



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
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Marsha S. McLaughlin, Director

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August 22, 2013

Bertram and Nancy Brown
P.O. Box 39
Highland, MD 20777

Mr. Jason Van Kirk
Elm Street Communities
1355 Beverly Road
Suite 240
McLean, VA 22101

Dear Mr. and Mrs. Brown and Mr. Van Kirk:

RE: (WP-14-006, Clarksville Crossing (SP-07-013))

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(k) (3) (i)** – requiring the submission of the final plan within 4 months of approval date of the preliminary equivalent sketch plan.

Approval is subject to the following conditions:

1. The applicant must redesign the stormwater management for this subdivision to meet the current Environmental Site Design (ESD) requirements, and therefore, the May 4, 2013 MDE grandfathering deadline date is no longer applicable to this project's deadline.
2. The Environmental Concept Plan must be approved prior to the submission of the final plan.
3. The Final Plan submission must be submitted to DPZ on or before January 28, 2014.
4. Compliance with previous comments from the Development Engineering Division and the Health Department per WP-13-075.
5. Advisory: Future requests for additional extensions to the various deadline dates will not be granted.

Our decision was made based on the following:

Extraordinary Hardship or Practical Difficulty - The extraordinary hardship or practical difficulty involved with this waiver request would require the developer to submit a new Preliminary Equivalent Sketch Plan and the applicant would lose their housing allocations. If the waiver petition was not approved, the ten issued housing unit allocations will be forfeited and a new Preliminary Equivalent Sketch Plan would be required thus placing a hardship on the applicant. The extension will allow the new developer additional time to satisfy the State Highway Administration comments, resolve a significant boundary issue, and resolve neighboring right-of-way dedication issues. The final plan will be designed in accordance with the new SWM requirements.

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. Allowing the applicant additional time to submit the final plan submission will not be detrimental to the public since the design is not changing. The extension of time will allow the developer additional time to deal with the current economic conditions. In addition, the new developer will have adequate time to meet with the State Highway Administration to discuss potential design changes as it relates to the access to the site, resolve boundary issues and neighboring right-of-way dedication concerns. The final plan will be designed in accordance with the current Environmental Site Design requirements.

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 design of the previously submitted preliminary equivalent sketch plan will not change, or if access design changes are needed, these changes will not impact the overall design of the subdivision. The final plan will be designed to meet the current Stormwater Management requirements.

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 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
Real Estate Services
Benchmark Engineering, Inc.
SP-07-013