



Howard County Department Of Planning And Zoning
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Marsha S. McLaughlin, Director

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January 6, 2011

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

RE: WP-11-93/Dunfarmin Estates
(F-08-101); Extension of Time

Dear Mr. Howard:

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(r)(3) requiring the submission of revised plans within 45 days of request or the final plan for F-08-101/Dunfarmin Estates shall become void, subject to the following conditions:

1. This Department will grant a **one year extension** from the December 30, 2010, deadline by which to submit revised plans for F-08-101. The new deadline date by which to submit revised plans is on or before **December 30, 2011**.
2. Any request for future extension of time beyond December 30, 2011, will require the submission of a new waiver petition application.
3. 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 (see attached comments from the Development Engineering Division). The owner/developer is additionally advised to meet with staff from the Development Engineering Division to discuss the affect of new storm water management regulations in the design of this site prior to submission of the revised plans.

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 lots and one buildable preservation parcel. Using the density exchange option, the developer is required to purchase 5 DEOs. Due to the economy at this time and financial restrictions, the sending site of the 5 DEOs has not yet been identified. Financial hardship, as well as, storm water management and road improvement issues and concerns of the Health Department have 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 10-25. The waivers were approved and a new deadline date was established as December 30, 2010. This waiver is the second request for an

extension of time. Since approval of the first extension, the property owner was informed that the developer is unable to live up to the terms of the contract of sale. The owner has now placed the property back on the market. This subdivision has been taken several years in processing and the owner has undertaken considerable financial burdens and has cooperated extensively with the County in providing an acceptable development design. The owner additionally has allowed Howard County to purchase right-of-way from the gross acreage of the farm to construct a roundabout at the intersection of Triadelphia Road. By approving the extension the owner will be able to wait until a financially feasible market is better available and to find another purchaser for the site. Any request for future extensions beyond December 30, 2011, will require the submission of a new waiver petition application.

The present use of the property is agricultural and consists of a large eastern portion of wetlands, stream, their buffers and flood plain. A man made farm pond is also situated within this environmental area. The pond embankment will be breached at the outfall location and the overall crest will be lowered. Under the current plan, the pond will be converted to a shallow wetland facility and will provide water quantity control for the subdivision. Check dams and a swale are proposed upstream to the northwest of the pond to provide partial water quality management. The pond currently discharges to the southeast corner of the property where it is piped under Triadelphia Mill Road by a culvert. The existing 48" corrugated metal pipe and culvert is undersized and must be replaced with a bottomless culvert with a structural arch to better aid stream flow under the roadway and to safely convey anticipated discharges. However, new storm water management regulations are now in effect and this site shall be required to comply with those regulations unless an administrative waiver is justified. Any plan 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.

2. The requested waiver will not be detrimental to the interests of the public. The owner is not circumventing the intent of any Subdivision or Zoning Regulations but only requires extension to the due date so as to delay construction until a more economically feasible market is met and a purchaser can be found, as well as, a density sending site identified. Consideration of an extension to the due date is in compliance with previously mandated state law and represents the most advantageous and adequate response to present day economic conditions. The developer will be required to comply with all comments from reviewing agencies and to meet all conditions of approval as indicated in a technically complete letter for this project. Storm water management shall be designed to meet current requirements.
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. The property to the north and east have been previously subdivided and are part of the Dunfarmin Estates Subdivision. This development has received signature approval of SP -06-14, has been granted temporary housing unit allocations and received previous waiver petition approval and a Design Manual Waiver. 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 to submit revised plans and allow the developer to continue with processing of the final plan, F-08-101.

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 as long as development plans remain active. Should you have any questions regarding this matter, please contact Brenda Barth at (410) 313-2350 or email: bbarth@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development



:btb/attachment
cc: Research/DED
Cindy DelZoppo
F-08-101