



Howard County Department Of Planning And Zoning
3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Marsha S. McLaughlin, Director

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FAX 410-313-3467
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May 13, 2010

Forester and Margaret Harmon
8660 Pine Road
Jessup, Maryland 20794

RE: WP 09-232/Nordau Subdivision
Extension of Time (F-08-70)

Dear Mr. and Mrs. Harmon:

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

As of the date of this letter, the Planning Director **approved** your request to waivers of Section 16.144(p), requiring the submission of a developer's agreement and posting of sureties and Section 16.144(q), requiring the submission of the plat originals for signature and recordation, subject to the following conditions:

1. In accordance with House Bill 921, local jurisdictions are required to extend plan approvals through June 30, 2010, and additionally, this Department will also grant a **180 day extension** from June 30, 2010. The new deadline date by which to pay all required fees to the County; and, if subject to a developer agreement or major facility agreement, post all monies and file appropriate surety covering the developer's financial obligations for the required public or private improvements for F-08-70, is on or before **December 27, 2010**.
2. In accordance with House Bill 921, local jurisdictions are required to extend plan approvals through June 30, 2010, and additionally, this Department will also grant a **180 day extension** from June 30, 2010. The new deadline date by which to submit the final plat mylar for recordation is on or before **December 27, 2010**.
3. Future request for extensions of time beyond the extended deadlines will require submission of a new waiver petition application.
4. The applicant is advised that in conjunction with this waiver petition request, an extension to the due dates as approved under WP 09-231 for application of a building permit for improvements shown on SDP-07-64 (Lot 12) and submission of the originals for SDP-08-113 (Lot 11) shall also be extended accordingly under separate letter.
5. Please be aware that the new Storm Water Management Regulations were effective on May 4, 2010. Any projects not having an approved storm water management plan and sediment and erosion control plan on or before May 4, 2010, will require revised plans designed to meet current regulations.

JUSTIFICATION FOR APPROVAL:

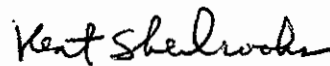
1. Extraordinary hardships or practical difficulties will result from strict compliance with the Regulations. A final plan, F-08-70, has received a Technically Complete letter on 7/15/08 and has been granted water and sewer allocations. The owner proceeded with submission of site development plans for Lot 11 (SDP-08-113) and Lot 12 (SDP-08-64) which have both received Approval Letters and extension to applicable due dates under WP 09-231. An extension of time to the final plan deadline dates was granted on December 19, 2008, based

on government delay due to comments issued by Soil Conservation Service upon review of the Road Construction Plan, Forest Conservation/Landscape Supplemental Plan originals. These comments resulted in delay of signature of the Supplemental Plan originals beyond the point by which to execute the Developer's Agreement, therefore necessitating an extension of time. The Supplemental Plan originals were ultimately signed on December 3, 2008. Waiver Petition WP 09-232 was then submitted for further extension of time. The property owner has now encountered financial difficulty in moving forward with the project and is requesting an extension of time in accordance with House Bill 921. The owner was unable to obtain bonding and financing in a timely manner and missed the due dates by which to submit the Developer's Agreement, post financial surety and submit plat originals. To void the final plan at this time would create extraordinary hardship to the property owner and result in the voiding of all other associated plans. A better solution would be to reactivate the final plan and grant an extension of time to the deadline dates, allowing this project to move forward.

2. The requested waivers will not be detrimental to the interest of the public since the subdivision plan has been reviewed by all County and state agencies and has been determined to be "technically complete." Water and sewer allocations have been granted and the Supplemental Plan originals have been signed. Housing unit allocations are not required for this subdivision based on family member exemption, and the property owner has proceeded with processing of site development plans for Lot 11 (SDP-08-113) and Lot 12 (SDP-07-64). These site plans have also received approval letters and the owner has requested an extension to their deadlines under separate waiver petition application, WP-09-231. The property owner shall be required to comply with all processing steps as outlined in the TC letter for F-08-70. Therefore, the requested reactivation and extensions of the final plan deadlines will not have any adverse effect on the surrounding properties and the community where the property is located.
3. The intent of the Regulations will still be served to a greater extent through implementation of an alternative proposal and approval of the waiver request(s) will not nullify the intent of the Regulations. The applicant is not circumventing any of the Subdivision or Zoning Regulations by approval of the waiver requests, but only require reactivation of the final plan and an extension to the due dates to delay construction until a more economically feasible housing market is available. All County and state comments have been addressed and the property owner is moving forward with development plans.

Indicate this waiver petition file number, request, section of the regulations, action taken, date and conditions of approval on all related plats, site development plans and building permits. This requested waiver will remain active as long as the development plans remain in process. Should you have any questions regarding this matter, please contact Brenda Barth at (410) 313-2350 or email: bbarth@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Acting Chief
Division of Land Development



:btb

cc: Research/DED

Sill, Adcock & Assoc., LLC

F-08-70