



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

April 4, 2016

Columbia Association
9450 Gerwig Lane
Columbia, MD 21046

RE: WP-16-107, Village of Harper's Choice, Section 3,
Area 2, Open Space Lot 14

Dear Sir or Madam:

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 16.116(a) of the Subdivision Regulations – Protection of Wetlands, Streams, and Steep Slopes; to allow restoration work disturbance within a stream, wetlands and required buffer & Section 16.155(a)(1)(i) of the SDP requirement for a stream restoration project.

Approval is subject to the following conditions:

1. The waiver petition exhibit shall serve as a substitute for a site development plan for the stream restoration. No disturbance is permitted beyond the LOD shown on the waiver petition plan exhibit unless it can be sufficiently demonstrated by the applicant to be justified.
2. The applicant shall obtain all required authorizations and permits from the Maryland Department of the Environment and U.S Army Corps of Engineers for disturbance within the floodplain, wetlands, streams and their buffers. Reference any applicable MDE or USACOE permits or tracking numbers on the building or grading permits.

Our decision was made based on the following:

Justification for Recommendation:

Extraordinary Hardship or Practical Difficulty – The Petitioner has demonstrated that preparation and submission of a site development plan for the stream restoration project is impractical and would delay the start of a much-needed project. Preparation and submission of the site development plan for review and approval by all SRC agencies would be unnecessary and time consuming, especially considering the existing condition of the stream which continues to erode. The petition includes a plan with sufficient detail to allow for review by relevant SRC agencies.

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 projected construction.

Not Detrimental to the Public Interest The project will stabilize eroding streambanks and protect existing infrastructure, a waiver approval will expedite the petitioner's ability to obtain permits to begin this work. Approval of this waiver will therefore be beneficial to the public interest, protecting transportation and underground infrastructure and based on the petition submitted, in conjunction with adherence to the conditions enclosed, will not be detrimental to public interest.

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 included assisting orderly, efficient and integrated development of land providing development in areas free from danger or erosion and stream siltation, including stream preservation.

Indicate this waiver petition file number, request, section of the regulations, action, conditions of approval, and date on all related plats, and 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 this grading plan/building permit remains in active processing.

If you have any questions, please contact Jennifer Wellen at (410) 313-2350 or email at jwellen@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/jw

cc: Research
DED
Real Estate Services
Biohabitats