



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 27, 2013

John Byrd
Howard County Department of Recreation and Parks
7120 Oakland Mills Road
Columbia, Maryland 21046

Re: 10301 Tuscany Road Stream Restoration
Waiver Petition WP-13-111

Dear Mr. Byrd:

The Director of the Department of Planning and Zoning considered your request for a waiver of Subsections 16.155(a)(1)(ii) and 16.1201(n) of the Howard County Subdivision and Land Development Regulations. Waiver approval would absolve the petitioner of the requirement to submit a site development plan for the proposed project and would allow the petitioner to use an alternate method to determine the project net tract area in order to compute the project forest conservation obligation.

As of the date of this letter, the Planning Director approved your request to waive Subsections 16.155(a)(1)(ii) and 16.1201(n), subject to the following conditions:

1. Petitioner shall submit to the Department of Planning and Zoning a copy of the memorandum authorizing the Department of Finance, Bureau of Accounting, to transfer \$3,920.00 to the Forest Conservation Fund – Section 16.1211, SAP Acct #2060000000-3000-3000000000-PWPW000000000000-432521.
2. Petitioner shall submit a completed Forest Conservation Data Summary to the DPZ, Division of Land Development, Attn: Dave Boellner.
3. Petitioner shall, prior to grading permit application, obtain a right-of-entry from the owners of The Fairways, Lot 132.
4. Petitioner shall obtain any required permits from the Department of Inspections, Licenses and Permits, Maryland Department of the Environment and U.S. Army Corps of Engineers as applicable.

The 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 preparation and submission of a site development plan for the stream restoration project is impractical and would delay the start of a much-needed project. Preparation and submission of the site development plan for review and approval by all SRC agencies would be unnecessary and time consuming, especially considering the existing condition of the stream which continues to erode. The petition includes a plan with sufficient detail to allow for review by relevant SRC agencies.

John Byrd
February 27, 2013
Page 2 of 2

In addition, the petitioner may incur extraordinary hardship if required to compute forest conservation obligations based on net tract area as defined by policy. The project limit-of-disturbance is relatively small and is confined mainly to the stream channel and almost entirely within the 100-year floodplain. Use of the area of the undisturbed portions of the lot on which the project will take place to determine forest conservation obligations is unnecessary since they are in no way affected by the project.

Waiver approval will not be detrimental to the public interest.

The project will stabilize eroding streambanks and protect existing infrastructure, and waiver approval will expedite the petitioner's ability to obtain permits to begin this work. Approval of this waiver will therefore be beneficial to the public interest, protecting transportation and underground infrastructure and based on the petition submitted, in conjunction with adherence to the conditions enclosed, will not be detrimental to the public interest.

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 assisting orderly, efficient, and integrated development of land, providing development in areas free from danger of erosion and stream siltation and preserving streams. Approval of this waiver request will not nullify the intent or purpose of the regulations, but will fulfill the intent to assist efficient development in an area free from danger of erosion and stream siltation, including stream preservation.

The purpose of the regulations may be served to a greater extent by an alternative proposal.

The petitioner has demonstrated that approval of this waiver is a reasonable alternative to processing a site development plan. The waiver petition site plan exhibit provides all relevant information and details to proceed with grading permit processing and project construction.

Indicate this waiver petition file number, sections of the regulations, action, conditions of approval, and date on all related grading permits. This waiver will remain valid for one year from the date of this letter or as long as the grading plan 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

CC: DPZ, Research
DPZ, DED