



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Courthouse Drive

Ellicott City, Maryland 21043

410-313-2350

Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

August 13, 2015

Rosalie B. Welsh
4738 Ilchester Rd.
Ellicott City, MD. 21043

Robert F. Welsh Jr.
4710 Ilchester Road
Ellicott City, MD. 21043

RE: WP-16-013 (Locust Chapel-Section II)

Dear Welsh Family:

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

As of the date of this letter, the Planning Director **approved** your request to waive **Section Section 16.144(g)** which establishes a deadline date for the submittal of a preliminary plan within 4 months of sketch plan approval for subdivisions of 50 or fewer housing units, **Section 16.104(b)(1)** which indicates that if the County requests additional justifying information, the information must be submitted within 45 days of the Department's letter of request, and **Section 16.1106(d)** which outlines milestone dates for the timing of residential projects.

Approval is subject to the following conditions:

1. The developer's consultant must submit a revised exhibit and supplemental information for WP-15-086 (based on potential re-design) within 180 days of the current milestone date of August 23, 2015 (**on or before February 19, 2016**).
2. The developer must submit a Preliminary Plan or Preliminary Equivalent Sketch Plan for Locust Chapel, Section II within 180 days of the current milestone date of August 23, 2015 (**on or before February 19, 2016**).
3. Contact Carol Stirn at (410) 313-2350 to set up a submittal appointment for a Preliminary Plan or Preliminary Equivalent Sketch Plan associated with Locust Chapel, Section II within the allotted time period.

The Planning Director's decision was made based on the following:

Extraordinary hardships or practical difficulties:

The waiver exhibit submitted for WP-15-086 assumes the project would be approved for 26 lots and the request for removal of 6 specimen trees under that waiver request is based on a design incorporating those 26 lots. The County cannot, in good conscious, approve any proposal for removal of specimen trees based on a 26-lot subdivision when the County has indicated in e-mail correspondence dated December 15, 2015 that "Locust Chapel, Section II" will not be permitted to use any of the unused

residential density units, and excess open space and recreational open space area approved under the Green Neighborhood Plan for Section 1 unless Section 2 of Locust Chapel will also be approved in compliance with the Green Neighborhood standards and allocations. Section 2 will be considered as a separate stand-alone subdivision plan for processing that must comply with the maximum density based on its net area per the R-20/R-ED Zoning Regulations and the minimum open space and recreational open space requirements for its gross site area per the Subdivision and Land Development Regulations.

Based on the above initial information, a 26-lot subdivision may not be feasible and therefore any decision on removal of specimen trees based on a 26-lot subdivision was deferred, until it is confirmed that the proposed design is viable OR a re-design (with fewer lots) is formally submitted for review.

As of June 3, 2015, the Welsh family informed Department of Planning and Zoning (DPZ) Staff that they no longer wanted to use unused density and excess recreational open space area from Section 1. They only want to use 1.36 acres of excess open space area. There was a long discussion about trying to reduce the green neighborhood points by 1 point to allow them to use Section 1 excess open space. Beth Burgess and Susan Overstreet told the Welsh family and their consultant that they (Resource Conservation Division) were open to the idea but the Welsh's would need to get the cooperation and agreement from Don Reuwer and the Section 1 HOA in order to reduce the Section 1 green points.

The Welsh's are not pursuing a waiver to the 50% R-ED open space requirement because they sense DPZ would deny their request because it is a self-created hardship. They could achieve the 1.36 acres needed by simply reducing Ms. Welsh's lot size but she does not wish to do this. DPZ Staff has also suggested they try and acquire enough area by incorporating an adjoining property into the subdivision such as one of the Welsh brother lots/parcels on the boundary.

On June 26, 2015, Hailey Development terminated their contract with the Welsh Family. The Welshs are now beginning the process, once again, of finding a suitable and interested developer for the project.

Other issues that need to be addressed include:

1. Pre-Submission Community Meeting - Section 2 would need a new pre-submission community meeting if additional lots above 20 are proposed.
2. Welsh Residence – Morris Ritchie is going to file a non-conforming zoning petition to allow Ms. Welsh to keep two dwellings on a single lot.

Without extension of time, the applicant and consultant experience practical difficulty to have sufficient time to adequately address the above outlined issues and update the waiver exhibit. These issues must also be addressed prior to submittal the next step in the process, being either a Preliminary Plan or Preliminary Equivalent Sketch Plan.

Detrimental to the Public Interest /Nullifies the Intent or Purpose of the Regulations:

Granting of this waiver for extension of time to submit a revised waiver exhibit, additional supplementary information and subsequent new Preliminary Plan or Preliminary Equivalent Sketch Plan would not be detrimental to the public interest nor would it nullify the intent or purpose of the regulations. Twenty allocations are already available under S-06-006. The requests for time extensions are being made after "discussions with Staff, the Planning Director, and personal consultants and attorneys regarding several issues to be resolved concerning the project, including, but not limited to; designing proposed Section II of Locust Chapel as a "Green Neighborhood"; contract termination, contract re-negotiation, joint HOA matters between existing Section I and proposed Section II of Locust Chapel, open space provisions, recreational open space requirements and density calculations."

The waiver would allow adequate time for the applicant and the applicant's new consulting team to correctly address the intricacies and demands of the proposed project.

Indicate this waiver petition file number, request, section of the regulations, action, conditions of approval, and date on all related plats, and site development plans, and building permits. This requested waiver will remain valid for the time period specified in the conditions of approval.

If you have any questions, please contact Tanya Krista-Maenhardt, AICP at (410) 313-2350 or email at tmaenhardt@howardcountymd.gov.

Sincerely,


Kent Sheubrooks, Chief
Division of Land Development

attachment

KS/TKM/waivers 2015/Locust Chapel WP-16-013 approved 8-13-15

cc: Research
DED
Real Estate Services
S-06-006 file
ECP-15-042 file
WP-15-086 file