



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

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October 16, 2014

Christine S. Smith
Howard County Department of Public Works
Bureau of Environmental Services, Stormwater Management Division
6751 Columbia Gateway Drive, Suite 514
Columbia, Maryland 21046

Re: Pinehurst Court Stream Rehabilitation Project
Waiver Petition WP-15-033

Dear Ms. Smith:

The purpose of this letter is to inform you that the Director of the Department of Planning and Zoning considered your request for a waiver from the Howard County Subdivision and Land Development Regulations, and as of the date of this letter approved your request to waive Subsections 16.155(a)(1)(ii), 16.1201(n) and 16.1205(a)(7) of the Howard County Code. Waiver approval absolves your Department of the requirement to submit a site development plan for the proposed project, allows you to use an alternate method to determine the project net tract area in order to compute the project forest conservation obligation, and allows you to remove a specimen tree as part of the project.

Waiver approval is 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 \$44,758.00 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 Keenan and Merza Properties.

Our 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 the project is needed to address an eroding stream system that is negatively impacting County open space and adjacent private properties. Strict compliance with the regulations would require additional time, effort and cost to address a large amount of land that is in no way affected by the proposed project. The additional work would include a forest stand delineation and survey work in the field as well as additional computations, mapping, report, plan and exhibit preparation. Full compliance with the regulations and the expenditure of the design team's resources would not improve the final design or construction of the project and would take away valuable funds from the implementation of the project design and construction. Performing this extra work would also lengthen the schedule for the project.

Waiver approval will not be detrimental to the public interest.

The existing stream is currently downcutting, threatening private property and fences, eroding stream banks, and causing a loss of trees and stream buffer vegetation. The loss of the trees further destabilizes the stream banks, thus accelerating the rate and amount of erosion. Doing nothing is not an option, as the erosion problem will not fix itself and threatens to migrate laterally farther onto private properties. The public interest, including safety, will be improved by the proposed project. The waiver request is not intended to exempt the project from County requirements, but rather to more appropriately match the goals and resources of the project to the overall intent of the regulations.

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 on all related grading permits. Waiver approval will remain valid for one year from the date of this letter or as long as the grading plan or project remains active.

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
DPZ, Forest Conservation Coordinator
Howard County Department of Recreation and Parks
Marian Honecny – Maryland Department of Natural Resources