



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

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January 8, 2013

Lime Kiln, LLC
12549 Lime Kiln Road
Fulton, Maryland 20759
ATT: Perry C. Westland, Jr.

Perry C. Westland, Jr.,
Perry C. Westland and Barbara L. Westland
P.O. Box 143
Fulton, Maryland 20759

RE: WP-13-076/Westland Farm Estates
(SP-09-011, Phase II); Reconsideration

Dear Property Owners:

The Director of the Department of Planning and Zoning **reconsidered** 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 to Section 16.144(k) requiring submission of final plans for Westland Farm Estates, Phase II, between July 1, 2012, to November 1, 2012 (SP-09-011). A one year extension has been approved, subject to the following conditions:

1. The final plan for Phase II must be submitted between **July 1, 2013, to November 1, 2013**.
2. Submission to the Development Engineering Division of an Environmental Concept Plan (ECP) based on new Storm Water Management Regulations (see enclosed DED Comments) for review a minimum of 30 days prior to July 1, 2013 (**on or before June 1, 2013**).
3. The final plan for Phase II of Westland Farm Estates (SP-09-011) shall be designed in accordance with the new Storm Water Management Regulations and shall address all ECP comments as applicable (see enclosed DED Comments).

JUSTIFICATION FOR RECOMMENDATION:

1. Extraordinary hardships or practical difficulties will result from strict compliance with the Regulations. The owner intends to create a non-cluster subdivision located within 2500' of the Rocky Gorge Reservoir. The subdivision will consist of 13 buildable lots and one open space lot, to be owned by an HOA. This open space is considered a "bonus" open space lot because open space is not required in the RR Zoning District. A waiver for open space is not required since the developer shall also provide a fee-in-lieu. The open space shall contain a forest conservation planting easement and was proposed for a storm water management facility. The buildable lots will be approximately 3 - 4 acres in size and have road frontage on an internal public cul-de-sac, except for one lot containing an existing house. This house located on proposed Lot 12 shall remain and will retain driveway access directly onto Lime Kiln Road. A flood plain, drainage and utility easement will overlay an existing northwestern farm pond which will be situated on a 4 acre building lot. In accordance with Section 105.E of the Zoning Regulations this property is also eligible for creation of cluster lots. A cluster subdivision was not desirable to the owner nor was the alternative to create smaller lot sizes by utilizing the DEO Exchange Option. This site is prohibited from becoming a receiving parcel because the entire acreage is located within 2,500 feet of the normal water level of a water supply reservoir.


The owner has processed and recorded a previous final plat to create Lots 1 and 2 (Phase I); a waiver petition (WP-10-014) and Design Manual Waiver for reduction of pavement width. WP-13-076 was approved on December 3, 2012, for a 90 day extension by which to submit Phase II from the previous deadline date of July 1, 2012, to November 1, 2012 to on or before January 30, 2013. The applicant has now asked for reconsideration of that extension for a one year extension indicating that design of Phase II shall be in accordance with a new Environmental Concept Plan (ECP) and new storm water management regulations. To deny the extension of time would cause all previously approved plans and waivers to become null and void and this project would lose tentative housing unit allocations.

2. The requested waiver(s) will not be detrimental to the interest of the public. The owner intends to move forward with subdivision of the site. However, due to the current housing market downturn, financing is difficult to obtain at this time. The owner is only in need of an extension of time until the financial market will provide less difficulty in obtaining bonds and letters of credit. The final plat shall be reviewed under all current regulations in effect at time of submission and in accordance with new storm water management regulations. The developer shall be required to submit a new ECP for review and shall comply with all applicable comments generated under that review prior to submission of the final plan for Phase II. Granting a one year extension from the previous due date by which to submit a final plan is a better alternative than voiding the approved preliminary equivalent sketch plan (SP-09-011).

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 is only in need of an extension of time to submit a final plan for Phase II until the financial market recovers. The developer shall comply with all regulations and requirements in effect at the time of submission of the final plan.

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 as long as the development plan remains in 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, Chief
Division of Land Development



:bfb/enclosure

cc: Research/DED/RES
Fisher, Collins and Carter
SP-09-011