



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

January 15, 2016

Paul DiMarco
3844 Quarry Avenue
Baltimore, MD 21211

RE: WP-16-065 Willow Brooke

Dear Mr. DiMarco:

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 **DENIED** your request to waive **Section 16.120(b)(6)(ii)(a)**, **Section 16.120(b)(4)(i)**, **Section 16.120(b)(4)(iii)(b)**, **Section 16.115(c)(2)**, **Section 16.120(b)(5)** and **Section 16.108(b)(46)** of the Subdivision and Land Development Regulations.

Denial was based on the following reasons:

1. The request to waive Section 16.108(b)(46) to consider the resubdivision of Parcel 2 as a minor subdivision was previously approved on October 8, 2014 under WP-15-034 in an effort to uphold the decision and intent of the Amended Circuit Court Consent Decree, which was to provide equity between the owners of Parcel 1 & 2 (Streaker brothers). Following approval of the waiver, the property was sold and is no longer owned by Howard Streaker. The conditions of approval of WP-15-034 specified a deadline of October 8, 2015 to submit the minor subdivision plan for Parcel 2. The deadline was not met and the waiver was voided. The applicant failed to demonstrate that submission of the subdivision plan was not feasible prior to the deadline. Approval of this waiver request would not be consistent with the intent of approval of WP-15-034, which was to provide equity between the Streaker brothers.
2. The waiver request nullifies the intent and purpose of Section 16.101 of the Subdivision and Land Development Regulations, which is to ensure that the orderly development of land is consistent with the General Plan (Plan Howard 2030) and follows uniform procedures and standards for the processing of subdivision plans. As adopted by Howard County under Plan Howard 2030, the subject property was located in the Tier IV designated area of Howard County which permits only minor subdivisions of 4 lots or less. The Subdivision Regulations define a major subdivision as 5 or more lots either all at one time or on a lot-by-lot basis over time derived from the original parcel of land. The grandfathering provisions as adopted under SB-236 require that properties located in the Tier IV designated area must have applied for subdivision plan approval by submitting a percolation test application to the local Health Department on or before July 1, 2012 to be considered exempt from SB-236. Therefore, in accordance with the adopted Growth Tier Map for Howard County and "The Maryland Sustainable Growth and Agricultural Preservation Act of 2012" (SB-236) the proposed resubdivision of the subject property is considered a major subdivision by definition and no further resubdivision is permitted to establish additional buildable lots.

3. Further subdivision of Parcel 2 into additional buildable lots is not permitted per SB-236. Therefore, the waiver requests to allow non-regular lot shapes, to allow environmental features on lots less than 10 acres, to exceed the maximum pipestem length, to disturb the existing floodplain, and to exceed the maximum noise levels are also denied. Parcel 2 may be designed to accommodate one residential dwelling in accordance with the Howard County Subdivision & Land Development Regulations and Zoning Regulations.

Indicate this waiver petition file number, request, section of the regulations, action and date on all related plats, site development plans, and building permits.

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

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/eb

cc: Research
DED
Real Estate Services
Benchmark Engineering
Jeff Williams- DEH