



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

January 6, 2014

Lewal Partnership  
100 Painters Mill Road, Suite 900  
Owings Mills, Maryland 21117

Re: Arcadia Square  
Waiver Petition WP-14-058  
(Site Development Plan SDP-13-073)

Dear Sir or Madam:

The Director of the Department of Planning and Zoning considered your request for a waiver of Subsection 16.116(a)(1) of the Howard County Subdivision and Land Development Regulations. Waiver approval would allow for grading, removal of vegetative cover and trees, paving and new structures within 25 feet of a wetland for a proposed portion of a retaining wall for the parking lot area of the project referenced.

As of the date of this letter the Planning Director approved your request to waive Subsection 16.116(a)(1) as it applies to the site development plan referenced, subject to the following conditions:

1. The petitioner shall obtain State authorization of activities proposed in the wetland buffer.
2. The petitioner is advised that while the SHA had no objection to approval of the waiver, the project is subject to the terms and conditions of an access permit.

Our decision to approve the waiver request was made based on the following justification:

*Extraordinary hardship or practical difficulty may result from strict compliance with the regulations.*

The petitioner has adequately demonstrated that extraordinary hardship and practical difficulty would be encountered from strict compliance with the regulations. Existing conditions present obstacles to development layout and design. The US40 right-of-way and location of the environmental features, particularly those in the southern portion of the property, constrain the site. Parking areas and drive aisles have been designed to avoid and minimize impacts to environmental features; the design includes use of a retaining wall. Strict compliance with the regulations would result in drive aisles of substandard width and/or loss of parking spaces, resulting in practical difficulty to the petitioner.

*Waiver approval is not detrimental to the public interest.*

The petitioner has adequately demonstrated that approval of this waiver based on the information submitted, in conjunction with adherence to the conditions of approval, will not be detrimental to the public interest. The area of the wetland buffer disturbance is 362 square feet, and the petitioner has

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utilized means in the design of the development to minimize disturbance. The end result of the project will be a site consisting of a majority of environmental features that will be placed in a recorded forest conservation easement. Waiver approval will therefore have no adverse effect on adjacent properties, the surrounding community, or Howard County as a whole.

Indicate this waiver petition file number, section of the regulations, decision, conditions of approval, and date on all related plats, and site development plans, and building permits. This waiver will remain valid for one year from the date of this letter or as long as the site development 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](mailto:dboellner@howardcountymd.gov).

Sincerely,



Kent Sheubrooks, Chief  
DPZ, Division of Land Development

KS/DBB:dbb

CC: DPZ, Research  
DPZ, DED  
Vogel Engineering