



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING  
3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Marsha S. McLaughlin, Director

[www.howardcountymd.gov](http://www.howardcountymd.gov)  
FAX 410-313-3467  
TDD 410-313-2323

February 22, 2013

Judith Miller  
4540 Rust Gate  
Ellicott City, MD 21043

RE: WP-13-127, Miller Property  
4405 College Avenue

Dear Ms. Miller:

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)(2)(ii) Waiver of a site development plan for the Development of single-family detached residential lots and deeded parcels within the Planned Service Area for both public water and sewer. The waiver request is to allow for construction of a new dwelling to replace an existing house.

The Division of Land Development recommends Approval for a waiver of Section 16.155(a)(2)(ii) of the Subdivision and Land Development Regulations, subject to the following conditions:

1. No disturbance shall be permitted beyond the 6,500 square feet of LOD that is shown on this waiver petition plan exhibit nor should any trees be removed other than the one labeled "to be removed" on the waiver exhibit. All other trees should remain.
2. The owner must file a Declaration of Intent (DOI) with the building permit for a single lot clearing less than 20,000 square feet.
3. The applicant shall comply with all permit requirements for the Department of Inspections, License and Permits.
4. The applicant shall comply with all requirements of the "R-20" zoning district regulation under Section 107.H which permits "R-ED" zoned properties to develop under the "R-20" regulations for a lot of any size which has not been subdivided since October 18, 1993 and which is proposed to be improved by a single family detached dwelling. Therefore, Planning Board approval is not necessary.

Justification for Recommendation:

Extraordinary Hardship or Practical Difficulty – If the waiver petition is not granted, the applicant will be required to prepare a site development plan. The waiver plan exhibit is a reasonable alternative to a site development plan showing all required site information to properly evaluate this request. In addition, this Department will require that this project comply with all required permits issued by DILP as well as other state/local regulations.

Alternative Proposal – The alternate proposal to waive Section 16.155(a)(2)(ii) would be to submit a new site development plan under standard review. The detailed plan exhibit submitted with this waiver petition is a suitable substitute for the SDP requirement showing information necessary to evaluate this

request for compliance with the Regulations, especially since the property is already developed with an existing house which is to be removed and the existing driveway is to remain and only extended.

Not Detrimental to the 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. The proposed residential house would be a major improvement to the existing well maintained neighborhood. The proposed construction work will have no impact on any adjacent properties and tearing down the older existing house and rebuilding in the new location will improve the neighborhood.

Will not Nullify the Intent or Purpose of the Regulations – The waiver petition proposal is an acceptable alternative to submitting a site development plan for standard review because the plan will be presented as part of the building permit application. A declaration of intent will be provided for the forest conservation requirement and the access to the proposed site is existing.

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 or as long as this development building permit remains in active processing.

If you have any questions, please contact Jennifer Wellen at (410) 313-2350 or email at [jwellen@howardcountymd.gov](mailto:jwellen@howardcountymd.gov).

Sincerely,



Kent Sheubrooks, Chief  
Division of Land Development

KS/jw

cc: Research  
DED  
Real Estate Services  
DPZ&A  
Annette Merson  
DILP