



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

August 8, 2016

Davis, Agnor, Rapaport & Skalny, LLC

10211 Wincopin Circle
Suite 600
Columbia, MD. 21044

Rosalie B. Welsh

4738 Ilchester Road
Ellicott City, MD. 21043

RE: WP-17-003 (Locust Chapel Section II)
[related to S-06-006: Locust Chapel]

To Whom It May Concern:

The Director of the Department of Planning and Zoning considered your request for an alternative compliance request from the Howard County Subdivision and Land Development Regulations. As of the date of this letter and pursuant to **Section 16.104**, the Planning Director **approved** your request for an alternative compliance of **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, alternative compliance to **Section 16.1106(d)** which outlines milestone dates for the timing of residential projects and alternative compliance to **Section 16.1105(d)(3)** which indicates that once a residential subdivision has received tentative allocations and has been approved for adequate public schools, no further approval for allocations and adequate public schools is required during the subdivision plan approval process provided that the developer continues to meet required milestones and the subdivision project proceeds to recordation.

Approval is subject to the following conditions:

1. Within 2 weeks of the approval for WP-17-003 (**on or before August 22, 2016**) submit a copy of "The order dismissing the complaint with prejudice" dated May 19, 2016, to the Department of Planning and Zoning.
2. The developer must submit a Preliminary Plan or Preliminary Equivalent Sketch Plan for Locust Chapel, Section II within 90 days of alternative compliance approval (on or November 6, 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of **November 6, 2016**, this project ("Locust Chapel, Section II") will be voided and tentative allocations will be rescinded.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.

Other issues that need to be addressed include:

1. Pre-Submission Community Meeting – "Locust Chapel, Section 2" would need a new pre-

submission community meeting if additional lots above 20 are proposed.

2. Welsh Residence – A non-conforming zoning petition must be filed to allow Ms. Welsh to keep two dwellings on a single lot. This requirement was indicated under WP-16-013 approved in August, 2015. There has been no submission of a non-conforming zoning petition since that time.

The Planning Director's decision was made based on the following:

Extraordinary hardships or practical difficulties:

Denial of the 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 and submit a Preliminary Plan or Preliminary Equivalent Sketch Plan for Locust Chapel, Section II that would incorporate the existing 20 allocations (19 allocations granted under S-06-006 plus 1 for the existing main dwelling) associated with S-06-006 ("Locust Chapel"). Per the applicant's justification, "loss of existing allocations would hamper Mrs. Welsh's ability to finalize a contract with a new developer and reduce the marketability of the project, delaying its development as a complementary community to Locust Chapel I."

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. In addition, once developed, the project may be part of the Locust Chapel subdivision and could be considered a "Green Neighborhood" as is Locust Chapel I. Locust Chapel Sections I and II would be developed as one cohesive community, sharing open space and community facilities".

Indicate this alternative compliance 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 alternative compliance will remain valid for the time period specified in the conditions of approval.

If you have any questions, please contact Tanya Krista-Maenhardt, AICP at (410) 313-2350 or email at tmaenhardt@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

attachment

KS/TKM/Locust Chapel Section II WP-17-003 approval 8-8-16

cc: Research
DED
Real Estate Services
Vogel Engineering, Inc.
S-06-006 file