



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING  
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Marsha S. McLaughlin, Director

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February 27, 2012

Focal Development  
P.O. Box 197  
Clarksville, MD 21029

RE: WP-12-117 - 3075 Mullineaux Lane

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 16.155(a)(2)(ii)** for the development of single-family detached residential lots and deeded parcels within the Planned Service Area for both public and water and sewer. The waiver request is to allow for construction of a new dwelling to replace an existing house.

Approval is subject to the following conditions:

The Division of Land Development recommends Approval for a waiver of Section 16.155(a)(2)(ii) of the Subdivision and Land Development Regulations, subject to the following conditions:

1. Proposed site disturbance within Parcel 598 is limited to 4,900+/- square feet of LOD that is shown on this waiver petition plan. No disturbance to the stream buffer and 100 year flood plain limits is permitted except for the essential sewer house connection as shown.
2. The attached comments from the Development Engineering Division, dated February 15, 2012.
3. The owner must file a notarized Declaration of Intent (DOI) with the building permit application for a single lot clearing less than 20,000 square feet of forest.
4. The applicant shall comply with all permit requirements for the Department of Inspections, License and Permits.
5. The applicant shall comply with the "R-20" zoning district regulations including the building setbacks and must show and label the required BRL's on the permit plot plan.

Our decision was made based on the following:

Extraordinary Hardship or Practical Difficulty – If the waiver petition is not granted, the applicant will be required to prepare a site development plan. The waiver plan exhibit is a reasonable alternative to a site development plan showing all required site information to properly evaluate this request. In addition, this Department will require that this project comply with all required permits issued by DILP as well as other state/local and utility regulations.

Alternative Proposal –The alternate proposal to waive Section 16.155(a)(2)(ii) would be to submit a new site development plan under standard review. The detailed plan exhibit submitted with this waiver

petition is a suitable substitute for the SDP requirement showing information necessary to evaluate this request for compliance with the Regulations, especially since the property is already developed with an existing house which is to be removed and the existing driveway is to remain. The applicant will need to submit a simplified ECP plan for review as part of the building permit process.

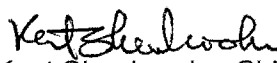
Not Detrimental to the Public Interest –Approval of the waiver request will not alter the essential character of the neighborhood and will not substantially impair the appropriate use or development of the surrounding residential properties. The proposed residential house would be a major improvement to the existing well maintained neighborhood. The proposed construction work will have no impact on any adjacent properties and razing the older existing house and rebuilding in the same location will improve the neighborhood.

Will not Nullify the Intent or Purpose of the Regulations – The waiver petition proposal is an acceptable alternative to submitting a site development plan for standard review because the plan will be presented as part of the building permit application. The site does not initiate the need for stormwater management since it is less than 5,000 square feet, a declaration of intent for a single lot will be provided for the forest conservation requirement and the access to the proposed site is existing.

Indicate this waiver petition file number, request, section of the regulations, action, conditions of approval, and date on all related plats and building permits. This requested waiver will remain valid for one year from the date of this letter or as long as building permit application remains in active processing.

If you have any questions, please contact Jennifer Wellen at (410) 313-2350 or email at [jwellen@howardcountymd.gov](mailto:jwellen@howardcountymd.gov).

Sincerely,

  
Kent Sheubrooks, Chief  
Division of Land Development

KS/jw

cc: Research  
DED  
Robert H. Vogel Engineering, Inc.  
Annette Merson  
DILP