



# HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Courthouse Drive

Ellicott City, Maryland 21043

410-313-2350

Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

January 6, 2016

Mrs. Camilla Carroll  
3500 Manor Lane  
Ellicott City, MD 21042

Dear Mrs. Carroll:

RE: WP-16-081, Westmount, Lots 3-327, and Open Space Lots 328-402 (F-15-087, F-16-046 and F-16-061)

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 16.1202(a)** requiring the submission of a Forest Conservation Plan for the entire gross area as part of the subdivision plan process, and Section 16.147(c) which requires a plat to be submitted at a scale of 1 inch equals 100 feet; 1 inch equals 50 feet or 1 inch equals 30 feet.

Approval is subject to the following conditions:

1. The applicant must continue processing the final subdivision plans for all phases and meet all required processing deadline dates in accordance with the approved APFO phasing schedule for Westmount.
2. This approval of the forest conservation obligation requirement is only an allowance to temporarily defer the recordation of forest conservation easements as a phased project. The total forest conservation obligation requirement for the entire project shall be established and recorded with the last phase. The forest conservation plan submitted with each of the 4 phases of this project shall establish and record the minimum forest conservation easement area for each phase.
3. Compliance with all Subdivision Review Committee comments for F-15-087, F-16-046 and F-16-061.
4. The waiver petition number (WP-16-081) and its conditions of approval must be added to all future subdivision plats and site development plans.

Our decision was made based on the following:

**Extraordinary Hardship or Practical Difficulty -**

The site is being developed in accordance with the Development Rights and Responsibility Agreements (DRRA) per ZB 1087M. This Agreement allows for development of 325 single-family detached homes along with 50% open space which would be designed to contain all the environmentally sensitive features and their buffers, meet the minimum recreational open space requirement, provide major SWM facilities, create a 36-acre parcel to be dedicated to the Department of Recreation and Parks and to meet the Forest Conservation requirements on-site. Because of the size of the property and given the allocations restrictions, the subdivision must be developed in four phases. The developer would like to fulfill the forest conservation obligation based on the acreage of each phase instead of the satisfying the obligation for the entire 221.06 acres with phase one. Allowing the phasing of the forest conservation obligation will not change the overall forest conservation

obligation for the subdivision. In addition, the developer would like to submit the plat sheets which contain the bulk parcels utilizing a larger scale (1" equals 200 feet) instead of the required 1 inch equals 30, 50 or 100 feet. The larger scale will provide a legible drawing of the bulk parcels and will reduce the number of sheets to the plat set.

**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 developer to phase the forest conservation obligation for the subdivision will provide the same result if the entire obligation was fulfilled under phase one. The phasing of the forest conservation obligation will allow the developer to split the financial obligation into multiple developer's agreement thus providing a more efficient release of the posted securities.

Allowing the developer to submit the plat sheets for the bulk parcel in a larger scaled plat will not be detrimental to the public because bearings and distances will be provided for these bulk parcels. Preparing the plat in a larger scale will eliminate the need for additional sheets to the plan set, but will still provide a legible drawing.

**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 developer will provide the entire forest conservation obligation for the subdivision over the four phases instead of with the first phase of the project. Allowing the developer to phase the forest conservation obligation will not change the overall forest conservation obligation for this project, but will simply allow for a temporary deferral until the development of each phase.

Providing the plat sheets for the bulk parcels at a larger scale will not nullify the intent or purpose of the Regulations because the entire boundary of the parcel will be shown with the required bearings and distances. The plat sheets will be legible and will provide the same information as a smaller scaled plan. However, given the size of the bulk parcels, the larger scaled plat will require fewer sheets to the plat set.

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 one year from the date of this letter or as long as this subdivision remains in active processing.

If you have any questions, please contact Brenda Luber at (410) 313-2350 or email at [BLuber@howardcountymd.gov](mailto:BLuber@howardcountymd.gov).

Sincerely,



Kent Sheubrooks, Chief  
Division of Land Development

KS/bl

cc: Research  
DED  
Real Estate Services  
GLW  
F-15-087  
F-16-046  
F-16-061