



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

April 6, 2016

David P. Scheffenacker, Jr.
Kellogg – CCP, LLC
100 West Road, Suite 304
Towson, Maryland 21204

Re: Oxford Square, Parcels 'V' and 'C-C' and Open Space Lot 245, Dog Park and Macadam Path
Waiver Petition WP-16-099.
(Site Development Plan SDP-16-024)

Dear Mr. Scheffenacker:

The Director of the Department of Planning and Zoning considered your request for a waiver of Subsection 16.156(g)(2) of the Howard County Subdivision and Land Development Regulations. Waiver approval would allow the petitioner to submit a revised plan after the deadline established by DPZ's letter requesting the revised plan. The extension is needed due to potential legal implications of language contained in the quitclaim deed executed by CSX and the developer when property (now recorded as Parcel 'C-C' and Open Space Lot 245 and part of Parcel 'V') was conveyed by CSX to the petitioner. The existence of this language was made known to the petitioner by DPZ during review of S-15-001.

As of the date of this letter the Planning Director approved your request, subject to the following condition:

1. The petitioner shall submit to the Department of Planning and Zoning a revised plan addressing PDox comments and plan markups referenced by the DPZ letter of January 8, 2016 within 45 days from the date of this letter (**on or before May 21, 2016**).

Our decision to approve the waiver was made based on the following justification:

Extraordinary Hardship or Practical Difficulty Would Result from Strict Compliance with the Regulation.

The practical difficulty of strict compliance with the regulations is time required to answer the comment from the Division of Land Development that "the proposed use may not conform to the conditions of the quitclaim deed made between CSX and the developer." Additional time is required to obtain the legal opinion necessary concerning the deed in question.

Waiver Approval will not be Detrimental to the Public Interest.

Approval of this waiver request will not be detrimental to the public interest or to the intent of the regulations. The additional time will resolve a County comment and result in an approval to construct a dog park and additional trail as part of the Oxford Square community.

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April 6, 2016

Page 2 of 2

Waiver Approval will not Nullify the Intent or Purpose of the Regulations.

The intent of the regulation will not be nullified, as the dog park and trail will be constructed simultaneously with the multi-family development it will serve.

Indicate this waiver petition file number, section of the regulations, action, conditions of approval, and date on all related site development plans and permits. This waiver will remain valid until May 21, 2016.

Should you have any questions please contact Dave Boellner by telephone at 410-313-3956 or by email at dboellner@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief

Division of Land Development

KS/DBB:dbb

C: DPZ, Research

DPZ, DED

Century Engineering