



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Marsha S. McLaughlin, Director

www.howardcountymd.gov

FAX 410-313-3467

TDD 410-313-2323

February 8, 2013

Scott Regan
10509 Twin Cedar Court
Laurel, Maryland 20723

Re: Regan Property
Waiver Petition WP-13-025
(Preliminary Equivalent Sketch Plan SP-12-004)

Dear Mr. Regan:

The Director of the Department of Planning and Zoning considered your request for a waiver of Subsections 16.115(c) and 16.116(a) of the Howard County Subdivision and Land Development Regulations. Waiver approval would allow development activities to occur in the 100-year floodplain and within the wetland and streambank buffers in accordance with the related plan referenced. Relief from Subsection 16.1205(a) was originally sought to allow for removal of specimen trees, but through plan redesign and subsequent avoidance of specimen tree impacts the request for a waiver of this regulation was withdrawn.

As of the date of this letter, the Planning Director approved your request to waive Subsections 16.115(c) and 16.116(a) as they pertain to Preliminary Equivalent Sketch Plan SP-12-004, subject to the following conditions:

1. The petitioner shall obtain authorization by the Maryland Department of the Environment and U.S. Army Corps of Engineers for activities proposed in streams, wetlands, the wetland buffer and the 100-year floodplain.
2. The petitioner shall not store or discard building materials or other debris within the 100-year floodplain without prior written authorization by the Howard County Department of Planning and Zoning and Maryland Department of the Environment.
3. The petitioner shall ensure that all grading and road construction activities within the wetlands, streams, buffers and 100-year floodplain the minimum necessary to accommodate the proposed road crossings and side slope grading. The petitioner shall ensure that best management practices are used when constructing the road crossings and that stabilization is initiated immediately upon completion of the road construction activities.
4. The petitioner shall comply with the Development Engineering Division comments dated August 13, 2012, attached.

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.

The petitioner has adequately demonstrated that strict compliance with the regulations may result in their encountering extraordinary hardship or practical difficulty in development of the property. Alternate means of achieving public road access, a critical factor to all development, was examined by the developer. Employment of a subdivision design complying fully with the relevant regulations may not only be

Scott Regan
February 8, 2013
Page 2 of 2

impossible due to property ownership and easement issues but would be unwieldy due to the subdivision having multiple points of access from the surrounding public road network.

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

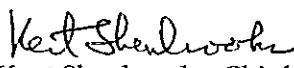
The petitioner has adequately demonstrated that waiver approval will not nullify the intent or purpose of the regulations. The plan ensures that appropriate development takes place with regard to natural features [Subsection 16.101(a)(9)]. The design of proposed stream crossings minimizes impacts to stream and wetland resources by being: 1) located at the previously-disturbed site of an existing failed pipe culvert, thus avoiding impacts to undisturbed stream and wetland systems (Crossing No. 1); 2) located high in the drainage areas of respective streams and adjacent to the previously-disturbed BGE easement, minimizing resource fragmentation (Crossing Nos. 2 and 3); and, 3) designed as bottomless arch culverts, avoiding and minimizing stream impacts (Crossing Nos. 1 and 2). The remainder of the development takes place in largely unforested upland areas, preserving a great majority of the valuable onsite forested stream, wetland and floodplain corridors.

The justification is supported by information provided by the petitioner.

Indicate the waiver petition file number, sections of the regulations, action, conditions of approval, and date on all related subdivision and site development plans. This 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.

Sincerely,


Kent Sheubrooks, Chief
DPZ, Division of Land Development

KS/DBB:dbb

Enclosure: DED comments

CC: DPZ, Research
DPZ, DED
Benchmark Engineering, Inc.
Amy Lester
Bryna G. Dash and David A. Dash