



Department of Planning and Zoning



A Waiver Petition

WHAT IS A WAIVER PETITION?

A waiver is a grant of relief from the requirements of the Howard County Subdivision and Land Development Regulations. In cases where strict compliance with the Regulations imposes extraordinary hardships or practical difficulties, or a determination is made that the intent of the regulations may be served to a greater extent by an alternative proposal, the property owner or agent may petition the Department of Planning and Zoning (DPZ) for a waiver. Section 16.104 of the Subdivision and Land Development Regulations permits DPZ to process and grant waivers or modifications to the requirements.

HOW DO I APPLY?

Waiver Petition application forms are available from the Department of Planning and Zoning. DPZ Public Service Desk staff members can explain the Waiver Petition process and assist in completing the form. The applicant must completely and accurately fill out the application. The Waiver Petition must also include a detailed site plan exhibit containing the information listed on the application plan checklist. The application form lists the number of copies of the application and plan exhibit required for processing. Applications and checklists are also available on-line at http://www.co.ho.md.us/DPZ/Applications/dpz_applications.htm

PROCESSING FEES

The processing fees are based on a Schedule of Fees adopted each year by the County Council. Current fees are listed on the application form. The fee schedule can also be found on-line at <http://www.co.ho.md.us/DPZ/fees.htm>

WHAT CRITERIA ARE USED TO EVALUATE A WAIVER PETITION?

Section 16.104 of the Subdivision and Land Development Regulations identifies the criteria used to evaluate waivers or modifications of the regulations. Justification for waiver requests should address the following specific criteria:

- **Summarize any extraordinary hardships or practical difficulties, which may result from strict compliance with the Regulations.**

The waiver request should describe whether the property is encumbered with unique physical conditions such as unusual topography, shape or size, existing easements or structures, environmental constraints such as floodplain, wetlands or forest cover or any other physical conditions inherent to the subject property.

- **Verify that the intent of the Regulations will be served to a greater extent through the implementation of an alternative proposal.**

The waiver request should clarify how the proposed alternative improves site functioning, avoids or minimizes adverse impacts, provides mitigation, or enhances historic, scenic, architectural or other site features.

- **Substantiate that approval of the waiver request will not be detrimental to the public interests.**

The waiver request should demonstrate that, if granted, it will not alter the essential character of the neighborhood or area where the property is located and will not substantially impair the appropriate use or development of the surrounding properties.

- **Confirm that approval of the waiver request will not nullify the intent and purpose of the Regulations.**

The waiver request should show that the Waiver Petition plan exhibit is a suitable substitute for the requirements and provides all information necessary to satisfy the intent or purpose of the regulations.

The Regulations assume the burden of proof is on the applicant to demonstrate the desirability of a waiver request. The justifications should include all factors which substantiate the waiver request for the specific property under consideration.

WHAT IS THE PROCESS FOR A WAIVER PETITION?

The basic steps for processing are:

- **Submittal of Waiver Petition to the County**
Waiver Petition applications are submitted by appointment at the DPZ Public Service Desk. The accepted Waiver Petition will be assigned a file number and distributed to the Subdivision Review Committee (SRC), an advisory group of County and State Departments, for review, comments and recommendations.
- **Waiver Petition Review**
The SRC meets within three to five weeks from the submission date to discuss and evaluate the Waiver Petition request and provide comments to the Department of Planning and Zoning.
- **Recommendation and Decision**
DPZ will compile the SRC comments and prepare a written recommendation, which will describe and evaluate the Waiver Petition. The written recommendation is forwarded to the Director of Planning and Zoning, who renders a final decision of approval, partial approval, approval with conditions, or denial. DPZ will provide a written decision to the applicant within 60 days from the submission of the Waiver Petition.

CONDITIONS OF APPROVAL AND ADVISORY COMMENTS

DPZ will clearly identify conditions of approval and advisory comments in the Waiver Petition decision. The conditions of approval will be directly related to the regulations that are the subject to the Waiver Petition. Advisory comments may also be provided, but are generally limited in scope. They identify serious problems that are evident in the Waiver Petition plan exhibit which may preclude approval of the plan as shown, or which make significant redesign necessary, or which would seriously delay the project's approval.

APPEALS

A decision rendered by the Department of Planning and Zoning may be appealed to the Howard County Board of Appeals within 30 days from the date of its issuance. Information concerning the appeal process may be obtained at the DPZ Public Service Desk.

DURATION OF APPROVAL

The waiver, if approved, will remain valid for 12 months from the date of approval or for as long as a subdivision or site development plan is being actively processed in accordance with the processing provisions of the Subdivision and Land Development Regulations. Waivers granted to extend time limits for plan processing will remain valid for the time duration specified in the decision.

AN IMPORTANT NOTE:

This brochure is meant to provide a basic understanding of the Waiver Petition process. It is not intended as a substitute for the Subdivision and Land Development Regulations.