



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Marsha S. McLaughlin, Director

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April 27, 2011

David P. Scheffenacker, Jr.
Preston Capital Management, LLC
2330 West Joppa Road, Suite 190
Lutherville, Maryland 21093-4614

Re: Oxford Square
Waiver Petition WP-11-147
(Sketch Plan S-11-001
Environmental Concept Plan ECP-11-046
Green Neighborhood Plan)

Dear Mr. Scheffenacker:

The Director of the Department of Planning and Zoning considered your request for a waiver of the Howard County Subdivision and Land Development Regulations. As of the date of this letter, the Planning Director approved your request to unconditionally waive Subsections 16.144(g) and 16.144(u) of the Howard County Code. This action relieves you of the requirement to submit a preliminary subdivision plan for the project referenced upon project sketch plan approval, and of the requirement to submit a preliminary equivalent sketch plan as the initial plan submission should the plan receive a green neighborhood allocation.

Our decision was made based on the following:

Extraordinary Hardship or Practical Difficulty

Petitioner would encounter extraordinary hardship or practical difficulty from strict compliance with the Subtitle. Petitioner has prepared and submitted to the County a Green Neighborhood Plan, Environmental Concept Plan, and Sketch Plan. The plans submitted include most if not all of the information required to fulfill the requirements of Subsection 16.146(c) of the Code, in which information required for a preliminary plan is enumerated. Since the information required for preliminary plan review has already been submitted, submission of an additional preliminary plan simply to satisfy the requirements of Subsection 16.144(g) and 16.144(u) would be redundant and wasteful, constituting extraordinary hardship and practical difficulty to the petitioner.

Not Detrimental to the Public Interest

Waiver approval will not be detrimental to the public interest. On the contrary, the public interest will be served to a greater extent by waiver approval, which will allow the petitioner to proceed directly from sketch plan approval to final plan stage. The first final plan proposed will include construction drawings for the public road providing access to the public school parcel located on site. The Howard County Public School System plans to start construction on the school in Spring 2012 and to open by Fall 2013.

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Public road access is needed to have the school operational, and any measures taken to expedite public road construction are therefore beneficial to the public interest.


Will Not Nullify the Intent or Purpose of the Regulations

Since the Green Neighborhood Plan, Environmental Concept Plan, and Sketch Plan under review contain the information needed to fulfill the requirements of Subsection 16.146(c) of the Code, a waiver of Subsections 16.144(g) and 16.144(u) will not nullify the intent or purpose of the regulations. The intent and purpose of §§16.144(g) and 16.144(u) have been fulfilled by submission of the plans currently under review by the County.

Indicate this waiver petition file number, sections of the regulations, and Department action on all related plans. This waiver will remain valid for one year from the date of this letter or as long as the subdivision remains in active processing.

Should you have any questions please contact Dave Boellner by telephone at 410-313-3956 or by e-mail at dboellner@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief

DPZ, Division of Land Development

KS/DBB:dbb

CC: DPZ, Research

DPZ, DED

Fisher, Collins & Carter, Inc.