applicant may red-line existing site plan SDP-09-040 to show the proposed development on Lot 51. The red-line revision must satisfy all site development plan requirements for this lot as outlined by this Department. Please note that the storm water management requirements for Lot 51 are addressed on SDP-09-040. Please contact the Development Engineering Division at (410) 313-2424 to obtain more information regarding the red-line revision process and requirements.

If you have any questions, please contact J.J. Hartner at (410) 313-2350 or email at jehartner@howardcountymd.gov.

Sincerely,


for Kent Sheubrooks, Chief
Division of Land Development

KS/TKM/JH

cc: Research

DED

File# WP-12-041

Annette Merson, Division of Public Service and Zoning Administration

Christopher Consultants, 7172 Columbia Gateway Drive, Columbia, MD 21046-2990