



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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April 22, 2013

Mr. Donald Reuwer
Double R Ventures, LLC
c/o Land Design and Development
5300 Dorsey Hall Drive, Suite 102
Ellicott City, MD 21042

Dear Mr. Reuwer:

RE: WP-13-149, Mount Hebron Overlook, Lots 1-25 and
Open Space Lot 26, (F-11-064 and SDP-12-027)

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 16.119(a)(12)** which requires, in designing a subdivision where topography or other conditions make the inclusion of utilities or drainage facilities within street rights-of-way impractical, perpetual unobstructed easements at least twenty (20) feet in width for such utilities shall be provided across property outside the street right-of-way as determined by the Department of Public Works.

Approval is subject to the following conditions:

1. A plat of revision must be submitted amending the width of the existing public stormwater management, drainage and utility easement.
2. A red-line to the road construction drawings (F-11-064) and site development plan (SDP-12-027) must be submitted amending the width of the existing public stormwater management, drainage and utility easement.
3. On the red-lined road construction drawings, site development plan and plat of revision and all future subdivision plans and site development plans, provide a brief description of waiver petition, WP-13-149, as a general note to include requests, sections of the regulations, action and date.
4. Compliance with comments from the Development Engineering Division dated April 11, 2013.
5. At the time of submission of the red-line for the SDP, submit a certification to Mr. William Malone, with the Department of Public Works, Bureau of Highways, indicating that the easement was checked and constructed in accordance with its design.
6. Compliance with all comments generated with the request to process the plat of revision utilizing the Originals Only Process.
7. The builder must provide written documentation to the Lot 4 property owner explaining that no structures will be permitted within the reduced 17.5' wide easement area. The property owner must provide this written documentation to any future property owner of this restriction.

Our decision was made based on the following:

Extraordinary hardship or practical difficulties which may result from strict compliance with the Regulations

The waiver petition requires that the applicant demonstrate that extraordinary hardships or practical difficulties may result from strict compliance with the regulations or that the regulations may be served to a greater extent by an alternative proposal. It has been determined that a reduction in the 20' wide existing public stormwater management, drainage and utility easement is acceptable as long as no structures are placed within the area of the reduced easement 17.5' wide. Structures include and are not limited to window overhangs, chimneys, air conditioning units and basement access doors. If the builder can demonstrate, through an exhibit to the Department of Public Works, Bureau of Highways and DED that this can be accomplished, then the red-line can be granted and the submission of a plat of revision will be required.

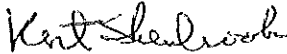
Not Detrimental to the Public Interest - Approval of the waiver request will not alter the essential character of the neighborhood and will not substantially impair the appropriate use or development of the surrounding properties. The granting of the waiver petition for the reduction in the 20' wide existing public stormwater management, drainage and utility easement will not be detrimental to the public's interest since the builder will not be permitted to construct any structures within the reduced 17.5' wide easement.

Will Not Nullify the Intent or Purpose of the Regulations - Approval of this waiver request will not nullify the intent or purpose of the regulations since the structures will not be permitted within the reduced easement (17.5' wide). The builder will be required to provide documentation to DPW demonstrating that the storm drain was properly constructed. The 17.5' wide easement should provide ample space for DPW to maintain or repair the easement given the fact the structures will not be permitted within the abandoned portion of the easement.

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 site development plan remains in active processing.

If you have any questions, please contact Brenda Luber at (410) 313-2350 or email at BLuber@howardcountymd.gov.

Sincerely,


Kent Sheubrooks, Chief
Division of Land Development

KS/BL

Enclosure (DED)

cc: Research
DED
Real Estate Services
FCC
F-11-064
SDP-12-027