



## Bureau of Environmental Health

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

Facebook: [www.facebook.com/hocohealth](https://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  
Program Supervisor, Well & Septic Program  
Bureau of Environmental Health

DATE: April 2, 2014

RE: WP-14-096

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

- The following note must be added to the recorded deed for parcel 106:

“There is no onsite sewage disposal area established for Parcel 106. No development may occur on this parcel until an area is established and approved by the Health Department.”

HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
Division of Land Development

DATE: February 27, 2014

DPZ File No. WP-14-096

Department of Planning and Zoning

- 1 Transportation Planning
1 Resource Conservation (Historic/Ag Pres)
Public Service and Zoning Administration
1 Research
Address Coordinator
1 Comprehensive & Community Planning
2 Development Engineering Division
Other
2 File

Agencies

- Soil Conservation District
1 Department of Inspections, Licenses & Permits
1 Department of Fire and Rescue Services
1 State Highway Administration
1 Health Department
1 Public School System
1 Recreation and Parks
WSSC (Non-Residential Only)
MD Aviation Administration
Tax Assessment
Verizon
BGE
Cable TV
Police
MTA
Finance
1 DPW, Real Estate Services
DPW, Construction and Inspection
DPW, Bureau of Utilities

RE: Covered Bridge Farms

ENCLOSED FOR YOUR Signature Approval [checked] Review & Comments Files
THE ENCLOSED Original Pre-Packaged Plan Set

Table with 3 columns: Plans, # of Sheets, Supplemental Documents. Lists various plan types and associated documents like Wetlands Report, Soils/Topo Map, etc.

WAS: [checked] Received Tentatively Approved Recorded
Received and Revised Approved On February 27, 2014

COMMENTS: see memo SRC/Comments Due By: 3/24/14

Check, initial and return to the Department of Planning and Zoning if plan is approved with no comments.

DPZ STAFF INITIALS: JW

Map Layers    Map Legend    Search

Map Tools

### Annotation Layers

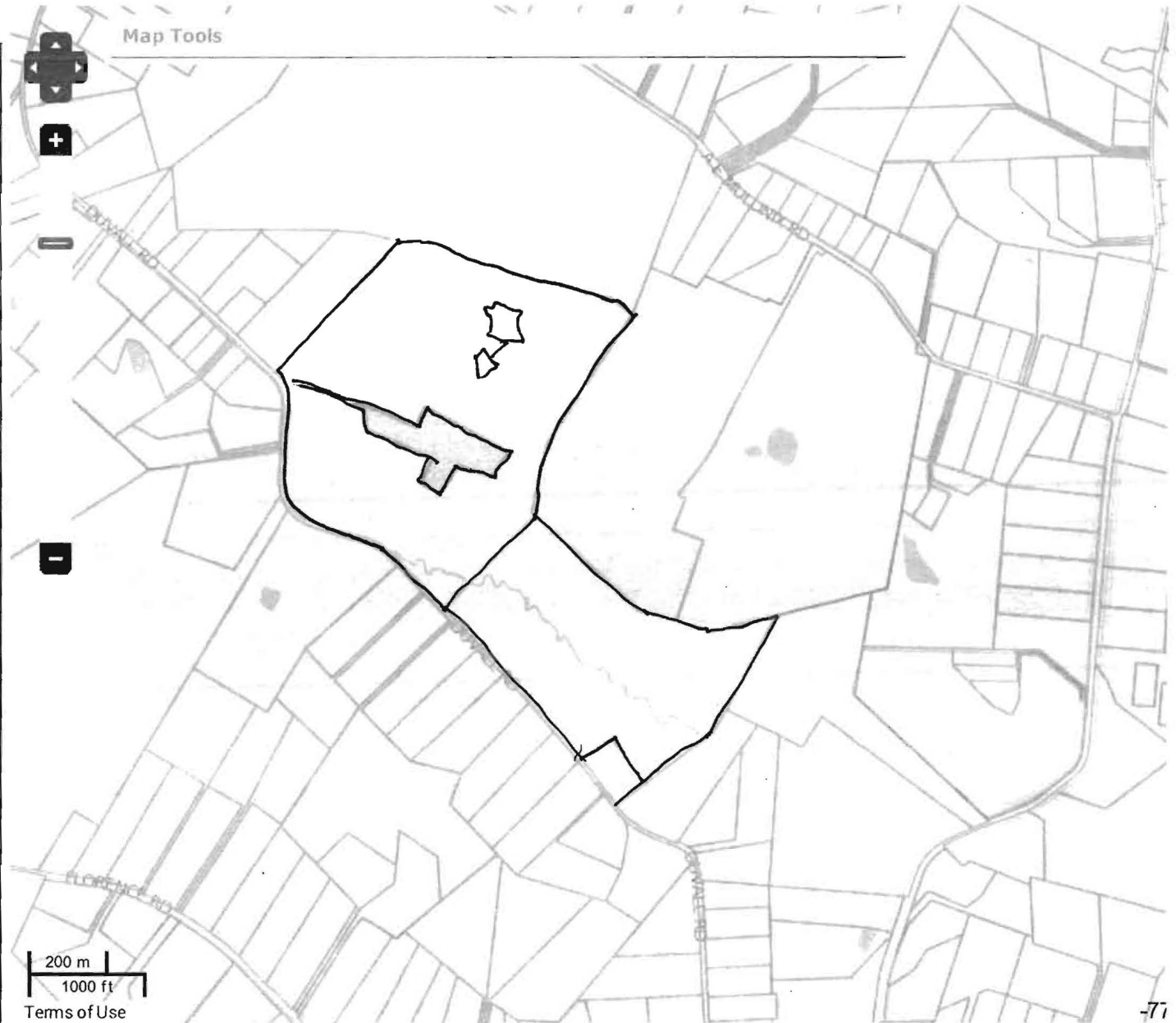
#### HoCo Base Map Layers

- Contours 2004
- County Boundary
- Stream Centerline Buffer 75ft
- Building Permits (New)
- Scanned PDF Drawings
- Address Points
- Street Centerline
- Metro Property
- Property Boundaries

#### Additional Layers

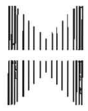
#### Layer Overlays

- Floodplain - Draft - Small Trib
- Floodplain
- Historic Districts
- Zoning
- Land Use
- Water/Sewer Labels
- Sewer Infrastructure
- Water Infrastructure
- Storm Drain Features
- Hydric Soils
- Soils
- Wetlands
- Rare Threatened and Endangered
- Town Center Neighborhoods



200 m  
1000 ft

[Terms of Use](#)



February 24, 2014

Mr. Kent Sheubrooks, Chief  
Division of Land Development  
Howard County Department of Planning and Zoning  
3430 Court House Drive  
Ellicott City, MD 21043

**RE: Covered Bridge Farms (Tax Map 13, Parcel 354)  
Waiver Petition**

Dear Mr. Sheubrooks:

In accordance with Section 16.104 of Howard County's Subdivision and Land Development Regulations, we are requesting a waiver to the requirements stipulated within the Section 16-147 which requires submission of a Final Subdivision Plan.

We are requesting the waiver to allow us to restore the interior property lines of the above referenced property to their original configuration by the Deed of Adjoining Transfer.

The restoration of the property lines was ordered by the Court of Special Appeals.

We are enclosing the following package for your review and approval:

1. Fifteen (15) copies of the completed Waiver Petition Application.
2. Fifteen (15) copies of Waiver Exhibit.
3. One (1) copy of Deed (L 5551, F 0530).
4. One (1) copy of Deeds of Adjoining Transfer (L 5930, F 0107).
5. One (1) copy of the Court of Special Appeals Order.
6. Check made payable to the *Director of Finance* for the applicable fee.

Thank you for your time and effort. Should you have any questions or comments concerning this matter, please do not hesitate to call.

Very truly yours,  
MILDENBERG, BOENDER & ASSOCIATES, INC.

Maya M. Mildenberg  
Vice President

cc: Howard Alderman, Esq.  
Wayne Newsome

**JUSTIFICATION:**

In 2002, the property lines of the Parcels 354, 106 and 107 were reconfigured by the Deed of Adjoiner Transfer into its present configuration. At that time this process was allowed by the Subdivision and Land Development regulations. In 2007, they were conveyed to three separate entities. The reconfiguration of the property lines to their original locations was ordered by the Court of Special Appeals (Case # 1920). Preparation of the Final Subdivision Plan would be extremely costly and would cause practical difficulties and extraordinary hardship.

The intent of the regulations is the culmination of the subdivision process. This project does not include any procedures which are required by the subdivision. The preparation of the Deed of Adjoiner Transfer, as offered by the court, would be a better and easier way to restore the property lines to their original configuration.

The reconfiguration of the property lines to their original locations was ordered by the Court of Special Appeals. Granting this waiver will not be detrimental to the public interest. On the contrary, it better serves the public interest by eliminating unnecessary duplicate review by DPZ staff.

The approval of the waiver will not nullify the intent of the Regulations which is an accumulation of all of the subdivision process components. This project is not a typical subdivision. It is simply a reconfiguration of the property lines which was ordered by the Court of Special Appeals. The approval of the waiver meets the intent of the Regulations.

Howard County Department of Planning and Zoning  
 Division of Land Development  
**WAIVER PETITION APPLICATION**  
*[Waiver from Subdivision and Land Development Regulations]*

Date Submitted/Accepted \_\_\_\_\_ DPZ File Number \_\_\_\_\_

I. **Site Description**

Subdivision Name/Property Identification: COVERED BRIDGE FARMS

Location of property: DUWALL ROAD  
 (Street Address and/or Road Name)

AGRICULTURAL PRESERVATION PARCEL      AGRICULTURAL PRESERVATION PARCEL  
 (Existing Use)                                      (Proposed Use)

13  
 (Tax Map No.)

4  
 (Grid/Block No.)

354  
 (Parcel No.)

5TH  
 (Election District)

RC DEO  
 (Zoning District)

131.6 Ac ±  
 (Total Site Area)

Provide a brief site history including reference to all previously submitted or currently active plans on file with the County (subdivision plans, Board of Appeals petitions, waiver petitions, etc.)

F-06-032  
 \_\_\_\_\_  
 \_\_\_\_\_

II. **Waiver Request**

In accordance with Section 16.104 of the Howard County Subdivision and Land Development Regulations, the Department of Planning and Zoning, in conjunction with the Subdivision Review Committee **may grant waivers or modifications to the minimum requirements stipulated within the Regulations if it is determined that extraordinary hardships or practical difficulties may result from strict compliance with the regulations, or if it is determined that the regulations may be served to a greater extent by an alternative proposal.**

In the area below, the petitioner shall enumerate the specific numerical section(s) from the Subdivision and Land Development Regulations for which a waiver is being requested and provide a brief summary of the regulation. Attach a separate sheet if additional information is appropriate.

<u>Section Reference No.</u>	<u>Summary of Regulation</u>
<u>16, 147</u>	<u>FINAL SUBDIVISION PLAN</u>
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____

### III. *Justification*

**All waiver requests must be fully justified by the petitioner. Incomplete or inadequate justification may result in rejection of the application at the time of submission.** Justification must be specific to the subject property. The justification provided by the petitioner should include all factors which rationalize or substantiate the request in accordance with the following criteria:

- a. Summarize any extraordinary hardships or practical difficulties which may result from strict compliance with the Regulations.
- b. Verify that the intent of the Regulations will be served to a greater extent through the implementation of the alternative proposal.
- c. Substantiate that approval of the waiver will not be detrimental to the public interests.
- d. Confirm that approval of the waiver will not nullify the intent of the Regulations.

**PLEASE ATTACH A SEPARATE LETTER OF JUSTIFICATION TO SUPPORT THE WAIVER REQUESTS.**

### IV. *Pre-Submission Meeting Requirements*

→→→a. **Community Meeting Requirement** - If no previous subdivision plans and/or zoning or conditional use petitions were processed, a pre-submission community meeting is required for the initial plan submittal of all new residential development and for new non-residential development located within 200 feet of a residential zoning district or an existing non-residential development which is located within 200 feet of a residential zoning district and proposed for a floor area expansion of more than 25% in accordance with Sections 16.156(a) and 16.128 of the Subdivision and Land Development Regulations for waivers of the site development plan requirement. [See DPZ policy memo dated 3/22/04 for existing lots/parcels]. The property owner/developer must provide 3 weeks advance notice regarding the community meeting's date, time and location to all adjoining property owners identified in the records of the State Department of Assessments and Taxation and any community association that represents the geographic area of the subject property by first class mail; and sent electronically to any community association registered with the County for projects in a certain geographic area; the Howard County Council; and DPZ, which will place the meeting notice on the DPZ's website. The developer shall send a copy of the minutes and written responses to the meeting attendees and DPZ, either electronically or by first class mail. **A certification that meeting notices were mailed, contact information for the attendees and a copy of the minutes and a written response with a dated return mail receipt or dated email attached to all of the major comments recorded at the meeting must be submitted to DPZ along with the initial plan application. The meeting minutes, including a written response to all questions, shall be sent to all meeting attendees within 60 days of the meeting either electronically or by first class mail [Council Bill 6-2011].**

→→→b. **HDC Meeting Requirement** - A pre-submission advisory meeting with the Historic District Commission is required for new development located within a Historic District or if the site contains a historic structure (50 years or older) in accordance with Section 16.603A of the Howard County Code. Verify this requirement by checking the Historic Sites Inventory list and maps available at the DPZ public service desk or checking with the Resource Conservation Division. The property owner/developer must contact the DPZ, Resource Conservation Division for the HDC scheduling process and procedures. **The property owner/developer must submit a copy of the minutes from the HDC Advisory Meeting to DPZ along with the initial subdivision or site development plan application.**

→→→c. **MAA Meeting Requirement** - For all proposed subdivisions or developments located within the BWI Airport Noise Zone or the Airport Zoning District (4 mile radius from the center of the airport). the review and approval by the Maryland Aviation Administration is required prior to signature approval of final plan road and SWM construction drawings, and/or site development plans, or waiver approval of SDP. Please contact the MAA at P.O. Box 8766, BWI Airport, Maryland, 21240-0766, or (410) 859-7100. A copy of the MAA approval letter must accompany the submission of the final road/SWM construction plan original drawings, and/or site development plan original, or waiver petition application.

- d. **Design Advisory Panel (DAP)** – A pre-submission advisory meeting with the Design Advisory Panel is required for sketch and preliminary equivalent sketch plans that are submitted on or after November 3, 2008 for new development or redevelopment projects on parcels located in the U.S. Route 1 corridor that are zoned 'CE', 'CAC' or 'TOD' or that adjoin the Route 1 right-of-way and that are subject to the Route 1 Design Manual; on parcels located within the U.S. Route 40 corridor that are zoned 'TNC' or that are subject to the Route 40 Design Manual; on parcels which age-restricted adult housing is to be constructed pursuant to a conditional use; on redevelopment parcels located in the New Town Village Centers with boundaries proposed by a property owner or established by the Zoning Board or County Council; and for revitalization and redevelopment of Downtown Columbia in accordance with Sections 16.1501 and 16.1504 of the Howard County Code. The property owner/developer must contact the DPZ, Division of Comprehensive and Community Planning to verify this requirement and for information concerning the DAP meeting scheduling process and procedures. **The property owner/developer must submit a copy of the DAP project design recommendations to DPZ along with the initial subdivision plan application.**

V. **Plan Exhibit**

A. Number of Copies Required

The waiver petition application must be accompanied by copies of a detailed plot plan, subdivision plat or site development plan (**15 sets of the completed waiver application and plan exhibit if the subject property adjoins a County road; 19 sets for properties adjoining a State road**). In instances where the waiver request concerns an approval extension or if an associated plan is in active processing, only 2 sets of plans are required along with 15 or 19 copies of the application form. **Plans must be folded to a size no larger than 7-1/2" x 12". The pre-packaging of plans and supplemental reports by SRC agency will be permitted by DPZ provided that each package contains a cover letter which itemizes all plans, reports and documents included in the package.**

**Please be advised that all plan application submissions are ACCEPTED BY APPOINTMENT ONLY. All plan submission appointments must be scheduled with the Division of Land Development at (410) 313-2350.**

Plan applications are available on the DPZ website at <http://www.co.ho.md.us/DPZ/formsfeesapplications.htm>.

B. Plan Requirement Checklist

The detailed waiver petition exhibit, plot plan, subdivision plan or site development plan must indicate the following required information relevant to the waiver request to ensure acceptance of the waiver petition application for processing.

Legend:	<u>✓</u>	Information Provided	<u>X</u> Information Not Provided,
	<u>NA</u>	Not Applicable	Justification Attached

- X 1. Vicinity map scale 1" = 2,000' indicating and identifying the total boundary of the property, exact site location, vicinity roads and north arrow.
- X 2. Bearings and distances of property boundary lines for the entire tract and size of tract area.
- X 3. North arrow and scale of plan.
- X 4. Location, extent, boundary lines and area of any proposed lots.
- X 5. Any existing or proposed building(s), structures, points of access, driveways, topography, natural features and other objects and/or uses on the subject and adjacent properties which may be relevant to the petition; i.e. historic structures, cemeteries or environmentally sensitive areas.
- X 6. Delineation of building setback lines.
- X 7. Delineation of all existing public road and/or proposed street systems.
- X 8. Identification and location of all easements.

- X \_\_\_ 9. Approximate delineation of floodplain, streams, wetland and forested areas, if applicable, and/or provide a professional certification that environmental features do not exist on the property.
- X \_\_\_ 10. Road profile to evaluate sight distance, if the application includes a request for direct access to a major collector or more restrictive roadway classification.
- X \_\_\_ 11. Any additional information to allow proper evaluation (e.g. for waivers to wetland buffers an alternative analysis and mitigation proposal are needed; for waivers to SDP requirements where there is no subdivision of land, an APFO Roads Test evaluation may be needed, for waivers of final plat or SDP, a copy of property deeds to confirm legal creation or status of property is needed).
- X \_\_\_ 12. Photographs, perspective sketches or cross-sections as necessary to adequately portray the waiver request.
- X \_\_\_ 13. The exhibit plans should be highlighted to accurately illustrate the requested waiver(s) to allow proper evaluation (i.e. proposed grading, tree clearing or other disturbances within environmentally sensitive areas or buffers).
- X \_\_\_ 14. Submit 2 sets of photographs for all existing on-site structures.
- X \_\_\_ 15. Identify the location of any existing wells and/or private septic systems.
- X \_\_\_ 16. **Route 1 Manual**  
Compliance with the Route 1 Manual is required for new development and some alterations or enlargements located in the CE, TOD and CAC zoning districts and for other zoning districts located within the Route 1 corridor. All plan submissions, beginning with the initial subdivision or site development plan, shall show all applicable streetscape, site and building designs responding to the Route 1 Manual's requirements and recommendations. All plan submissions shall provide a written summary of how the proposed design achieves the objectives of the Route 1 Manual. Also, building design and schematic architectural elevation details must be included with the initial subdivision or site development plan submission.
- X \_\_\_ 17. **Route 40 Design Manual**  
Compliance with the Route 40 Design Manual is required for new development and redevelopment projects located in the Traditional Neighborhood Center (TNC) zoning districts and on parcels located within the Route 40 Corridor as defined in the Route 40 Design Manual. All plan submissions within the Route 40 corridor, beginning with the initial subdivision or site development plan, shall show all applicable streetscape, site and building designs responding to the Route 40 Design Manual's requirements and recommendations. All plan submissions within the Route 40 corridor shall provide a written summary of how the proposed design achieves the objectives of the Route 40 Design Manual. Also, building design and schematic architectural elevation details must be included with the initial subdivision or site development plan submission.
- X \_\_\_ 18. **Property Deeds** – Information to confirm the legal creation or status of the property to be improved. (Copy of deeds from Howard County Land Records Office or record plat name and recording reference number). **A complete chronological deed history is required for all deeded residential properties. Provide 2 copies of the recorded deeds for the subject property tracing its history back to 1960.**

\_\_\_ 19. Please complete the following:

A pre-submission meeting was held with DPZ on \_\_\_\_\_ with  
 \_\_\_\_\_ [date], if applicable.  
 \_\_\_\_\_  
 [DPZ, Director, DLD Division Chief or other SRC representatives]

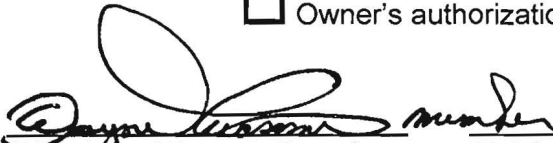
VI. **Fees**

The Waiver Petition application fee shall be in accordance with the adopted fee schedule. All checks shall be made payable to the *Director of Finance*. **The petition will not be accepted for processing until the fee has been paid. Incomplete, incorrect or missing information may result in the rejection of the application and could cause additional time to be required to revise the petition for resubmittal and re-review.** For more information or questions, contact DPZ at (410) 313-2350.

VII. **Owner's/Petitioner's Certification**

I/WE the undersigned fee simple owner(s) hereby make application to the Howard County Department of Planning and Zoning to relax the minimum requirements of the Howard County Subdivision and Land Development Regulations. The undersigned hereby certifies the information supplied herewith is correct and complete, confirms that the regulations and policies as referred to in the attached are understood, and authorizes periodic on-site inspections by the Howard County Subdivision Review Committee agencies. **\*If the applicant is the owner's agent, written documentation from owner granting that authority is required at the time of the submission.**

Owner's authorization attached \*

  
(Signature of Property Owner) (Date)  
(Fee Simple Owner Only)

  
(Signature of Petition Preparer)\* (Date)

COVERED BRIDGE FARMS LLC  
(Name of Property Owner)

MILDENBERG, BOENDER & ASSOC.  
(Name of Petition Preparer, Surveyor/Engineering/Architect or Agent/Developer)

2435 DUVALL ROAD  
(Address)

6800 DEERPATH RD, SUITE 150  
(Address)

WOODBINE, MD 21797  
(City, State, Zip Code)

ELKRIDGE, MD 21095  
(City, State, Zip Code)

E-Mail WAYNE NEWSOME @ GMAIL.COM

E-Mail MAYA @ MBA-ENG.COM

\_\_\_\_\_  
(Telephone) (Fax)

410 - 997-0296 -0298  
(Telephone) (Fax)

Contact Person: WAYNE NEWSOME

Contact Person: MAYA MILDENBERG

