



**Howard County Department Of Planning And Zoning**  
3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Valdis Lazdins, Director

[www.howardcountymd.gov](http://www.howardcountymd.gov)  
FAX 410-313-3467  
TDD 410-313-2323

April 5, 2016

Justin Lee Ports  
4608 Mews Drive  
Owings Mills MD 21117

**RE: WP-16-103 The Property at 5824 Race Road**  
(SDP-07-026)

Dear Mr. Ports:

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 the following two sections of the Subdivision and Land Development Regulations:

**Section 16.156(o)(1)(i)** of the Amended Fifth Edition -

*Application time limits:* Within 1 year of signature approval of the site development plan original, the developer shall apply to the Department of Inspections, Licenses and Permits for building permits to initiate construction on the site.

**Section 16.156(o)(2)** of the Amended Fifth Edition -

*Expiration of plan approval:* If the developer does not apply for building permits as required by Paragraph (1) of this Subsection, the site development plan shall expire and a new site development plan submission will be required.

**Approval is subject** to the following six (6) conditions:

- 1) A *redline revision* (or replacement sheets) request to SDP-07-026 for the proposed site improvements, house changes and associated lot grading must be submitted within 90 days to DPZ, processed and approved prior to the any application for permits for grading and/construction on the site. The redline revision request shall be submitted directly to the DPZ, Development Engineering Division (DED) for processing and approval.
- 2) A *simplified* Environmental Concept Plan (ECP) must be filed and approved by the Development Engineering Division **prior** to the submittal of the redline revision.
- 3) *Declaration of Covenants* for stormwater management purposes must be processed as part of the redline revision approval. Contact DPZ, DED directly.

- 4) Within 90 days of the redline revision approval, the owner and/or builder must file for building permits with the Department of Inspections, Licenses and Permits (DILP).
- 5) The required perimeter landscaping, with the appropriate landscape surety, must be provided as part of the redline revision to SDP-07-026.
- 6) Reference this waiver petition request, decision and conditions of approval on the cover sheet of the redline revision/replacements for SDP-07-026.

**The decision of this waiver petition is based on the following justification:**

Hardship:

If the waiver petition is not granted, the applicant will be required to prepare a new site development plan, to indicate the site specifics such as the location of the proposed house, retaining walls (if applicable), driveway, landscaping and other pertinent site details. The petitioner is seeking to reactivate a voided SDP that was granted an approval for one single-family detached dwelling in 2008, but the owner at that time did not apply for building permits within the allotted one year time period. The petitioner has since acquired the property from the previous owner and is ready to develop the property with a new dwelling that has a smaller footprint and driveway, thus creating less impervious area. The petitioner must comply with all required building permits that shall be issued by DILP.

Alternative:

The only alternative is for the petitioner to submit an entirely new SDP. The Division of Land Development and the Development Engineering Division have determined that since no other waivers are needed for this proposed site development, that the petitioner does have the potential to revise the previously approved SDP through the redline revision process. The petitioner has stated as part of the justification that “there is already an established file history for the property that complied with the regulations to obtain approval and it only makes practical sense to keep that file history intact by re-approving the previously approved SDP rather than re-submitting a new SDP.”

Not detrimental to public interest:

Approval of the waiver request will not alter the essential character of the neighborhood and will not substantially impair the appropriate use or development of the surrounding properties, since the property is zoned for residential use and there will not be any other land development waivers necessary for this proposed development.

Not nullify the intent or purpose of the regulations:

Approval of this waiver request will not nullify the intent or purpose of the regulations due to the fact that a previously approved SDP is on file for this site; there has not been any changes to the property boundaries or the zoning; the proposed use conforms with the zoning; and the petitioner will be required to comply with current site development criteria for site plan approval via the redline revision process to the previously approved SDP.

\* Indicate this waiver petition file number, request, section of the regulations, action, conditions of approval, and date of approval on the redline revision to SDP-07-026.

**This requested waiver will remain valid for the time period specified in the above approval conditions or as long as the redline to the site development plan (SDP-07-026) remains in active processing.**

If you have any questions, please contact Derrick Jones at (410) 313-2350.

Sincerely,



Kent Sheubrooks, Chief  
Division of Land Development

KS/dj

cc: Research

DED

Real Estate Services – Carl Katencamp

DILP – Shari Logan (permits)

Zoning – Annette Merson

File: SDP-07-026