



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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March 5, 2012

Dorsey Family Homes
10717 B Birmingham Way
Woodstock, MD 21163
Attn: Bernie Taylor

RE: Rockburn View Lot 32 – 6090 Montgomery Road
WP-12-123 (ECP-12-035)

Dear Mr. Taylor:

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 16.123.(a).(2) to allow on-site grading prior to subdivision and site development plan approval**. Approval is subject to the following conditions:

1. Compliance with the attached comments from the Development Engineering Division.
2. The applicant/developer shall apply for and obtain all applicable permits required for the proposed 11,000 square foot stockpile area (as shown on the Waiver Petition Exhibit) within one year of the date of approval of this waiver petition (**on or before March 5, 2013**).

Our decision was made based on the following:

- Extraordinary hardship resulting from strict compliance with the regulations: Strict compliance with the above regulations would create practical difficulty, as the Rockburn View Subdivision (Lots 40-47) project will require fill dirt to implement the ESD measures that are proposed under ECP-12-035. The applicant/developer currently has fill dirt being generated from excavation from another project that is under construction. Strict adherence to the regulations would require the developer to incur the costs of storing the fill dirt at a temporary location until the SDP is approved (which could exceed three years) and then he would have to incur additional costs to haul the fill dirt from the temporary location to the Rockburn View property.
- Intent of the regulations will be served through the implementation of the alternative proposal: The intent of the regulations and the public interest will be served to a greater extent by granting this waiver because the fill dirt is required to implement the proposed ESD measures which will bring the site to a "Woods in Good Condition" state. In addition, granting the waiver will reduce the number of trips by construction vehicles (dump trucks, loaders, etc.) that will be traveling the County's roadways by eliminating the need to deliver the excavation to a temporary storage site and then, in the future, reload and deliver it to the Rockburn View site.
- Approval of the waiver will not be detrimental to the public interests: No hardship to the public is being created. In accordance with the issuance of a grading permit, erosion and sediment control measures will be installed to stabilize the site and to prevent sediment from the stockpile from leaving the site. The limit of disturbance for the stockpile area shall be no greater than 11,000 square feet with a

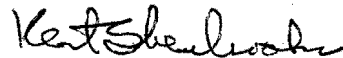
maximum height of 6' and volume of 200 cubic yards, in accordance with the Waiver Petition Exhibit on file with this office.

- Approval of the waiver will not nullify the intent of the Regulations: Approval of the waiver will not nullify the intent of the regulation which requires grading in conformity with a final subdivision plan or site development plan. The Rockburn View Resubdivision Plan will still proceed through all the required stages of plan review which include ECP, Final and SDP.

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 approval of this waiver petition (**on or before March 5, 2013**) or for as long as a grading permit remains in active processing.

If you have any questions, please contact Ms. Pat Britt-Fendlay at (410) 313-2350 or via e-mail at pfendlay@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/JMF/MPB

Attachment: DED Comments

cc: Research
Phil Thompson - Development Engineering Division
Annette Merson - Zoning Front Counter
Mildenberg, Boender & Associates, Inc.