



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Marsha S. McLaughlin, Director

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February 22, 2011

Mr. Phillip Carroll
3500 Manor Lane
Ellicott City, MD 21042

Dear Mr. Carroll:

RE: WP-11-132, Westmount, Non-Buildable Bulk Parcel
A and Open Space Lots 1 and 2, (Doughoregan
Manor, F-11-058)

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 Article II, Design Standards and Requirements such as floodplain and wetlands delineation, forest conservation lot design, road frontage, landscaping, etc. and Article III, Required Improvements such as water and sewer, road construction, sidewalks, storm drainage, street trees, etc. of the Subdivision and Land Development Regulations as it applies to F-11-058 only.

Approval is subject to the following conditions:

1. Forest Conservation must be satisfied with the submission of the resubdivision plat for Non-Buildable Bulk Parcel A. The acreage for both open space lots must be included in the Net Tract Area when computing the Forest Conservation obligation.
2. The entire 221.1 acres may be used when determining the maximum lot yield.
3. If the proposed Forest Conservation Easement on non-credited open space lot 2 is intended to be credited toward the Westmount subdivision, non-credited open space lot 2 must be part of the future subdivision of the non-buildable bulk parcel.
4. Upon re-subdivision of Non-Buildable Bulk Parcel A, this parcel must comply with Articles II and III of the Subdivision and Land Development Regulations.
5. The applicant shall provide the necessary public road right-of-way and roadway improvements along Frederick Road and Folly Quarter Road for the remainder of the Carroll Property, Parcel 71 and for Non-Buildable Bulk Parcel A as established under F-11-058 to meet the AASHTO requirements as determined during the review of the resubdivision plans for Non-Buildable Bulk Parcel "A". The applicant shall take the future road right-of-way requirements into consideration when establishing the Agricultural Land Preservation Parcel Easement for the Carroll Property.
6. The applicant shall address any concerns from the Health Department and the State Highway Administration upon submission of the resubdivision plan for Non-Buildable Bulk Parcel "A".
7. Compliance with the enclosed comments dated February 18, 2011 from the Development Engineering Division.
8. Compliance with all Subdivision Review Committee comments.
9. The waiver petition number and its conditions of approval must be added to the plat.

Our decision was made based on the following:

Extraordinary Hardship or Practical Difficulty -

The purpose of the associated plat (F-11-058) is to separate the rezoned R-ED zoned property from the remaining Carroll family holdings. The approval of the waiver petition will defer the requirements of Articles II and III until subdivision plans are submitted for the non-buildable bulk parcel. In addition, the recordation of the associated plat (F-11-058) fulfills the requirements of the Development Rights and Responsibility Agreement (DRRA) which requires the creation of the non-credited open space lot to be conveyed to the residents of Chateau Ridge Lake Community Association (CRLCA) or another individual identified by CRLCA. Requiring the applicant to process a subdivision plat in accordance with Articles II and III will create a hardship for the applicant and the CRLCA or their designated party because the applicant would not be able to fulfill the requirements of the DRRA in a timely manner (as it relates to the CRLCA) since the first phase of the subdivision process would require the submission of a Preliminary Equivalent Sketch Plan in addition to Planning Board approval. The deferral of Articles II and III allow the applicant to fulfill their obligations in a timely manner.

Not Detrimental to the Public Interest - Approval of the waiver request will not alter the essential character of the neighborhood and will not substantially impair the appropriate use or development of the surrounding residential properties. The approval of this waiver petition is deferring the requirements of Articles II and III until the non-buildable bulk parcel is submitted for re-subdivision. In addition, the waiver petition will allow the applicant to transfer the agreed upon acreage to the community in a more timely manner. Also, the plat shows the termination of Burnside Road by creating the non-credited open space lot which will be transferred to the community or their designee. This streamlined process will ensure that Burnside Road will not be continued as agreed upon in the DRRA. The requirements of the Regulations will be satisfied with the resubdivision of Non-Buildable Bulk Parcel A.

Will Not Nullify the Intent or Purpose of the Regulations - Approval of this waiver request will not nullify the intent or purpose of the regulations since the requirements of Articles II and III will be fulfilled when the non-buildable bulk parcel is submitted for resubdivision. The granting of this waiver petition is only a temporary deferral of the subdivision requirements until a later date.

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 one year from the date of this letter or as long as this subdivision remains in active processing.

If you have any questions, please contact Brenda Luber at (410) 313-2350 or email at BLuber@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/BL

cc: Research
DED
Land Design and Development, Joseph Rutter
FCC