



Howard County Department Of Planning And Zoning
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Valdis Lazdins, Director

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November 6, 2015

Joseph C. Penkusky
Lisa Ann Penkusky
4707 Beechwood Road
Ellicott City MD 21043

RE: WP-16-047 Penkusky Property, Lots 1, 3-7 and Open Space Lots 2, 8 and 9

Dear Mr. and Mrs. Penkusky:

The Director of the Department of Planning and Zoning reviewed your request for a waiver from the Howard County Subdivision and Land Development Regulations.

As of the date of this letter, the Planning Director **denied** your request to waive the following two (2) sections of the Subdivision and Land Development Regulations:

Section 16.144(b) of the Amended Fifth Edition – The subdivision process begins when the developer of land submits to the Department of Planning and Zoning a sketch plan or preliminary equivalent sketch plan.

Section 16.145(a) of the Amended Fifth Edition – The purpose of the sketch plan or preliminary equivalent sketch plan is to indicate to the County the intent, scope and timing of the subdivision and to familiarize the developer with County and State plans which may affect the subdivision.

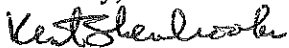
Denial is based on the following reasons:

1. The application submitted does not contain sufficient justification to substantiate extraordinary hardship or practical difficulties with compliance for providing the required preliminary equivalent sketch plan for the proposed subdivision. Additionally, the effort and time expended by the plan consultation team and DPZ staff is an anticipated practice and, therefore, is not deemed as an extraordinary hardship or practical difficulty.
2. This property is zoned R-ED. Per the Zoning Regulations, Section 107.0.F., “For developments in the R-ED Zoning District requiring a Sketch Plan, a preliminary equivalent sketch plan must be approved by the Planning Board.” It is of staff’s determination that Planning Board review and consideration is essential, due to the site’s environmentally sensitive nature and is a zoning requirement pursuant to the “R-ED” Zoning Regulations.

3. The approved Environmental Concept Plan (ECP) is not a land development or land subdivision plan; its purpose is to identify storm water management concepts and existing environmental features on the site. Therefore, to state that the ECP has "resolved all the issues normally addressed at the Preliminary Sketch Plan" stage is misleading and false. Staff will need to evaluate this subdivision at the preliminary equivalent sketch plan stage to concentrate on the site design, environmental protection or impacts and storm water management quality, water and sewer connections, driveways, sight distance, forest conservation limits of grading and clearing, and other land subdivision matters that will be necessary prior to preparing for the Planning Board Public Hearing.
4. Staff disagrees with the applicant's justification that approval of this waiver will not be detrimental to the public interest. By waiving the preliminary equivalent sketch plan requirement will advance this plan directly to the final plan stage without allowing the public the opportunity to provide testimony about this plan before the Planning Board at a Public Hearing.
5. This site fronts along a recognized scenic road. A scenic road exhibit will be required as part of the preliminary equivalent sketch plan review process and will be used as a component for determining if this proposed development satisfies the Planning Board review criteria listed under Section 107.0.F.3 of the Zoning Regulations.
6. The subject property will be required to conduct a second pre-submission community meeting for the proposed subdivision plan because more than one year has elapsed since the first community meeting was held on August 22, 2013. Section 16.128.(f)(6) of the Subdivision and Land Development Regulations states that, "If the developer/petitioner does not submit plans to the Department of Planning and Zoning within one year of the pre-submission community meeting, another pre-submission community and notification in accordance with this section shall be required." The ECP plan is not a recognized initial plan, per Section 16.108.(b)(28.1) of the Subdivision Regulations.
7. The purpose of the preliminary equivalent sketch plan is to indicate to the County the intent, scope and timing of the subdivision which requires that the subdivision be tested at this stage for the adequacy of public facilities including APFO road test and open/closed schools test.
8. This waiver, if approved, would nullify the intent and purpose of Section 16.101 of the Subdivision and Land Development Regulations which is to ensure that subdivision plans follow uniform procedures and standards for review and approval.

Indicate this waiver petition file number, request, section of the regulations, action and date of waiver decision on all subsequent subdivision and site development plans.

If you have any questions, please contact Derrick Jones at (410) 313-4330.

Sincerely,

Kent Sheubrooks, Chief
Division of Land Development