



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING  
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Marsha S. McLaughlin, Director

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January 13, 2014

Mr. Paul Walsky  
Department of Recreation and Parks  
7120 Oakland Mills Road  
Columbia, MD 21046

Dear Mr. Walsky:

RE: WP-14-049, Belmont Manor and Historic Park

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) (i)** – requires the submission of a site development plan for all new or expanded non-residential development; **Section 16.1201(n)** – which defines “Net Tract Area” for the purpose of calculating the Forest Conservation obligation; and **Section 16.1202(a)** which requires a Forest Conservation Plan for a grading permit, site development plan or subdivision plan.

Approval is subject to the following conditions:

1. The Net Tract Area used to calculate the Forest Conservation Obligation for this project is based on the 4.90 acres limit of disturbance. Recreation and Parks is required to mitigate .74 acres. Because this obligation is being fulfilled off-site, the Department of Recreation and Parks must contact DPW, Real Estate Services Division and have them prepare a Grant of Easement plat for the 1.48 acre (2:1 for off-site retention) Forest Conservation Easement located at Rockburn Branch Park. This Grant of Easement plat must be submitted by **April 13, 2014** (3 months from the approval of waiver petition).
2. No disturbance is permitted beyond the limit of disturbance as shown on this waiver petition plan exhibit, WP-14-049. All disturbed areas must be stabilized, as appropriate.
3. Compliance with the attached comments from the Howard County Health Department dated November 21, 2013.
4. The plan must be presented to the Historic District Commission for Advisory Comments. You may not obtain your grading permit until your proposal has been presented to the Historic District Commission.
5. On plans and applications for all applicable permits, provide as a General Note a brief description of the waiver petition, WP-14-049 which includes the required sections of the Regulations, approval date and action taken.

Our decision was made based on the following:

**Extraordinary Hardship or Practical Difficulty** - The disturbance is needed to remove the contaminated soil and replace the excavated area with clean fill. If the applicant were required to submit a formal Site Development Plan and if the applicant were required to satisfy the Forest Conservation obligation based on the gross acreage of each parcel, the Forest Conservation obligation for the total gross acreage would exceed the budget for the project, thus, impacting the County's ability to allow the public to visit the public park. Strict compliance of the Regulations would require additional time, effort, and cost. The additional work would include a forest stand delineation report, extensive survey field work, additional computations, mapping, reports, plans and exhibit preparation. Full compliance with the regulations and the expenditure of the design team's resources would not improve the final design for correcting the contaminated soils.

**Not Detrimental to the Public Interest** – The regulations are meant to assure that development occurs per County requirements and that environmental criteria are met, including the protection of existing forested areas to the extent practical, and where forest must be disturbed, reforestation of the project site per the forest conservation worksheet. The limit of disturbance has been minimized to only that area necessary for bringing the parcel up to public standards. The waiver petition exhibit is an alternative to the required Site Development Plan. In addition, allow the applicant to fulfill the Forest Conservation obligation based on the area of disturbance will not be detrimental to the public interest because as other improvements are made to the site Forest Conservation requirements must be satisfied. The applicant is fulfilling the obligation based on the area of improvements instead of the entire 68.19 acres. As improvements are made to the site, Forest Conservation requirements must be addressed for those areas.

**Will Not Nullify the Intent or Purpose of the Regulations** - The waiver request is not intended to exempt the project from County Regulations, but rather to more appropriately match the goals and resources of the project to the overall intent of the regulations which will not be nullified by the granting of the waiver requests. Allowing the limit of disturbance to serve as the net tract area for the purpose of calculating the Forest Conservation obligation for the removal of the contaminated soil meets the requirements of the regulations.

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 grading plan remains in active processing.

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

Sincerely,



Kent Sheubrooks, Chief  
Division of Land Development

KS/BL

cc: Research  
DED  
Real Estate Services  
Marian Honecny, Supervisor, Urban and Community Forestry, DNR