



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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January 25, 2013

Suncoast TL1
3 Ashgrown Way
Reisterstown, Maryland 21136

Re: 13000 Wainwright Road
Waiver Petition WP-13-091

Dear Sir or Madam:

The Director of the Department of Planning and Zoning considered your request for a waiver of Subsections 16.120(b)(4)(iii), 16.120(c)(2)(iv) and 16.1205(a) of the Howard County Subdivision and Land Development Regulations. Waiver of these regulations would: 1) allow floodplains, wetlands, streams, their buffers, and forest conservation easements to be located on lots less than ten acres in size; 2) allow a single use-in-common driveway to serve more than six units; and, 3) allow removal of specimen trees.

The Planning Director **denied** your request to waive Subsection 16.120(c)(2)(iv) based on the following reasons:

1. The petitioner failed to demonstrate that the intent of the regulations will be served to a greater extent through the implementation of the alternative proposal to eliminate the minimum public road frontage requirement for the proposed subdivision. Waiver approval will establish a precedent for all eligible properties sharing this same driveway (Wainwright Road) to be further subdivided, exacerbating the existing inadequate ingress/egress situation.
2. The petitioner failed to provide information regarding the possibility of converting and improving Wainwright Road to public road standards by processing a "Private Road Takeover" with the Department of Public Works, Bureau of Highways and the Department of Public Works, Real Estate Services Division, thereby permitting resubdivision of the property in compliance with the regulations.
3. The petitioner failed to adequately demonstrate that waiver approval will not be detrimental to the public interest or the surrounding community without providing the minimum public road frontage requirement for subdivision of a property.
4. The petitioner failed to provide information concerning ownership or written permission documents from all property owners currently sharing the use-in-common access and maintenance responsibilities for the existing access to allow additional lots to utilize the private road.
5. The petitioner failed to demonstrate that the intent or purpose of the regulations would not be nullified by waiver approval. The purpose of the regulations includes "providing uniform procedures and standards for the processing of subdivision plans." [Subsection 16.101(a)(13)] As established by the Department's decision on WP-08-038 the standards provided by the regulations would be nullified by waiver approval.

6. The Development Engineering Division recommends denial of the waiver. (Please see attachment.)

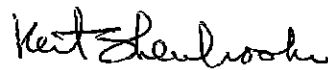
Since waivers of the remaining regulations covered under the petition are made necessary only by proposed subdivision of the parcel and proposed subdivision is prevented by the denial of the waiver of the subsection above, the Department defers its decision regarding waivers of Subsections 16.120(b)(4)(iii) and 16.1205(a) until such a time as a final plan for subdivision of the property is submitted by the petitioner.

In accordance with Subsection 16.104(b)(3)(ii) additional information may be submitted to the DPZ within 30 days of the date of this letter (on or before February 24, 2013) to support a request for the Department to reverse its denial of the waiver.

We strongly recommend that alternatives be investigated such as converting all or part of Wainwright Road to a public road to achieve compliance with Subsection 16.120(c)(2)(iv).

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

CC: DPZ, Research
DPZ, DED
Benchmark Engineering, Inc.