



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

November 8, 2012

Denis Ellis
Columbia Association
10221 Wincopin Circle, Suite 100
Columbia, Maryland 21044

Re: Waiver Petition WP-13-062
Lake Kittamaquindi Restoration
(Site Development Plan SDP-08-108, Redline Revision No. 1)

Dear Mr. Ellis,

The Director of the Department of Planning and Zoning considered your request for a waiver of Subsections 16.115(c)(2) and 16.116(a)(2)(iii) of the Howard County Subdivision and Land Development Regulations. Waiver approval would allow activities necessary for widening of an existing pathway depicted on SDP-08-108, Redline Revision No. 1 to be conducted in the 100-year floodplain and 100-foot streambank buffer.

As of the date of this letter, the Planning Director approved your request to waive Subsections 16.115(c)(2) and 16.116(a)(2)(iii), subject to the following conditions:

1. Petitioner shall resubmit the redline request to the DPZ, Development Engineering Division with a note added to the plan indicating approval of this waiver, relevant sections, date of approval and conditions of approval.
2. Petitioner shall utilize appropriate erosion and sediment control measures during pathway widening.
3. Petitioner shall submit a completed Forest Conservation Data Summary to the DPZ, Division of Land Development, Attn: Dave Boellner.
4. Petitioner shall obtain authorization of regulated activities by the Maryland Department of the Environment.

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 demonstrated that strict compliance with the regulations would result in undue hardship and practical difficulty. Due to the location of the existing pathway in the floodplain and streambank buffer, any widening requires a waiver of the relevant regulations. Strict compliance with the regulations would result in denial of a project that is proposed to enhance public safety, security of

Denis Ellis
November 8, 2012
Page 2 of 2

the area and pathway maintenance, presenting potential hardship and difficulty to the petitioner as well as to the public.

Waiver approval will not be detrimental to the public interest.

The project will not be detrimental to the public interest; to the contrary, it will benefit the public by providing a wider pathway for access by emergency vehicles in case the need arises and for use by maintenance vehicles, reducing long-term costs.


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 providing development in areas free from danger of flooding, erosion, stream siltation, etc. [Subsection 16.101(a)(7)]. The area in which the project is located was previously disturbed and has been degraded to a large degree by recent installation of the Little Patuxent parallel sewer interceptor. The project will restore and stabilize the area, and conditions of approval ensure that erosion and sediment control measures are to be implemented.

Indicate this waiver petition file number, request, section of the regulations, action, conditions of approval, and date on all related plans, redline revisions and grading permits. Waiver approval remains valid for one year from the date of this letter or as long as SDP-08-108, Redline Revision No. 1 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
Division of Land Development

KS/DBB:dbb

CC: DPZ, Research
DPZ, DED
Bayland Consultants & Designers