



Howard County Department Of Planning And Zoning

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Marsha S. McLaughlin, Director

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December 6, 2012

Triangle Montgomery Associates, LLC
Triangle Old Annapolis Associates, LLC
Attn: J. Chris Pippen
4291 Montgomery Road
Ellicott City MD 21043

RE: **WP-13-088 Long Gate Overlook**
(F-13-028; SDP-12-058)

Dear Mr. Pippen:

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 the following sections of the Subdivision and Land Development Regulations:

Section 16.144(m) of the Amended Fifth Edition – The Department of Planning and Zoning shall provide the developer with a written report of the findings of the review committee, including the comments of the review committee and its recommendations. If the Department of Planning and Zoning or the review committee indicates that additional information is needed in order to decide whether to approve the final plan, the developer shall provide the information within 45 days of receiving such indication.

Section 16.156(g)(2) of the Amended Fifth Edition – If the Department of Planning and Zoning or the review committee indicates that additional information is needed in order to decide whether to approve the plan, the developer shall provide the information within 45 days of receiving such indication.

*** The petitioner is seeking a nine month extension to submit additional information and revised plans to this Department. The due date to submit the additional information and revised plans (for both the final plat and the site development plan) is January 4, 2013.**

Approval is subject to the following two (2) conditions:

- 1) The applicant must submit the required additional information requested (in the form of revised plans) for the final plan and the site development plan within **9 months** from the date of this waiver approval (on or before **September 6, 2013**).

- 2) On the final plat and the site development plan, provide a brief description of waiver petition, WP-13-088, as a general note that includes the waiver requests, sections of the regulations, action and date of waiver approval.

The decision of this waiver petition is based on the following justification:

Extraordinary Hardship:

Please see the justification provided on the waiver petition application. The purpose of this waiver is to grant the applicant additional time to resubmit the revised final plat and SDP while a request to rezone the subject property ["Long Gate Overlook"] through the County's Comprehensive Zoning map amendment process is being considered. This time extension will allow the property owner (applicant) the time necessary to determine if his property will be rezoned under the map amendment process. If consideration is not given to this waiver, the applicant will be required to proceed through the subdivision and land development process and will be subject to meeting the Adequate Public Facilities Ordinance (APFO) deadlines for obtaining plat and site development plan signature approvals, while concurrently seeking to rezone his property.

Alternative:

The applicant will place this project on hold while his request to rezone the property is considered by this Department, the Planning Board and County Council. No plan approval has been granted to either the plat or the SDP. Should the County disapprove the applicant's request to rezone his land, the processing of the plat and SDP shall resume.

Not detrimental to 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 and institutional use properties. The applicant is requesting additional time to resubmit additional information that is required by this Department before a decision can be issued on the development proposal. The subject properties are zoned R-SA-8 zoning for "attached" dwelling units and site development requirements will be fulfilled with a plat and SDP. The proposed use (townhomes) is appropriate for the land.

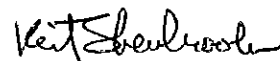
Not nullify the intent or purpose of the regulations:

Approval of this waiver request will not nullify the intent or purpose of the regulations since the overall and current purpose of the project is to reconfigure four separate tax parcels into a subdivision of fee-simple lots for the purpose of developing 43 single-family attached residential dwellings. The applicant is requesting additional time to resubmit additional information that is required by this Department before a decision can be issued on the development proposal. The proposed improvements are detailed on a SDP (waiver petition plan exhibit), which clearly demonstrates how all site improvements are planned. The proposed private roads will meet County standards and the fee-simple lots and open space will be recorded on a plat.

Indicate this waiver petition file number, request, sections of the regulations, action, conditions of approval, and date on all future DPZ plans. **This requested waiver will remain valid until September 6, 2013.**

If you have any questions, please contact Derrick Jones at (410) 313-2350.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/dj

cc: Research

DED

Vogel Engineering

Files: F-13-028 and SDP-12-058

