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May 8, 2012

**HAND-DELIVERED**

Arnold Jablon, Deputy Administrative Officer and  
Director of Department of Permits, Approvals and Inspections  
County Office Building  
111 West Chesapeake Avenue, Room 105  
Towson, MD 21204

Re: **Suburban Club Property (PDM No. III-436)**  
Confirmation of Development Plan Expiration

Dear Mr. Jablon:

On behalf of our client, Oxbridge Development at Slade, LC, t/a Symmetry at 6 Slade, LLC ("Symmetry"), I am writing to request written confirmation from your office regarding the expiration date of a particular development plan.

Symmetry submitted for review and processing a development plan reflecting the development of an approximately 6.2 acre parcel previously owned by Suburban Club, located at 6 Slade Avenue, with 96 condominium units. The plan, known as the Suburban Club Property development plan (the "Plan"), was approved by the Hearing Officer on April 3, 2003, which decision was affirmed on appeal by the County Board of Appeals on August 19, 2003. Thereafter, a Petition for Judicial Review filed by neighboring property owners was voluntarily dismissed on March 9, 2004. I have attached the pertinent documents for your convenience.

Section 32-4-261(a) of the Baltimore County Code ("BCC"), which was adopted by the Baltimore County Council in 2006 by way of Bill 24-06, states that "Development Plan approval shall expire 4 years after the date a final, non-appealable approval was granted, unless the Plan was vested pursuant to §32-4-264." Therefore, the Plan would have expired on March 9, 2008. Bill 24-06 further provided that development plans that were unexpired and unvested as of the effective date of the Bill "shall have four years from the effective date of [the Bill] to achieve substantial construction, as defined in [the Bill]." As a result, the expiration period for such unexpired plans, including the Plan, was extended until March 17, 2010.

During this period of extension, the Council adopted legislation that amended yet again the expiration and vesting rules applicable to development plans. Specifically, in Bill 58-09, the Council, recognizing the ongoing economic downturn, changed the requirements for vesting an approved development plan. The Council then further extended the time in which developers

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had to vest their unexpired, unvested plans, but limited the duration that a residential plan remained vested to "9 years after the plan was granted final non-appealable approval." The Bill stated that

[a]n unexpired residential development plan that was approved prior to the effective date of [the Bill], but not yet vested in accordance with the law in effect prior to the effective date of [the Bill] may acquire vested status in accordance with the provisions of [the Bill]. If the plan vests within four years from the effective date of [the Bill], the vested status shall date from the effective date of [the Bill] for a period of nine years.

As of the effective date of Bill 58-09 – August 17, 2009 – the Plan, was unexpired and unvested, according to Bill 24-06. Therefore, by virtue of Bill 58-09, the prior expiration date of March 10, 2010 was further extended, and our client now has four years from the effective date of Bill 58-09, or until August 17, 2013, to vest the Plan. According to BCC Section 32-4-264(c)(2), "a residential development plan for which a plat is recorded vests when plat recordation occurs for any lot, tract, section or parcel thereof." Thus, once a record plat is recorded consistent with the Plan, it will be vested, and thereby subject to the laws and regulations in effect as of the time the Plan was originally approved, for nine years from the effective date of Bill No. 58-09, or until August 17, 2018. After that date, the plan and proposed improvements will be subject to the laws and regulations then in effect.

At this time, I am requesting your Department's confirmation, by your countersignature below, that, pursuant to the above-described BCC provisions and the uncodified provisions of County Council Bill Nos. 24-06 and 58-09, my client has until August 17, 2013 to vest the Plan. Further, I request your Department's confirmation that the Plan may be vested by recording a record plat consistent with the Plan and that, once vested, the Plan will remain vested until August 17, 2018.

Additionally, due to ongoing market fluctuation, our client may seek to amend the Plan and/or process an alternate version of the Plan (e.g., to approve townhouses instead of condominiums). Please also confirm that if our client amends the Plan by way of a refinement the above described vesting provisions will likewise apply to the refined/amended/ alternate Plan. In particular, please confirm that, if our client vests the Plan prior to August 17, 2013 and then subsequently obtains approval for a refined /alternate Plan, that later version of the Plan will be considered vested and remain vested until August 17, 2018. If the changes to the Plan are considered a material amendment, our client shall have four years from the date the materially amended Plan is approved to vest the Plan. Once vested, it shall remain vested for nine years

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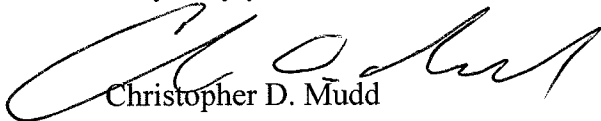
from the date of approval, after which time it will be subject to the laws and regulations then in effect.

If you are in agreement with the provisions of this letter, please countersign below.

I have enclosed a check for \$500.00 made out to Baltimore County, Maryland, to cover the cost associated with your review. If you need any additional information to complete your review, please do not hesitate to contact me.

I appreciate your assistance with this matter.

Very truly yours,

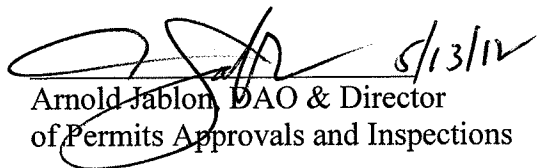


Christopher D. Mudd

CDM

Enclosures

AGREED AND ACCEPTED:



Arnold Jablon, DAO & Director  
of Permits Approvals and Inspections