



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

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March 6, 2012

Mark Richmond
Howard County Department of Public Works
Stormwater Management Division
6751 Columbia Gateway Drive, Suite 514
Columbia, Maryland 21046

Re: Trotter Road Bank Stabilization Project
Waiver Petition WP-12-119

Dear Mr. Richmond:

The Director of the Department of Planning and Zoning considered your request for a waiver of Subsection 16.155(a)(1)(ii) of the Howard County Subdivision and Land Development Regulations. Waiver approval would allow grading permits to be obtained for the project referenced without first submitting site development plans to DPZ for approval.

As of the date of this letter, the Planning Director approved your request, subject to the following conditions:

1. Petitioner shall obtain authorization from the Maryland Department of the Environment and U.S. Army Corps of Engineers for activities in regulated areas associated with the project. The petitioner shall obtain all necessary permits from MDE and DILP.
2. Petitioner shall obtain authorization from the owner(s) of T.M. 35, P. 23 for activities proposed on that property prior to start of work.
3. Petitioner shall submit a completed Forest Conservation Data Summary, enclosed, to the DPZ, Division of Land Development, Attn: Dave Boellner.

Our decision was made based on the following justification:

JUSTIFICATION FOR RECOMMENDATION

Extraordinary hardship or practical difficulty may result from strict compliance with the regulations.

The petitioner has demonstrated that preparation and submission of a site development plan for the streambank stabilization project is impractical. Preparation and submission of the site development plan for review and approval by all SRC agencies would be unnecessary and time consuming. The petition includes a plan depicting relevant information and review by only DLD, DED and SCD is necessary.

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Waiver approval will not be detrimental to the public interest.

The project will stabilize eroding streambanks and protect existing infrastructure, and waiver approval will expedite the petitioner's ability to obtain permits to begin this work. Approval of this waiver will therefore be beneficial to the public interest, protecting transportation and underground infrastructure and based on the petition submitted, in conjunction with adherence to the conditions enclosed, will not be detrimental to the public interest.

Waiver approval will not nullify the intent or purpose of the regulations.

The waiver, if approved, will not nullify the intent and purpose of the Howard County Subdivision and Land Development Regulations as stated in Section 16.101. The intent and purpose of the regulations include assisting orderly, efficient, and integrated development of land, providing development in areas free from danger of erosion and stream siltation and preserving streams. Approval of this waiver request will not nullify the intent or purpose of the regulations, but will fulfill the intent to assist efficient development in an area free from danger of erosion and stream siltation, including stream preservation.

The purpose of the regulations may be served to a greater extent by an alternative proposal.

The petitioner has demonstrated that approval of this waiver is a reasonable alternative to processing a site development plan. The waiver petition site plan exhibit provides all relevant information and details to proceed with grading permit processing and project construction.

Indicate this waiver petition file number, sections of the regulations, and date and conditions of approval on all related plans and grading permit applications. This waiver will remain valid for one year from the date of this letter or as long as the grading plan 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.

Sincerely,



Kent Sheubrooks, Chief
DPZ, Division of Land Development

KS/DBB:dbb

Enclosure: Forest Conservation Data Summary

CC: DPZ, Research
DPZ, DED
John Due