



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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FAX 410-313-3467
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March 9, 2011

Mr. Robert Brantley
Brantley Group
14821 Hanover Pike
Upperco, MD. 21155

RE: WP-11-134 (Westhaven @ Nixon's Farm)
(Associated with: F-08-024 (Westhaven at Nixon's Farm
(formerly "Terrapin Crossing")(Lots 1-47, Buildable
Preservation Parcel K, and Non-Buildable Preservation
Parcels A-J))

Dear Mr. Brantley:

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 16.144(m)** which establishes timelines (45 days) for the submission of revised plans.

Approval is subject to the following conditions:

1. The developer must submit revised plans in association with F-08-024 within one year of this waiver approval (**on or before March 9, 2012**).
2. Contact Carol Stirn at (410) 313-2350 to set up a revised plan submittal appointment within this allotted time period. **The applicant is responsible for any processing fee charges that may have occurred since the last submittal associated with F-08-024.**
3. New stormwater management regulations are in effect. Any project not having a signature approved stormwater management and sediment control plan by May 4, 2013 will require revised plans designed to meet current regulations.

The Planning Director's Decision was based on the following:

Extraordinary hardships or practical difficulties:

Denial of the waiver petition would result in undue hardship because it would require the submission of a new Preliminary Sketch Plan and Final Plat/Plan proposal resulting in additional/duplicate reviews by applicable SRC agencies. The project has already been subject to multiple reviews and has an established file history. Per the applicant's justification, "due to the current economic climate, additional time is required to finalize project financing that will allow the final subdivision and bridge designs to be completed and the project to move forward. Once the financing package has been approved, the final plans can be revised and resubmitted".

Detrimental to the Public Interest:

The extension of deadline dates for the submission of revised plans will not be detrimental to the Public Interest. No significant changes to the subdivision or zoning regulations have occurred since the last

submittal. Should the regulations be modified, these changes would be reflected in the next set of revised plans.

Nullifies the Intent or Purpose of the Regulations:

All SRC review agencies will be provided the opportunity to review the revised plans and therefore the Intent and Purpose of the Regulations will be upheld through the required review process. The applicant is not asking for an exception to Code requirements, merely an extension of time to adequately address financing and bridge design issues.

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

KS/tkm/Waivers 2011/Westhaven @ Nixon's Farm WP-11-134 approval 3-9-11

cc: Research
DED
SHA
PHRA
The Nixon Family-2800 Nixon Farm Lane
Daniel & Kimberly Valenti
F-08-024 file