

Howard County Department of Planning and Zoning
Division of Land Development

WAIVER PETITION APPLICATION

Date Submitted/Accepted 3/16/09 DPZ File Number WR-09-153

I. **Site Description**

Subdivision Name/Property Identification: Property Owner: William Meissner

Location of property: 2200 Florence Road, Mount Airy MD 21771
(Street Address and/or Road Name)

Residential
(Existing Use)

Residentail
(Proposed Use)

0012
(Tax Map No.)

0006
(Grid/Block No.)

0013
(Parcel No.)

4-01
(Election District)

RCDEO
(Zoning District)

5.28
(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.)
NA

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>
1. <u>16.120(b)(4)(iii)b</u>	<u>The section allows environmental features(i.e. forest conservation) on lots greater than 10 acres in size.</u>
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____

III. **Justification** (if additional space is needed for justification, please attach to the application)

All waiver requests must be fully justified by the petitioner. Incomplete or inadequate justification may result in rejection of the application. 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.
See attached.

IV. **Pre-Submission Meeting Requirements**

- a. **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 is listed in the Historic Sites Inventory in accordance with Section 16.605 of the Howard County Code. Verify this requirement by checking the Historic Sites Inventory list and maps available at the DPZ public service desk. The property owner/developer must contact the DPZ, Division of Public Service and Zoning Administration 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.**

- b. **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.

- c. **Design Advisory Panel (DAP)** – For projects requesting a waiver of the SDP requirement for any proposed building or site improvements, a pre-submission advisory meeting with the Design Advisory Panel may be required 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 in accordance with Sections 16.1501 and 16.1504 of the Howard County Code (CB Nos. 24-2008 and 25-2008). 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 recommendation to DPZ along with the waiver petition application submission, if applicable.

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>T</u> Information Provided	<u>X</u> Information Not Provided,
	<u>NA</u> Not Applicable	Justification Attached

- T ___ 1. Vicinity map scale 1" = 2,000' indicating and identifying the total boundary of the property, exact site location, vicinity roads and north arrow.
- N/A ___ 2. Bearings and distances of property boundary lines for the entire tract and size of tract area.
- T ___ 3. North arrow and scale of plan.
- N/A ___ 4. Location, extent, boundary lines and area of any proposed lots.
- T ___ 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.
- N/A ___ 6. Delineation of building setback lines.
- T ___ 7. Delineation of all existing public road and/or proposed street systems.
- T ___ 8. Identification and location of all easements.
- T ___ 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.
- N/A ___ 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.
- T ___ 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).
- N/A ___ 12. Photographs, perspective sketches or cross-sections as necessary to adequately portray the waiver request.
- T ___ 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).
- N/A ___ 14. Submit 2 sets of photographs for all existing on-site structures.
- N/A ___ 15. Identify the location of any existing wells and/or private septic systems.

N/A 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.

T 17. **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.**

T 18. Please complete the following:

A pre-submission meeting was held with DPZ on 3/11/09 with _____ [date] with Julia Boone, 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.**

Owner=s authorization attached *

[Signature] 3/5/09
 (Signature of Property Owner) (Date)
 (Fee Simple Owner Only)

[Signature] 3/5/09
 (Signature of Petition Preparer)* (Date)

William Meissner
 (Name of Property Owner)

Megan Handshu, Howard County Recreation and Parks
 (Name of Petition Preparer, Surveyor/Engineering or Agent/Developer)

2200 Florence Road
 (Address)

7120 Oakland Mills Road
 Address)

Mount Airy, MD 21771
 (City, State, Zip Code)

Columbia, MD 21046
 (City, State, Zip Code)

E-Mail bill@ruppertcompanies.com
3016722002
 (Telephone) (Fax)

E-Mail MHandshu@HowardCountyMD.gov
4103136205 4103133702
 (Telephone) (Fax)

Contact Person: William Meissner

Contact Person: Megan Handshu

Howard County Department of Planning and Zoning
Division of Land Development

**INITIAL SUBMISSION
WAIVER PETITION WORKSHEET
(For DPZ Use Only)**

Project Name _____ DPZ File No. _____
 DPZ Plan Reviewer _____ Submission Date _____
 Plan Consultant Representative _____ Time _____

- I. **Application Requirements** *Indicate Yes, No or N/A*
- a. Application is complete _____
 - b. Required number of plans and applications are provided _____
 ___ Plans (15 sets on County Road or
 ___ Applications 19 sets on State Road)
 - c. Supplemental Information is provided _____
 - d. Certification of pre-submission HDC advisory meeting for new projects in
 Historic District or listed in Historic Sites Inventory _____
 - e. Photographs of existing structures (for Historic Preservation Review) _____
 - f. MAA Approval Letter (if applicable) _____
 - g. Written summary of Route 1 manual compliance (if applicable) _____
 - h. DAP project design recommendation for Route 1 projects _____

- II. **Fee Computation** **Fee**
- Number of waivers requested _____
 - * Base Fee for first two waiver sections (**\$450**) _____
 - Fee for each additional waiver section (___ additional waivers x **\$50** each) _____
 - * (Maximum fee of **\$350** for Agricultural Preservation parcels)
- TOTAL** _____

III. **Certification**
 Cash Receipt No. _____ Account #011-005-4201 Amount _____

Check issued by _____

___ Waiver petition application is accepted for processing.

___ Scheduled SRC meeting date.

___ Waiver petition application is rejected.

Reason: _____

___ Resubmission is accepted. Date _____ Staff initials _____

Comments/Notes _____

III. Justification

On the parcel are several key environmental features which would benefit from the protection of a forest conservation easement. The potential easement of 2.99 acres would stabilize soils at the base of a steep slope of over 25% and provide a riparian forest buffer of 1,430 feet along the Cattail Creek Greenway. In addition, the forest conservation site would be adjacent to an established site of over 13 acres, increasing forest interior. This portion of the parcel cannot support a structure and is useless to the owner due to periodic flooding. Support of this waiver will in no way be detrimental to public interest, it can only be beneficial. A forest conservation easement will aid in improving water quality by reducing sediment and nutrient flow into the stream as well as provide vegetation needed to support aquatic and other wildlife. The plant material will help to absorb stream bank overflow which can at times flood Florence Road. This waiver will not detract from the intent of the regulation in the future because of the unique concentration of environmental features which would benefit from a forest conservation site on such a small parcel.



Legend:



Potential Easement Boundary



Existing Forest Conservation



Property Boundary



Stream