



**Howard County Department Of Planning And Zoning**  
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Marsha S. McLaughlin, Director

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September 5, 2012

Robert and Florence (Maxine) Walker  
3666 Jennings Chapel Road  
Woodbine, MD 21797

**RE: WP-13-027 Harwood Farm, Lot 2**  
**(BA-09-035C)**

Dear Mr. and Mrs. Walker:

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 the following two (2) sections of the Subdivision and Land Development Regulations:

**Section 16.155(a)(1)(ii)** of the Amended Fifth Edition - Development of single-family detached residential lots and deeded parcels within the Planned Service Area for both public water and sewer. The applicant is seeking to waive the site development plan (SDP) for a change in use when there are no proposed new structures involved.

**Section 16.155(a)(3)** of the Amended Fifth Edition – All conditional uses in commercial or industrial districts. In other districts, the Department of Planning and Zoning may require a site development plan for conditional uses which require exterior site improvements. The applicant is seeking to implement an approved Conditional Use for limited outdoor social assemblies and an antique shop subject to BA-09-035c.

**Approval is subject to the following five (5) conditions:**

- 1) Compliance the five conditions that are listed in the Board of Appeals (BA-09-035c) case Decision and Order dated June 5, 2012.
- 2) Compliance with those provisions listed under Sections 131.N.5 and 131.N.32 of the Zoning Regulations for an antique shop and limited outdoor social assemblies.
- 3) All necessary permits must be applied and approved for by the Department of Inspections, Licenses and Permits (DILP), as applicable. The property address of 3666 Jennings Chapel Road must be used for all permits. The updated waiver petition plan exhibit shall be used for the building permit application.

- 4) Failure to comply with the approval of the conditional use will void the approval of this waiver.
- 5) Subject to compliance with comments from County review agencies.

**The decision of this waiver petition is based on the following justification:**

Extraordinary Hardship or Practical Difficulty

If the waiver petition is not granted, the applicant will be required to prepare a site development plan to indicate the site specifics, which includes the location of all existing structures, proposed parking spaces and related site improvements (temporary or permanent) that were approved as part of the BA case and those that are shown on the plan exhibit that accompanied this waiver petition. The purpose of this project is to accommodate outdoor social assembly events and to operate an antique shop that will be housed within an existing 960 square foot shed. The time that would be needed to prepare plans may impede the Petitioner's goals of starting the permitting process through the Department of Inspections, Licenses and Permits (DILP). This Department will require that this project comply with the Board of Appeals Decision and Order; the requirements found under Sections 131.N.5 and 131.N.32 and all required permits issued by DILP.

Alternative:

There is no other viable alternative plan process other than submitting a SDP (which would require significantly more processing time) or a waiver petition application to waive the SDP process. The owner of the site has submitted a site plan exhibit that details the location of the proposed fire truck pullover area and handicap assistance space. The site plan exhibit shall remain as part of the waiver petition file. The detailed waiver plan exhibit is deemed an acceptable substitute for a site development plan in this case.

Not detrimental to 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, since the property is recognized as a legally created lot (per the recorded plat) and has met the minimum site plan requirements suitable for the activities proposed. The Howard County Board of Appeals has granted the Petitioners the opportunity to utilize the aforesaid property under those provisions under Sections 131.N.5 and 131.N.32 and therefore, the implications of impact to the surrounding areas were considered. There are no new structures or driveway proposed. The owner will be using the existing driveway and existing structures. The proposed parking spaces are just for calculation purposes only as parking spaces are shown on existing grassed surfaces (no paving is proposed).

Not nullify the intent or purpose of the regulations:

Approval of this waiver request will not nullify the intent or purpose of the regulations since the overall purpose of the project is to locate existing uses and to show proposed minor site improvements. The proposed improvements have been detailed on the waiver petition plan exhibit, which clearly demonstrates how all site improvements are planned for Lot 2. The minor improvements are for a fire truck pullover along the existing driveway and a handicap assistance space (all other site improvements are existing).

Indicate this waiver petition file number, request, section of the regulations, action, conditions of approval, and date on all future DPZ plans and building permits. **This requested waiver will remain valid for one year from the date of this letter or as long as the applicable permits remain in active processing.**

If you have any questions, please contact Derrick Jones at (410) 313-2350.

Sincerely,



Kent Sheubrooks, Chief  
Division of Land Development

KS/dj

cc: Research

DED

Health Dept.

Fire Dept.

Joy Levy

Sam Stoney

Annette Merson (Zoning)

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