



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 19, 2016

Ms. Rosalie B. Welsh
4738 Ilchester Rd.
Ellicott City, MD. 21043

Ms. Robert Welsh Jr.
4710 Ilchester Rd.
Ellicott City, MD. 21043

RE: WP-16-116 (Locust Chapel-Section II)
[associated with S-06-006 ("Locust Chapel")
and WP-15-086 & WP16-013 ("Locust
Chapel" and ECP-15-042 ("locust Chapel-
Section II)

To Whom It May Concern:

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 a 90-day extension** for waiver to **Section 16.144(g)** which establishes a deadline date for the submittal of a preliminary plan within 4 months of sketch plan approval for subdivisions of 50 or fewer housing units, **Section 16.104(b)(1)** which indicates that if the County requests additional justifying information, the information must be submitted within 45 days of the Department's letter of request, **and Section 16.1106(d)** which outlines milestone dates for the timing of residential projects; and **DENIED a 12-months extension** for waiver to **Section 16.144(g)** which establishes a deadline date for the submittal of a preliminary plan within 4 months of sketch plan approval for subdivisions of 50 or fewer housing units, **Section 16.104(b)(1)** which indicates that if the County requests additional justifying information, the information must be submitted within 45 days of the Department's letter of request, **and Section 16.1106(d)** which outlines milestone dates for the timing of residential projects

Approval of the 90-day extension is subject to the following conditions:

1. The developer's consultant must submit a revised exhibit and supplemental information for WP-15-086/WP-16-116 (based on potential re-design) within 90 days of waiver approval (on or July 18, 2016).
2. The developer must submit a Preliminary Plan or Preliminary Equivalent Sketch Plan for Locust Chapel, Section II within 90 days of waiver approval (on or before July 18, 2016).
3. Contact Carol Stirn at (410) 313-2350 to set up a submittal appointment for a Preliminary Plan or Preliminary Equivalent Sketch Plan associated with Locust Chapel, Section II within the allotted time period.

NOTE: If a Preliminary Plan or Preliminary Equivalent Sketch Plan for Locust Chapel, Section II is not submitted by the deadline date of July 18, 2016, this project ("Locust Chapel, Section II") will be voided

and tentative allocations will be rescinded. No additional requests for extension of time will be considered.

Denial of the 12-months extension was based on the following reasons:

1. The applicant has submitted essentially the same justification for every waiver to (Section 16.144(g)), 6 waivers in all--for a total of 2.5 years of extension requests (September, 2013-March, 2016). The applicant appears to be unable to provide a completion date for ongoing litigation concerning the Locust Chapel II project.
2. The applicant has not provided a justifiable timetable to move this project to the next stage of review, including details on project progression and continued effort of finding a suitable and interested developer as well as a suitable consulting agent for the project (such as providing recently pursued developer and consulting agent names, dates of correspondence, and method of contact). There is also no listed timeframe for expected decision for ongoing litigation.
3. The applicant did not provide any type of detailed justification for a 1-year extension specific to "approval of the waiver not being Detrimental To The Public Interest or not Nullifying the Intent of the Regulations.
4. Per Section 16.1105(d)(3) of the APFO Regulations, residential subdivision projects in receipt of tentative housing unit allocations, shall continue to meet all required processing deadlines/milestones and the project shall proceed through the subdivision process to recordation and completion in a timely manner.

Approval of a 90-day extension was made based on the following:

Extraordinary hardships or practical difficulties:

Denial of the waiver petition could result in hardship because it would result in the loss of all existing allocations and would require the applicant to begin with a new Sketch Plan. The existing Sketch Plan (S-06-006) has already been subject to a complete review and has an established file history. A 90-day extension should give the applicant time to contract with a consultant and should provide that consultant sufficient time to prepare a revised waiver exhibit and to submit a Preliminary Plan or Preliminary Equivalent Sketch Plan for Locust Chapel, Section II that would incorporate the existing 20 allocations associated with S-06-006 (Locust Chapel)(19 allocations granted under S-06-006 plus 1 for the existing main dwelling).

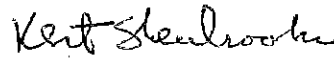
Detrimental to the Public Interest/Nullify the Intent or Purpose of the Regulations:

The brief extension of the milestone date would not be detrimental to the Public Interest because it will not alter the character of the neighborhood or impair the use or development of surrounding properties. The applicant has an approved Sketch Plan and should be able to easily transition into the next step of the process based on the originally approved design incorporating a total of 20 dwelling units.

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 the time period specified in the conditions of approval.

If you have any questions, please contact me at (410) 313-2350 or email at ksheubrooks@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

Attachment

cc: Val Lazdins, Director
Research
DED
Real Estate Services
S-06-006, WP-16-013, WP-15-120, ECP-15-042 files