



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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November 2, 2011

Chelsea Knolls, LC
1355 Beverly Road, Suite 240
McLean, VA 22101
ATT: Jason Van Kirk, Manager

RE: WP-12-067/Chealsea Knolls, Lots 1 to 14, Non-Buildable
Preservation Parcel A and Non-Buildable Bulk Parcel B (F-07-072)

Dear Mr. Van Kirk:

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

As of the date of this letter, the Planning Director **approved** your request for waiver(s) to Sections 16.144(p) and 16.144(q) as they apply to F-07-072, subject to the following conditions:

1. A **one year extension** of time is approved from the November 1, 2011, deadline date by which to pay all fees and, if subject to a Developer's Agreement, post all monies and file appropriate surety for public or private improvements as indicated in the revised Technically Complete Letter of October 8, 2009, for F-07-072. The new deadline date is on or before **November 1, 2012**.
2. A **one year extension** of time is approved from the November 1, 2011, deadline date by which to submit the final plat originals as indicated in the revised Technically Complete Letter of October 8, 2009, for F-07-072. The new deadline date is on or before **November 1, 2012**.
3. The applicant is advised that a new Fee Schedule has been adopted on July 1, 2011. Increase of any processing fees previously indicated in the Technically Complete Letter for F-07-072 must be paid at the time of submission of applicable plan originals.

JUSTIFICATION FOR APPROVAL:

1. Extraordinary hardships or practical difficulties will result from strict compliance with the Regulations. This subdivision has been under review since the preliminary equivalent sketch plan was submitted and signed on 2/07/03. A receiving plat has been processed for Musgrove Farm (RE-04-004) receiving 5 DEOs from the Shapiro Property, recorded on 10/05/04. The final plan was submitted on 11/03/06 and underwent numerous revised plan submissions. A Technically Complete (TC) Letter was finally issued on 1/18/08, but was rescinded on May 19, 2008, due to the

decision rendered in WP-08-105. Revised plans were resubmitted which re-designed the subdivision into Lots 1 to 14 and Non-Buildable Preservation Parcel A and Non-Buildable Bulk Parcel B. A second TC Letter was issued on 12/09/08 and new deadline dates were issued. The road construction drawing originals were submitted and received signature approval on 5/07/09. Extensions to the deadline dates to execute the Developers Agreement and submit the plat originals was requested under WP-09-216. The extensions were approved on June 16, 2009, and the developer was advised that rephrasing could take place in accordance with Council Bill No. 8-2009. The developer took advantage of the rephrasing opportunity and consequently an updated TC letter was issued on October 8, 2009, establishing new deadline dates by which to submit the Developers Agreement and final plat originals to November 1, 2011. This waiver petition is the second request for extension of time. Denial to the extension requests at this time would result in the voiding of the approved road construction drawings, the final plan, the preliminary equivalent sketch plan and tentative housing unit allocations. Any resubmission of these plans would cause redundant review by County and state agencies. A better solution would be to grant an extension of time to the deadline dates of one year and allow this project to move forward.

2. 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 proposed development is Phase 1 of a subdivision of Parcel 78. All applicable County and state agencies have reviewed the subdivision plan and have approved the plan. Consequently, a Technically Complete Letter has been issued. The developer is diligently working towards completion of this subdivision and will comply with all processing steps as outlined in the Technically Complete Letter of October 8, 2009.

3. Approval of the waiver requests will not be detrimental to the interests of the public. The owner is not circumventing the intent of the Subdivision or Zoning Regulations but only once again requires extension to the due dates so as to delay construction until a more economically feasible market is met and financial processing can be undertaken. Completion of all processing steps as outlined in the Technically Complete Letter will be complied with. Additionally, reconsideration of the due dates is in compliance with previously mandated state law and represents the most advantageous and adequate response to present day economic conditions.

Indicate this waiver petition file number, request, section of the regulations, action taken, date and conditions of approval on all related future plats, site development plans and and/or building permits. This requested waiver will remain valid for the time period specified in the above conditions. 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/DED Comments Attached

cc: Research/DED/RES

Mildenberg, Boender & Associates