



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 20, 2016

Mr. Joseph Rutter
Manor Investments, LLC
3500 Manor Lane
Ellicott City, MD 21042

Dear Mr. Rutter:

RE: WP-16-143, Westmount, Phase 1 (F-15-087)

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(n)(1)** requiring the submission of additional information within 45-days of request.

Approval is subject to the following conditions:

1. Compliance with all Subdivision Review Committee comments for F-15-087, F-16-046 and F-16-061.
2. The revised plan for F-15-087 must be resubmitted on or before August 20, 2016.
3. The waiver petition number (WP-16-143) 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. This project has received approval from the Planning Board and if this waiver petition is denied a new preliminary equivalent sketch plan will have to be submitted and re-evaluated and approved by this Board. In addition, the developer will lose their tentative housing unit allocations. On May 19th, the developer's engineer attempt to upload the revised plan within P-dox and thought that their task had been completed. However, after their May 29th deadline date had passed, the developer's engineer realized that their project was not submitted to the County by the deadline date even though the plans had been uploaded into P-dox. The developer should not be penalized because of a minor error made by his consultant.

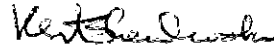
Not Detrimental to the Public Interest - Approval of the waiver request will not alter the essential character of the neighborhood and will not substantially impair the appropriate use or development of the surrounding residential properties. Allowing the developer to re-activate the plan will not change the design of the project, but will allow them to proceed with a design (preliminary equivalent sketch plan) which was approved by the Planning Board and the County. Because the engineer did not complete his P-dox task timely, this error will not change the design of the plan, but the approval of the waiver will allow the project to proceed on schedule.

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 developer should not be penalized because the engineer did not complete their P-dox task within the required deadline date. The plans were uploaded within the required timeframe and the engineer thought that their task was completed. However, it was later discovered that the final step needed to forward the plan to the County agencies was not done. Allowing the re-activation of the plan will not nullify the intent of the Regulations, but will allow the developer to proceed with the subdivision process by developing the property as previously approved under the Preliminary Equivalent Sketch Plan.

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
LDD
GLW
F-15-087