



# HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Courthouse Drive

Ellicott City, Maryland 21043

410-313-2350

Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

August 3, 2015

Raul Delerme  
Howard County Dept. of Recreation & Parks  
7120 Oakland Mills Road  
Columbia, MD 21046

RE: WP-16-005 South Branch Park  
Phase 2 Improvements (skatepark)

Dear Mr. Delerme:

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)(1)(i)** of the Subdivision and Land Development Regulations, which states that a site development plan is required for expanded nonresidential development, including public facilities, **Section 16.1202(a)** of the Subdivision and Land Development Regulations, which states that a forest conservation plan is required for development plans and **Section 16.124(a)(2)(i)** of the Subdivision and Land Development Regulations, which states that landscaping shall be provided in accordance with the County Code.

Approval is subject to the following conditions:

1. Approval of this waiver is for the construction of the skatepark and associated benches and accessible walkway. No additional structures or uses, or enlargement to the proposed limit of disturbance is permitted under this request.
2. The proposed structures and uses shall comply with the minimum bulk requirements including setbacks and height requirements for the B-1 Zoning District in accordance with Section 118.0 of the Howard County Zoning Regulations.
3. Compliance with all applicable County and State Regulations and obtaining all necessary permits from the Department of Inspections, Licenses and Permits.
4. Approval of waiver to Section 16.1202(a) is only to allow temporary deferral to the forest conservation plan obligation until the site development plan for the overall park is submitted to the Department of Planning & Zoning. If the overall development of the park ceases for any reason or is not completed in a timely manner, the petitioner will be required to address the forest conservation requirement for the limit of disturbance as indicated on the waiver petition exhibit in accordance with the County Code and Forest Conservation Manual for Phase 1 (playground) and Phase 2 (skatepark).
5. Approval of waiver to Section 16.124(a)(2)(i) is only to allow temporary deferral to the landscaping requirement until the site development plan for the overall park is submitted to the Department of Planning & Zoning. If the overall development of the park ceases for any reason or is not completed in a timely manner, the petitioner will be required to provide landscaping for the development as indicated

on the waiver petition exhibit in accordance with the County Code and Landscape Manual for Phases 1 and 2.

6. In accordance with the Howard County Subdivision and Land Development Regulations, no grading, removal of vegetative cover or trees, paving and new structures shall be permitted within the wetlands, streams or their associated buffers and 100-year floodplain. No removal of state champion trees, trees 75% of the diameter of a state champion tree, trees 30" or larger in diameter or other specimen trees is permitted.
7. Compliance with the Health Department comments dated July 24, 2015. No restroom facilities or onsite plumbing may be constructed or repaired anywhere on the property as part of this phase of the project. No future phases may be developed without Health Department approval. The property is currently not approved to utilize any onsite water or generate any onsite wastewater.
8. Compliance with the Development Engineering Division comments dated July 20, 2015. Approval of this waiver request is subject to a sketch and computations being provided with the Phase 2 building permit and Phase 2 stormwater management shown on the future site development plan.
9. It appears that the existing concrete slab and skatepark does not comply with the 30' structure and use setback from a residential zoning district per Section 118.0.D.2.b. of the Howard County Zoning Regulations. No expansion of the skatepark use is permitted along the western property boundary adjacent to the Hugh Thomas Wildlife Management Area (zoned RC-DEO) beyond the existing non-conforming concrete slab.
10. Per the forest stand delineation submitted under ECP-14-068, several specimen trees exist in the vicinity of the proposed walkway extension and skatepark expansion (bowl feature). All efforts must be made to protect the specimen trees during construction activities. Tree protection measures shall be utilized including protective fencing, root pruning, etc. as necessary. No specimen trees are permitted to be removed under this waiver petition.

Our decision was made based on the following:

**Extraordinary Hardships or Practical Difficulties:**

The practical difficulty of postponement of this project is that the opportunity to cooperate with the Town of Sykesville is available now. There are complex issues with the site including an extensive 100-year floodplain, sewage disposal issues and the restoration/rehabilitation of several historic structures. Although the deteriorating surface of the existing skatepark and homemade features are unsafe and unsatisfactory, they are used on a daily basis for recreation by members of the community, and the County wishes to provide a safer and more enjoyable recreational experience. To not upgrade this amenity, the County will have missed a chance to improve the quality of life in this community.

**Not Detrimental to the Public Interest**

The waiver will not be detrimental to the public interest because it is in compliance with various County and State Regulations. The waiver will also not alter the essential character of the neighborhood because the skatepark is adjacent to other community facilities, such as the playground and picnic shelter, as well as the State of Maryland's Hugh Thomas Wildlife Management Area. A railroad that is in regular daily use lies just across the river from the entire site, so the noise generated by the skatepark will not seem unusual. This waiver is only to postpone the site development plan, forest conservation and landscaping obligations to a future date when the next phases of the park are completed.

**Will not nullify the intent or purpose of the regulations**

The waiver request will not nullify the intent of the site development plan requirement since the applicant is only requesting deferral of the standard site development plan submission until a plan can be submitted for the entire park area. This project is limited to the improvement of one existing feature. The waiver will not nullify the intent of the Forest Conservation Regulations since the applicant is only requesting deferral of the forest conservation plan until the overall park design is finalized. The project will not disturb the existing forested

areas on the site. It is anticipated that no trees will be removed by this project. This waiver will not nullify the intent of the Landscape Regulations since the applicant is only requesting deferral until the overall park design is finalized. No landscape material will be removed by the project, with the exception of some small grass areas for the walkways, ADA ramp and the bowl feature of the skatepark. DRP had provided extensive landscaping on this site after the property was acquired by planting a number of flowering trees and extensive beds of flowering perennials to improve the appearance of a blighted entry to the County. All landscaping maintenance and mowing services are provided at no cost to the County by the Town of Sykesville.

Indicate this waiver petition file number, request, section of the regulations, action, conditions of approval, and date on all related plats, 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 the permits remain in active processing.

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

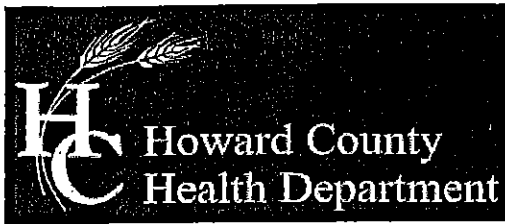
Sincerely,



Kent Sheubrooks, Chief  
Division of Land Development

KS/eb

cc: Research  
DED  
DILP  
DEH  
Forest Conservation Coordinator  
Marian Honecny, DNR



**Bureau of Environmental Health**

8930 Stanford Boulevard, Columbia, MD 21045

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[www.hchealth.org](http://www.hchealth.org)

Facebook: [www.facebook.com/hocohealth](http://www.facebook.com/hocohealth)

Twitter: HowardCoHealthDep

**Maura J. Rossman, M.D., Health Officer**

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**MEMORANDUM**

TO: Kent Sheubrooks, Chief  
Division of Land Development

FROM: Jeff Williams *JW*  
Program Supervisor, Well & Septic Program  
Bureau of Environmental Health

DATE: July 24, 2015

RE: WP-16-005

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The Health Department has reviewed the above referenced plan and has the following comments:

- No restroom facilities or onsite plumbing may be constructed or repaired anywhere on the property as part of this phase of the project. No future phases may be developed without Health Department approval. The property is currently not approved to utilize any onsite water or generate any onsite wastewater.
- There are severe landscape limitations on the property. In consultation with the Maryland Department of the Environment, their assessment of the property was that it will be extremely difficult to establish adequate wastewater capacity for an on-site sewage disposal system on the property and the effort expended to complete such an evaluation may be non-productive.

DEPARTMENT OF PLANNING AND ZONING  
DEVELOPMENT ENGINEERING DIVISION

RECEIVED  
July 20, 2015

Department of Planning and Zoning  
Development Engineering Division

TO: Kent Sheubrooks, Chief  
Division of Land Development

FROM: Chad Edmondson, Chief *CE*  
Development Engineering Division

Project Engineer: \_\_\_\_\_ Nicole Ming Yan

RE: DP&Z File #: \_\_\_\_\_ WP-16-005

\_\_\_\_\_  
South Branch Park

After review of the submitted information requesting a waiver of the Subdivision and Land Development Regulations, Section 16.124(a)(2)(i), which requests A Landscape Plan to be submitted in accordance with the County Code and Landscape Manual; Section 16.155(a)(1)(i), which requires Site Development Plan submitted and approved for nonresidential development; & Section 16.1202(a), which requires Forest Conservation Plan submitted and approved for Grading Permit, this Division has **NO OBJECTION** subject to a sketch ~~plan~~ and computation for ECP submitted and approved on phase II Building Permit and phase II Storm Water Management shown on the future Site Development Plan.

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