



Howard County Department Of Planning And Zoning

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Marsha S. McLaughlin, Director

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November 23, 2010

Alan Meyer
Claremont, LLC
11046 Dorsch Farm Road
Ellicott City, Maryland 21042

RE: WP 11-62/Claremont Overlook, Phase 3
Extension of Time

Dear Mr. Meyer:

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

As of the date of this letter, the Planning Director **approved** your request for waiver to Section 16.144(k)(3)(i), for an extension of time to submit the final subdivision plan for Phase 3 of Claremont Overlook, subject to the following conditions:

1. Approval is granted for a **one year extension** from the previously established date of between July 1, 2010 and November 1, 2010, by which to submit the final plan for Phase 3 of Claremont Overlook is approved. The new due date by which to submit Phase 3 of Claremont Overlook is **on or before November 1, 2011**.
2. Please be advised that new Storm Water Management Regulations are now in effect. Any project not having a signature approved storm water management and sediment control plan by May 4, 2013 will require revised plans designed to meet the current regulations.

JUSTIFICATION FOR APPROVAL:

1. Extraordinary hardships or practical difficulties will result from strict compliance with the Regulations. The preliminary/equivalent sketch plan (SP 04-01) was placed on hold for four years awaiting housing unit allocations. Allocations were ultimately granted, the SP was approved and a final plan was submitted for Phase 1 (F-08-63). The developer found it necessary to request extensions to relevant deadline dates under WP 09-77 and WP 09-207 for Phase 1. Water and sewer allocations were subsequently approved, road construction drawings were signed and the final plat was recorded on 3/04/10. The owner proceeded to submission of a final plan for Phase 2, F-09-45. A waiver petition, WP 09-208, was once again submitted and approved for an extension of time to submit the final plat mylars for Phase 2. Additionally, the owner also requested that the number of proposed lots under Phase 2 and Phase 3 as shown on SP-04-01 be revised which resulted in rephrasing of tentative allocations. Phase 2 was revised from 27 housing unit allocations to 19 units and Phase 3 was revised to 24 units for the year 2013. The final plat for Phase 2 was recorded on 11/06/08. The owner is now requesting an extension to the deadline date established in the phasing letter for Phase 3. This request is necessary due to the economic condition of the housing market and the difficulty the developer is encountering in obtaining financing. To void plans for Phase 3 at this time would create extraordinary hardship and result in the loss of tentative allocations. Resubmission of development plans would cause redundant review of this project by County and state agencies and create greater financial burden to the applicant. A better solution would be to grant an extension of time to the deadline date, allowing Phase 3 to move forward.

2. The requested waiver will not be detrimental to the interest of the public since the subdivision plans for Phases 1, 2 and 3 have already been processed and approved under SP-04-01. Tentative housing unit allocations were granted, water and sewer allocations approved and road construction drawings are signed. The applicant shall submit a final plan for Phase 3 to be reviewed by all applicable County and state agencies and will proceed to site development plan approval.

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 applicant is not circumventing any of the Subdivision or Zoning Regulations by approval of the waiver request, but only requires an extension to the due date to delay construction until a more economically feasible housing market is available. All County and state comments have been addressed and the final plans for Phase 1 and Phase 2 have been approved. The alternative proposal to grant an extension to the due date is the better solution than voiding Phase 3 resulting in the loss of housing unit allocations.

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

Sincerely,



Kent Sheubrooks, Acting Chief
Division of Land Development



:btb

cc: Research/DED/RES/F-08-63
Robert Vogel Engineering, Inc.