



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

December 28, 2016

Waverly Woods Development Corp.
Attn. Kennard Warfield
PO Box 30
Glennelg, Md. 21737

RE: WP-17-054, Waverly Mews, GTW's Waverly Woods, Section 14, Parcel "G", (SDP-13-031)

Dear Mr. Warfield:

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

As of the date of this letter, the Planning Director **approved** your request for an alternative compliance of **Section 16.156(o)(2)** of the Howard County Subdivision and Land Development Regulations. The alternative compliance approval was to reactivate site development plan, SDP-13-031 and to extend the deadline date for application of building permits for the remaining un-built units shown on the approved site development plan.

Approval is subject to the following conditions:

1. The applicant shall apply for building permits for all construction authorized by SDP-13-031 on or before **August 1, 2017**.

Our decision was made based on the following:

Summarize any extraordinary hardships or practical difficulties which may result from strict compliance with the regulations.

In order to comply with the regulations requiring that all building permits be applied for requires that bank financing to purchase the in-fee building lot from the property owner must be obtained by the builder before applying for a building permit on property they do not own. Bank financing requires the builder to have under contract at least 80% of the units. Requiring the builder to purchase all land parcels within the 2 year approval period places an extraordinary financial hardship and practical difficulty in achieving compliance.

Verify that the intent of the regulations will be served to a greater extent through the implementation of the alternative proposal.

Approving the alternative compliance to reactivate SDP-13-031 will allow additional time to obtain financing and apply for the remaining two (2) mid-rise building permits. Approval of this alternative compliance will support the total plan to proceed to the 7 proposed mid-rise buildings, community pool and community club house without leaving the site in an apparent unfinished condition. The developer has installed all roadway, water and sewer, and drainage infrastructure to facilitate the construction of the remaining two (2) buildings. It is our opinion that the intent of the regulations which granted approval for SDP-13-031 will be served to a greater extent allowing the remaining two (2) buildings to be constructed as depicted on the approved site development plan.

Substantiate that approval of the alternative compliance will not be detrimental to the public interest.

Approval of the alternative compliance request will not be detrimental to the public interest since only two of the seven (7) buildings remain to be constructed within the boundaries of the approved site development plan, SDP-13-031. Reinstating the site development plan to an active status will allow the community to attain the overall development intent envisioned by the approval of the Waverly Mews community condominium regime.

Confirm that approval of the alternative compliance will not nullify the intent of the regulations.

The intent of the regulations is to provide a specific time interval to ensure that building construction be continuous to ensure completion of development projects in a timely manner. The 2-year period to obtain all building permits was intended to ensure completion. Within the 2-year building permit period ending on October 9, 2016 for all improvements shown on the site development plan the developer/builder has completed and obtained use and occupancy permits for four(4) midrise residential buildings; the community club house and community swimming pool and is currently constructing the fifth mid-rise building leaving only two (2) midrise buildings to obtain building permits. It is our opinion that approval of this alternative compliance request is the minimum relief sought and will not nullify the intent of the regulations.

Indicate this alternative compliance petition file number, request, section of the regulations, action, conditions of approval, and date on all related plats, and site development plan red-line revisions, and building permits. This requested alternative compliance will remain valid for the time period specified in the conditions of approval.

If you have any questions, please contact Dave Boellner at (410) 313-2350 or email at dboellner@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/T:dpz/shared/dld/WP-17-054appdltr

cc: Research, DED
Real Estate Services
FCC
SDP-13-031
Annette Merson