



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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November 9, 2012

Kennard Warfield, Jr.
14451 Triadelphia Road
Glenn, Maryland 21737

RE: WP-13-063, Waverly Woods, Section 3,
Area 1, Open Space Lot 162

Dear Mr. Warfield:

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 16.155(a)(1) of the Subdivision and Land Development Regulations which states that a site development plan is required for new or expanded nonresidential development including utility development. The applicant is requesting a waiver to the site development plan in order to install a retaining wall to create a pad for the placement of a utility box consisting of a gas valve regulator and an all weather cover box.

Approval is subject to the following conditions:

1. The waiver petition plan exhibit shall serve as the substitute for a site development plan for development. No disturbance is permitted beyond the limit of disturbance as shown on the waiver exhibit.
 2. Landscaping shall be required along the rear and both sides of the retaining wall in order to provide a buffer from the adjoining residential community. In order to provide an effective buffer evergreen trees, such as Leyland Cypress, shall be planted 10-15 feet on center. Within 60 days of the approval letter (on or before January 8, 2013) or before the improvements commence please submit a paper copy of the plan indicating the location and species of the proposed landscaping. In accordance with Section 16.124 of the Subdivision and Land Development Regulations and Landscape Manual this Department will perform an inspection to verify installation of the required plant materials. The inspection fee required for this project is \$100.00 and must be paid to the Department of Planning and Zoning within sixty (60) days of the approval letter (on or before January 8, 2013) or before the use has commenced. The owner, tenant and/or their agents shall be responsible for maintenance of the required landscaping, plant materials, berms, fences and walls. All required landscaping shall be permanently maintained in good growing condition, and when necessary, repaired or replaced.
 3. Submission of the waiver plan exhibit to the Department of Inspections, Licenses and Permits for any required grading and building permits.
- *Advisory Comment – The owner shall be advised that Open Space Lot 162 should have been conveyed to the Waverly Homeowner's Association in accordance with recorded subdivision plat, F-94-125, Plat No. 11333. Please convey the open space lot to the Waverly Homeowner's Association per the recorded subdivision plat and County Regulations.*

Our decision was made based on the following:

Extraordinary Hardship or Practical Difficulty

The proposed gas regulator is required to be connected to a gas main that is currently being installed eastward from Marriottsville Road along Old Frederick Road. If the applicant is required to submit a new SDP for standard review the maintenance project will be delayed.

Not Detrimental to the Public Interest

Approval of the waiver petition will allow BG&E to complete the gas main upgrade sooner, which in the long run will better serve the community.

Will not Nullify the Intent or Purpose of the Regulations

The proposed improvements would generally be processed via a Redline Revision (2 week review), but given that the proposed improvements are located on an Open Space Lot there is not an associated plan to redline; therefore a SDP or waiver to the SDP is required to meet the County requirements. As a condition of approval the applicant will be required to plant a landscape buffer to shield the proposed improvements from the residential community. The Division of Public Administration and Zoning has determined that the proposed improvements do not require a variance from the public road right-of-way or a conditional use. And, the Development Engineering Division has no objection to the proposal.

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 this letter.

If you have any questions, please contact Julia Boone at (410) 313-2350 or email at jboone@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/JB;jb

cc: Research
DED
Zoning
DILP
Development Design Consultants