



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

November 14, 2016

WBG Westland Farm, LLC
5845 Harper's Farm Road, Ste. 200
Columbia, MD 21044

RE: WP-17-033, Westland Farm Estates, (F-15-039)

Dear Sir or Madam:

The Director of the Department of Planning and Zoning considered your request for an alternative compliance from the Howard County Subdivision and Land Development Regulations.

The applicant is requesting that the fee-in-lieu of open space not be provided for non-cluster subdivision in the RR zoning district since 4.33 acres of open space is being provided on-site and a 60 day extension to submit the final plat original.

As of the date of this letter, the Planning Director **approved** your request for an alternative compliance of **Section 16.121(a)(2) Open Space Requirement & Section 16.144(q)** submit the final plat original within 180 days subject to the following conditions:

1. The deadline date to pay all fees and post all financial obligations, submit the final plat originals, is hereby extended an additional 60 days from December 1, 2016 (on or before January 30, 2017).
2. Add the Alternative Compliance, WP-17-033, on F-15-038, Westland Farm Estates, as a general note stating the request, the approval date and conditions in which it was approved.
3. Petitioner shall address all comments from all SRC agencies for F-15-038.

Our decision was made based on the following:

Extraordinary hardship or practical difficulties

Extraordinary hardship or practical difficulties will result from strict compliance with the Regulations if the applicant is required to provide a fee in-lieu for open space since the applicant has already provided 4.33 acres of open space for the Westland Farm Estates subdivision dedicated to the HOA. If required to provide the fee-in-lieu of open space in addition to the open space being provided the applicant would be required to pay \$18,000 fee-in-lieu. It does not seem reasonable for the applicant to provide the open space area and pay the fee-in-lieu, should the regulations be strictly enforced. In order for the applicant to request the fee-in-lieu for the open space, a 60 day extension of time is required in order for the applicant revise the plat original. This would create a financial hardship and practical difficulty for the Developer.

Alternative Proposal

The intent of the regulations is to obtain fees where open space is not being provided. The applicant is providing 9.6% open space therefore, it would seem reasonable that a payment of a fee-in-lieu of open space should not be required. The Regulations are better served by providing the on-site open space rather than collecting a fee-in-lieu.

Not Detrimental to the public interest

The approval of the alternative compliance will not have any detrimental impact to the public interest since the applicant is providing 4.33 Acres of HOA open space on-site in place of a fee-in-lieu. There are no detrimental impacts to allow the delay in plat original submission in order to provide open space on-site rather than pay the fee-in-lieu.

Will not nullify intent or purpose of the regulations

Approval of this alternative compliance should not be seen as nullification since the applicant is providing open space on-site in place of a fee-in-lieu. Allowing additional time is for the applicant to adjust the final plat and pay all fees and submit the final plat original for final DPZ approval is a reasonable request. .

This requested alternative compliance will remain valid for the time period specified in the conditions of approval, (on or before January 30, 2017) or as long as the subdivision remains in active processing.

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

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/jw

cc: Research
DED
Real Estate Services
F-15-039
FCC