



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

June 6, 2016

Mr. Don Reuwer
Land Design and Development
8318 Forrest Street
Suite 200
Ellicott City, MD 21043

Dear Mr. Reuwer:

RE: WP-16-131, Jacks Landing (F-08-101)

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 16.144(q)** which requires the submission of the final plat original within 180-days of approval of the plat and for the completion of the developer's agreement.

Approval is subject to the following conditions:

1. Compliance with the Subdivision Review Committee comments issued for F-08-101.
2. Eight (8) paper copies of the revised Phase I plat must be submitted by (July 6, 2016) and distributed to DLD (2 copies), DED (4 copies), RES (1 copy) and Health (1 copy) for review.
3. The original final plat must be submitted for signature approval and recordation on or before September 4, 2016.
4. If required by the SRC agencies, a red-line revision plan to the road construction drawings may be required for the plat changes.
5. The waiver petition number and its conditions of approval must be added to all subdivision plans and final plat.

Our decision was made based on the following:

Extraordinary Hardship or Practical Difficulty –

Extraordinary hardship 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 status since the initial submission of November 30, 2007. In attempting to address all comments, the developer was unable to submit revised plans by the

required due date; thus the subdivision plan become technically void. With the 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. Thereafter, due to economic conditions, plan extension waivers were filed and approved to submit revised plans under: WP-11-093, WP-12-96, WP-13-112, WP-13-184 and WP-15-044. Overtime, the owner was forced to find a new purchaser for the property and encountered practical difficulties marketing the site due to the economic downturn. A new developer (Land Design and Development) entered into the process and redesigned the site into 8 buildable clusters 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. However, the developer continuously moved forward with processing of this subdivision and a Technically Complete Letter was subsequently issued on February 6, 2014 and Supplemental Plans were signed on July 9, 2014. For reasons pertaining to redesigning the subdivision and difficulties in locating well and septic sites, further waiver petitions for an extension of time by which to submit the final plat originals was submitted and approved under: WP-15-044, WP-15-089, WP-15-124, WP-16-001 and WP-16-041. At this time, the developer is once again encountering difficulties in finding successful well sites on Lots 6 to 8. Wells have been sited on Buildable Preservation Parcel A and Lots 1-5, but Lots 6 to 8 have not yet been located. The subdivision will therefore, need to be redesigned and Lots 6 to 8 will be shown as a non-buildable bulk parcel until such time as wells and septic can be located. Extension of the due date for an additional 90 days will allow the time needed to prepare a plat to phase the subdivision. The new plat will move Lots 6 to 8 into Phase 2 which will allow the developer time to resolve the issues with the wells. The approval of this waiver petition will allow the developer to move forward with the recordation of the plat for Buildable Preservation Parcel A and Lots 1-5 (Phase 1) and for the creation of Phase 2 (Lots 6-8).

Not Detrimental to the Public Interest – The requested waiver will not be detrimental to the interest of the public. The owner is not circumventing the intent of the Subdivision or Zoning Regulations, but only requires a 90-day extension for the submission of the original plat for signatures and recordation. Consideration of an extension to the due date represents the most advantageous and adequate alternative for the property owner and the developer rather than voiding of this project. The developer has addressed all comments from the reviewing agencies.

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. 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 which 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 of the site has been previously subdivided, and are part of the Dunfarmin Estates Subdivision. The proposed development received signature approval of SP-06-014, 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. 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 a short extension of time which will allow continued development of this site.

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 Brenda Luber at (410) 313-2350 or email at BLuber@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/BL

cc: Research
DED
Real Estate Services
Vogel Engineering
F-08-101