



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Court House Drive

Ellicott City, Maryland 21043

410-313-2350

Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

January 11, 2019

Manor Investments
c/o Westmount Development Corporation
100 West Pennsylvania Avenue
Suite 301
Towson, MD 21204

Dear Sir or Madam:

RE: WP-19-060, Westmount, Phase 3 (F-17-001)

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.

As of the date of this letter, the Planning Director **approved** your request for an alternative compliance of **Section 16.144(p)** which requires the payment of fees, posting of surety and completion of the developer's agreement. The applicant is requesting a one-year extension from the March 7, 2019 deadline date for the payment of fees, the posting of surety and the completion of the developer's agreement. In addition, the Petitioner is requesting an alternative compliance request from Section 16.114(q) which requires the submission of the final plat for signatures and recordation within 180 days of final plan approval. The Petitioner is requesting a one-year extension from the May 6, 2019 deadline date for the submission of the plat.

Approval is subject to the following conditions:

1. The payment of fees, posting of surety and completion of the developer's agreement must be completed on or before **March 7, 2020**.
2. The final plat must be submitted for signature and recordation on or before **May 6, 2020**.
3. The alternative compliance number (WP-19-060) 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 and is being developed in 4 phases. Phase 2 of the development required MDE and Army Corps permits for the construction of Westmount Parkway. The developer recently received the required permits and has started the construction of the road system which was approved as part of Phase 2. It is anticipated that roadway will not be completed until March 2019 thus impacting the developer's ability to construct the continuation of the road system needed for Phase 3. The one year extension will allow the subdivision to be constructed in phases as was initially approved. The extension of time will not change the layout of the subdivision, but allow the subdivision to be in constructed as a phased project.

Not Detrimental to the Public Interest - Approval of the alternative compliance 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 an extension of time for completion of the developer's agreement, payment of fees, posting of surety and submission of the plat for recordation will not change the design of the project, but will allow the subdivision to be development as a phased project. The delay in the approval of the MDE and Army Corps permits has impacted the construction timelines for phases 2 and 3. The developer has started the road construction for Phase 2, which must be completed before Phase 3 can be started. The approval of the alternative compliance will allow the project to proceed as a phased project.

Will Not Nullify the Intent or Purpose of the Regulations - Approval of this alternative compliance request will not nullify the intent or purpose of the regulations. The developer should not be penalized because of the delay in receiving the required Army Corps and MDE permit. Allowing the requested 1 year extension 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 and according to the phasing schedule.

This requested alternative compliance 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
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