



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

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September 12, 2012

Jason Van Kirk  
Elm Street Development  
5074 Dorsey Hall Drive, Suite 205  
Ellicott City, Maryland 21042

Re: Walden Woods  
Waiver Petition WP-13-020

Dear Mr. Van Kirk:

The Director of the Department of Planning and Zoning considered your request for a waiver of Subsections 16.144(b) and 16.144(g) of the Howard County Subdivision and Land Development Regulations. Waiver approval would allow the subdivision referenced to proceed to final plan stage without prior submission and approval of sketch or preliminary plans.

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

1. The petitioner shall, as necessary, address the following conditions of Waiver Petition WP-12-131 with the proposed final plan submission:
  - a. Petitioner or designee shall be responsible for maintenance of safe vehicular access to all residential units upon completion of said units. This shall include but not be limited to maintenance of the private road providing access from Gorman Road to residential units and snow removal from the private road.
  - b. Upon completion of any portion of the proposed residential development, petitioner or designee shall provide private trash removal services to the development.
  - c. Petitioner shall investigate design measures, including but not limited to the use of 2:1 slopes and retaining walls, to avoid or minimize impacts to the stream buffers resulting from the project.
2. The petitioner shall investigate providing a pathway connection from the northwestern portion of the Walden Woods development to the pathway proposed in this area as part of the future Wincopia Farms subdivision.
3. Submission of a final plan and a site development plan is required.

Our decision to approve the waiver was made based on the following justification:

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

As stated in Subsection 16.145(a) of the regulations, the purpose of the sketch plan is "to indicate to the County the intent, scope and timing of the subdivision and to familiarize the developer with County and State plans which may affect the subdivision." In addition, the purpose of the preliminary plan is "to present detailed data which will enable the County to determine whether the proposed layout of the subdivision is in accordance with the approved sketch plan, the requirements of this Section and the requirements of [the Subdivision and Land Development Regulations].[Subsection 16.146(a)]."

As of this writing the petitioner has submitted, and the County has processed, a number of petitions and plans including detailed data typically required for preliminary plan submissions. Processing of these submissions has certainly fulfilled the intent and purpose of Subsection 16.145(a), indicating to the County the nature of the subdivision and familiarizing the developer with public improvements affecting the development. Furthermore, the intent and purpose of Subsection 16.146(a) have been fulfilled for the most part by review and approval by the County of the submissions, particularly the environmental concept plan, which includes a preliminary stormwater management plan, erosion and sediment control plan and environmental studies, including a forest stand delineation.

Since the petitioner has submitted information to fulfill the intent and purpose of Subsections 16.145(a) and 16.146(a), strict compliance with Subsections 16.144(b) and 16.144(g), respectively, would be redundant, senseless and would present the petitioner with an extraordinary hardship in unnecessary plan preparation, time and plan preparation. Any information required for preliminary plan submission not having been received as of this writing may be requested at the final plan stage and site development plan stage.

*Waiver approval is not detrimental to the public interest.*

Approval of this waiver based on the petition submitted, in conjunction with adherence to the conditions enclosed, will not be detrimental to the public interest. It will have no adverse effect on adjacent properties, the surrounding community, or Howard County as a whole.

*Waiver approval shall not have the effect of nullifying the intent and purpose of the regulations.*

As stated above, prior submission of relevant petitions and plans by the petitioner and review and approval by the County have resulted in the intent and purpose of the regulations being achieved. For this reason waiver approval will not nullify the intent and purpose of the regulations.

The justification for recommendation is supported by information provided by the petitioner.

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

Should you have any questions please contact Dave Boellner by telephone at 410-313-3956 or by email at [dboellner@howardcountymd.gov](mailto:dboellner@howardcountymd.gov).

Sincerely,



Kent Sheubrooks, Chief  
DPZ, Division of Land Development

KS/DBB:dbb

CC: DPZ, Research  
DPZ, DED

