



Howard County Department of Planning and Zoning

3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Valdis Lazdins, Director

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July 23, 2015

Marty A. Howard
P.O. Box 740
Clarksville, MD 21029

RE: WP-16-001/Jack's Landing (Dunfarmin Estates)
F-08-101

Dear Mr. Howard:

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

As of the date of this letter, the Planning Director approved the waiver request to Section 16.144(q) for a 60 day extension of time by which to submit the final plat and density sending originals for F-08-101/Jack's Landing, subject to the following conditions:

1. This Department will grant a **60 Day Extension** from the date of this waiver petition approval letter (**on or before 9/21/15**) by which to submit the final plat and density sending plat originals for F-08-101.
2. The developer is reminded that all existing structures, accessory buildings, as well as, materials associated with the landscaping business on this site must be removed prior to submission of the final plat originals for signature processing. Proof of removal may be submitted as razing permits and/or photographs. Add a note to the final plan indicating the date all structures were removed.
3. Compliance with the Health Department comments as applicable. In addition, a revised Percolation Certification Plan is required prior to submission of the final plat originals. Any changes to the sewage disposal areas or lot lines must be red-lined on the road construction drawings for this plan prior to recordation of the final plat, F-08-101.
4. The developer is advised that an extension to the obligation deadline date for completion of the Developers Agreement associated with this project may be required. Please contact the Real Estate Services Division at (410) 313-2330 for further information regarding this process.

JUSTIFICATION FOR APPROVAL:

1. Extraordinary hardships or practical difficulties will result from strict compliance with the Regulations. The previous developer (Churchill Group) proposed to subdivide the site into 10 buildable cluster lots and one buildable preservation parcel, shared septic and construction of a public road. Using the density exchange option, the developer was required to purchase 5 DEOs. Due to the economy and financial restrictions, the sending site of the 5 DEOs was not immediately identified. Additionally, storm water management and road improvement issues and concerns of the Health Department kept this subdivision in a revised plan stage since initial submission of November 30, 2007. In trying to address all comments, the developer was unable to submit revised plans by the required due date and so the subdivision plan became technically void. With passage of House Bill 921, the developer was able to request an extension of time for submission of revised plans for F-08-101, reactivate the final plan and also to waive road improvements under WP-10-025. The waivers were approved and a new deadline date was established as December 30, 2010. Extension of time was thereafter approved under: WP-11-093, WP-12-096, WP-13-112, WP-13-184, WP-15-044, WP-15-089 and WP-15-124. WP-16-001 is the eighth extension of time. Sometime after the first extension, the property owner was informed that the developer could not meet the terms of the contract of sale. The owner was forced to find a new purchaser and encountered practical difficulties marketing the site due to the economic downturn. A new developer has now entered into the process and redesigned the site into 8 buildable cluster lots with individual wells and septic systems, one buildable preservation parcel and one non-buildable preservation parcel. The buildable preservation parcel will have direct access onto Triadelphia Mill Road, however the 8 building lots will

utilize a use-in-common access easement. This required the submission of a Design Manual waiver to allow more than 6 users on a shared driveway which was approved on October 10, 2013. Also with redesign of the subdivision, the developer is now required to purchase only 3 DEOs from a sending site which has been identified as the Vasquez Property located on Daisy Road. The new developer has continuously moved forward with processing of this subdivision and is attempting to meet all deadlines. The Supplemental Construction/Landscape and FC Plan Originals have been reviewed and were signed on July 9, 2014. However, installation of wells must be completed prior to submitting the original plat for signature and recordation. The majority of wells have been installed but the initial wells on Lots 7 and 8 were dry and the well driller is still trying to find alternative locations. Extension of the due date for of an additional 180 days will allow the time needed to prepare the well completion reports as required by the Health Department. This subdivision has been several years in processing and the owner has undergone considerable difficulties in marketing the site and finding a suitable sending parcel. The owner has cooperated extensively with the County in providing acceptable storm water management and development design. Additionally, the owner has allowed Howard County to purchase road right-of-way from the gross acreage of the farm to construct a roundabout at the intersection of Triadelphia Road. By approving the extension, the owner will be able to move forward with recordation of the final plat.

2. The requested waiver 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 requires a 60 day extension to install the wells and prepare plat originals. Well installation requires that various structures, debris and materials be removed to access well locations. The developer shall comply with all Health Department comments including the submission of a revised percolation certificated plan. Any changes to sewage disposal areas will require red-line revisions to the Road Construction/Supplemental Drawings. All other current land development requirements and new storm water management regulations will be complied with. Consideration of an extension to the due date represents the most advantageous and adequate alternative for the property owner rather than voiding of this project. The developer has addressed all comments from reviewing agencies and continues to meet all conditions of approval as indicated in the technically complete letter.

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 character of the neighborhood of which this property is located will not be altered nor will surrounding properties be adversely affected by approval of the waiver request. The property to the north and east have been previously subdivided and are part of the Dunfarmin Estates Subdivision. Proposed development received signature approval of SP -06-14, was granted temporary housing unit allocations, has been approved by the Health Department for private water and sewer systems and has received previous waiver petition approvals, as well as, a Design Manual Waiver. A mass grading plan (GP-13-018) has been reviewed and approved by Howard Soil Conservation District. A new engineering firm was contracted by the owner to move forward with completion of the supplemental drawings, final plat and density sending plat. To void the plan at this time would cost the developer considerable delay and financial hardship. The better solution is to grant approval to the waiver request for an extension of time which will allow development of this site.

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 as long as the applicable development plans are active. 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/attachment

cc: Research/DED/RES/F-08-101
Robert Vogel Engineering, Inc.
Land Design and Development