



## Howard County Department of Planning and Zoning

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Marsha S. McLaughlin, Director

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February 3, 2015

Marty A. Howard  
P.O. Box 740  
Clarksville, MD 21029

RE: WP-15-089/Jack's Landing (Dunfarmin Estates)  
F-08-101

Dear Mr. Howard:

The Director of the Department of Planning and Zoning considered your request for waiver(s) from the Howard County Subdivision and Land Development Regulations.

As of the date of this letter, the Planning Director approved your waiver request to Section 16.144(q) for a 60 day extension of time by which to submit the final plat originals for F-08-101/Jack's Landing, subject to the following conditions:

1. This Department will grant a **60 Day Extension** from the date of this waiver petition approval letter (**on or before 4/04/15**) by which to submit the final plat and density sending plat originals for F-08-101.
2. The developer is reminded that all existing structures, accessory buildings, as well as, materials associated with the landscaping business on this site must be removed prior to submission of the final plat originals for signature processing. Proof of removal may be submitted as razing permits and/or photographs.

### JUSTIFICATION FOR APPROVAL:

1. Extraordinary hardships or practical difficulties will result from strict compliance with the Regulations. The previous developer (Churchill Group) proposed to subdivide the site into 10 buildable cluster lots and one buildable preservation parcel, shared septic and construction of a public road. Using the density exchange option, the developer was required to purchase 5 DEOs. Due to the economy and financial restrictions, the sending site of the 5 DEOs was not immediately identified. Additionally, storm water management and road improvement issues and concerns of the Health Department kept this subdivision in a revised plan stage since initial submission of November 30, 2007. In trying to address all comments, the developer was unable to submit revised plans by the required due date and so the subdivision plan became technically void. With passage of House Bill 921, the developer was able to request an extension of time for submission of revised plans for F-08-101, reactivate the final plan and also to waive road improvements under WP-10-025. The waivers were approved and a new deadline date was established as December 30, 2010. A second extension of time was approved under WP-11-093, a third under WP-12-096, a fourth under WP-13-112, a fifth under WP-13-184 and a sixth under WP-15-044 due to economic conditions. Sometime after the first extension, the property owner was informed that the developer could not meet the terms of the contract of sale. The owner was forced to find a new purchaser and encountered practical difficulties marketing the site due to the economic downturn. A new developer has now entered into the process and redesigned the site into 8 buildable cluster lots with individual wells and septic systems, one buildable preservation parcel and one non-buildable preservation parcel. The buildable preservation parcel will have direct access onto Triadelphia Mill Road, however the 8 building lots will utilize a use-in-common access easement. This required the submission of a Design Manual waiver to allow more than 6 users on a shared driveway which was approved on October 10, 2013. Also with redesign of the subdivision, the developer is now required to purchase only 3 DEOs from a sending site which has been

identified as the Vasquez Property located on Daisy Road. The new developer has continuously moved forward with processing of this subdivision and is attempting to meet all deadlines. The Supplemental Construction/Landscape and FC Plan Originals have been reviewed and were signed on July 9, 2014. However, installation of wells must be completed prior to submitting the original plat for signature and recordation. The majority of wells have been installed but the initial well on Lot 7 was dry and the well driller now needs to find an alternative location. The developer is also in the process of negotiating with a different engineer to prepare the sending plat which has caused delay in meeting the deadline date and necessitates the request for a 60 day extension to submit the final plat and sending plat originals. This subdivision has been several years in processing and the owner has undergone considerable difficulties in marketing the site and finding a suitable sending parcel. The owner has cooperated extensively with the County in providing acceptable storm water management and development design. Additionally, the owner has allowed Howard County to purchase road right-of-way from the gross acreage of the farm to construct a roundabout at the intersection of Triadelphia Road. By approving a 60 day extension, the owner will be able to execute the Developers Agreement and move forward with recordation of the plats.

2. The requested waiver will not be detrimental to the interests of the public. The owner is not circumventing the intent of the Subdivision or Zoning Regulations but only requires a 60 day extension to complete the Developers Agreement, install the wells and prepare plat originals. Well installation requires that various structures, debris and materials be removed to access well locations. All other current land development requirements and new storm water management regulations will be complied with. Consideration of an extension to the due date represents the most advantageous and adequate alternative for the property owner and developer rather than voiding of this project. The developer has addressed all comments from reviewing agencies and continues to meet all conditions of approval as indicated in the technically complete letter.

3. The intent of the Regulations will still be served to a greater extent through implementation of an alternative proposal and approval of the waiver request(s) will not nullify the intent of the Regulations. The character of the neighborhood of which this property is located will not be altered nor will surrounding properties be adversely affected by approval of the waiver request. The property to the north and east have been previously subdivided and are part of the Dunfarmin Estates Subdivision. Proposed development received signature approval of SP -06-14, was granted temporary housing unit allocations, has been approved by the Health Department for private water and sewer systems and has received previous waiver petition approvals, as well as, a Design Manual Waiver. A mass grading plan (GP-13-018) has been reviewed and approved by Howard Soil Conservation District. A new engineering firm was contracted by the owner to move forward with completion of the supplemental drawings, final plat and density sending plat. To void the plan at this time would cost the developer considerable delay and financial hardship. The better solution is to grant approval to the waiver request for an extension of time which will allow development of this site.

Indicate this waiver petition file number, request, section of the regulations, action taken, date and conditions of approval on all related future plats, site development plans and and/or building permits. This requested waiver will remain valid for as long as the applicable development plans are active. Should you have any questions regarding this matter, please contact Brenda Barth at (410) 313-2350 or email: [bbarth@howardcountymd.gov](mailto:bbarth@howardcountymd.gov).

Sincerely,



Kent Sheubrooks, Chief  
Division of Land Development



:btb

cc: Research/DED/RES  
Robert Vogel Engineering, Inc.  
Land Design and Development  
F-08-101