



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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October 16, 2014

Cinnabar Drive LLC  
5300 Dorsey Hall Drive, Suite 102  
Ellicott City, MD 21042  
Attn: Doug Eshelman

RE: Guilford Landing Lots 1-3 & Open Space Lot 4  
WP-15-026 (F-09-064)

Dear Mr. Eshelman:

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 **Sections 16.144.(p), (q) & (r)** of the Subdivision Regulations to re-activate the final plat processing for this development. Approval is subject to the following conditions:

1. In order to re-activate the final plan, a revised final plan submission is required to be made within **45-days** from the date of approval of this Waiver Petition, WP-15-026 (**on or before November 30, 2014**).
2. The revised plan submission shall be made to the Division of Land Development and Development Engineering Division, DPZ along with completed and signed DPZ, DLD & DED final plat checklists. A submission appointment is required for the resubmission of this plan. Contact Carol Stirn of the DLD at 410-313-2350.
3. The revised final plan will be the fourth plan submission for this proposed subdivision. As such, a fee equivalent to 50% of the original filing fee is required to be paid at the time of submission. **The fee is \$562.50**. Be advised that your revised plans will not be accepted without this fee.
4. A new pre-submission community meeting is required since it has been six(6) years since the first community meeting was held on October 30, 2008. This meeting must be held prior to resubmission of the final plan to this Department.
5. The final plan approval and previously allocated housing allocations were rescinded when the plan was determined to be void. After review and approval of the resubmission of the final plan, this subdivision will be re-evaluated for availability of housing unit allocations and re-tested for open / closed schools in accordance with the requirements of the Adequate Public Facilities Ordinance (APFO). New deadline dates will be established in accordance with the Section 16.144.(o), (p) & (q) of the Subdivision Regulations.
6. With the enactment of the 10/6/13 Comprehensive Re-Zoning, this subdivision is subject to the new Moderate Income Housing Unit (MIHU) requirement per Section 109.0.E for the R-12 (Residential Single) Zoning District. At least 10% of the dwellings in this subdivision shall be MIHU's. The developer will need to execute a MIHU Agreement and Covenants with the Howard County Housing Department before the final plat receives signature approval and can be recorded. The MIHU agreement will need to indicate how the required 10% MIHU units will be

provided for this development, such as MIHU units built on-site, or the developer will pursue one of the alternative compliance methods such as purchasing, rehabilitating and offering for sale off-site existing houses or paying a fee-in-lieu to the Howard County Housing Department for each unit or portion of the units required by the development.

7. Compliance with the enclosed comments from the Development Engineering Division, dated August 28, 2014.

Justification for our decision was made based on the following:

- Extraordinary Hardship or Practical Difficulty - The extraordinary hardship or practical difficulty involved with not granting this waiver request would require the developer to submit a new final plan for all County agency review and approval. The subdivision regulations, together with the zoning Regulations are intended to control land uses and their locations within the County. The subject property is zoned Residential R-12. The proposed subdivision plan that was submitted to the Howard County DPZ was to create three new single family residential lots and retain the existing residential structure as a single family residential lot. This subdivision plan had been reviewed by the SRC and approved. Final Plans and the Water and Sewer Plans have been signed by appropriate County agencies. Restarting the process would only add what would be a repeat of additional development costs to the project potentially making the proposed housing development financially difficult to develop. This would result in economic hardships for the partners. Restarting the process would be an unnecessary cost that would not change the design of the subdivision and would result in the same design of the subdivision.
- The Intent of the Regulations will be Served to a Greater Extent through the Implementation of the Alternative Proposal: The subdivision was completed and approved under the 2000 Maryland Stormwater Design Manual; however the Stormwater Management (SWM) design used the Environmental Site Design (ESD) practices through the installation of rain gardens and grass channel. The proposed design satisfies the ESD requirements of the 2009 Revisions to the 2000 MD SWM Design Manual.
- Not Detrimental to the Public Interests - Approval of this waiver request will not be detrimental to the public interest. It will not create incompatibility or destroy the continuity and the harmony of the existing neighborhood. The minor subdivision design will remain the same as previously presented to the community. Conditions of approval of this Waiver Petition require the developer to hold a second pre-submission community meeting because six(6) years have lapsed since the initially informing the community of this development proposal. A fee equivalent to 50% of the original filing fee is required to be paid at the time of resubmission of the final plan. The SWM design is required to be in accordance with the current SWM requirements. At the time of approval of the resubmission, this subdivision will be re-evaluated for availability of housing unit allocations and re-tested for open / closed schools in accordance with the requirements of the Adequate Public Facilities Ordinance (APFO). This subdivision is subject to the new Moderate Income Housing Unit (MIHU) requirement per Section 109.0.E for the R-12 (Residential Single) Zoning District. At least 10% of the dwellings in this subdivision shall be MIHU's or the developer will be required to pursue one of the alternative compliance methods. The developer will need to execute a MIHU Agreement and Covenants with the Howard County Housing Department before the final plat receives signature approval and can be recorded.

Based on the conditions of approval of this Waiver Petition, the re-activation of the final plat processing of F-09-064 will not be detrimental to the public interests.

- 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 end product of re-activation of the final plan processing will result in no planned changes to the minor subdivision as previously reviewed and approved by the Howard County DPZ and Subdivision Review Committee. No design changes are proposed.

Indicate this waiver petition file number, request, section of the regulations, action, conditions of approval, and date on all related plats, site development plans, and building permits. This requested waiver will remain valid for the time period specified in the conditions of approval or as long as this subdivision plan remains in active processing.

If you have any questions, please contact Ms. Pat Britt-Fendlay at 410-313-3371 or via e-mail at [pfendlay@howardcountymd.gov](mailto:pfendlay@howardcountymd.gov).

Sincerely,



Kent Sheubrooks, Chief  
Division of Land Development

KS/MPB 

Attachment: DED

cc: Research  
Heather Pandullo – Development Engineering Division  
Real Estate Services Division, DPW  
Ron Thompson – Vanmar Associates, Inc.  
DPZ File #F-09-064

