



Howard County Department Of Planning And Zoning

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Valdis Lazdins, Director

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October 8, 2015

Triangle Montgomery Associates
Triangle Old Annapolis Associates
attn: J. Chris Phippen
4291 Montgomery Road
Ellicott City MD 21043

RE: **WP-16-042 Long Gate Overlook** (SDP-12-058 and F-13-028)

Dear Mr. Phippen:

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 two (2) sections of the Subdivision and Land Development Regulations:

Section 16.144(m) of the Amended Fifth Edition - If the Department of Planning and Zoning or the Subdivision Review Committee indicates that additional information (revised plans) is needed for plan approval, the developer shall provide such information (revised plans) 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 (revised plans) within 45 days of receiving such indication.

Approval is subject to the following three (3) 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 **1 year** from the date of this waiver approval (on or before **October 8, 2016**) for F-13-028 and SDP-12-058 or upon voiding of these two plans upon signature approvals for F-15-018 and SDP-14-074 (the modified approved plans).
- 2) On the final plat and the site development plan, provide a brief description of waiver petition, WP-16-042, as a general note that includes the waiver requests, sections of the regulations, action and date of waiver approval.
- 3) Compliance with the Development Engineering Division comments, dated Sept. 29, 2014 as provided under WP-15-037 and the attached comments dated October 6, 2015.

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

The purpose of this waiver is to grant the applicant additional time to resubmit the revised final plat and SDP while a modified plan (that includes acreage from an adjacent church property) awaits permitting and plan approval from the SHA. This extension will provide the property developer (applicant) with adequate time for the modified plan to be reviewed and commented on so that a determination can be made if the modified plans are feasible.

Alternative:

The applicant will place this project on temporary hold while the modified plans are under plan review by the SHA. Although plan approval has been granted by the County, the developer must satisfy the SHA's requirements for road improvements and access. Should the modified plans be considered feasible, the developer will request that the older version of these plans (F-13-028 and SDP-12-058) be voided and removed from processing.

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, since no waivers to the site design, access, environmental areas or infrastructure improvements are being requested.

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 single-family attached residential dwellings. The applicant is requesting additional time to resubmit additional information for this plan design while modified plans (as explained above) are under consideration.

Indicate this waiver petition file number, request, section of the regulations, action, conditions of approval, and date on SDP-12-058 and F-13-028. This requested waiver will remain valid until October 8, 2016 or as long as the SDP and final plat remains in **active** processing.

If you have any questions, please contact Derrick Jones at (410) 313-4330.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/dj
attach: DED
cc: Research
Vogel Engineering
Files: SDP-12-058/F-13-028