



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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May 11, 2010

Mr. James W. Ward
Landscape Development Company
16307 Carrs Mill Road
Woodbine, MD 21797

Dear Mr. Ward:

RE: WP-10-141, Maple Ridge Forest
Conservation Bank (F-10-031 and SDP-10-
011)

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

As of the date of this letter, the Planning Director **approved** your request to waive **Section 16.156(k), (l) and (m)** – requiring the payment of fees and posting of financial obligations within 180 days from the approval date of the site development plan and submission of the Site Development original within 180 days from its approval date; and **Section 16.144(q)** – requiring the submission of the final subdivision plat original for recordation within 180 days from the approval date of the subdivision plan. The Petitioner is requesting approval of this waiver petition based on the provisions of House Bill 921 [6 month extension (developer's agreement) and six month extension (plat submission and submission of site development plan) from June 30, 2010].

Approval is subject to the following conditions:

1. The Developer's Agreement and payment of fees must be completed by December 27, 2010 and the plat originals and site development plan originals must be submitted to DPZ by December 27, 2010. Real Estate Services requires a minimum of 3 weeks to execute the developer's agreement. This should be anticipated by the developer in scheduling submittal of the originals.
2. The applicant shall comply with all processing procedures and plan comments as outlined for the final plat and the SDP as indicated in our previous letters of October 29, 2009 for F-10-031 and November 9, 2009 for SDP-10-011.

Our decision was made based on the following:

Extraordinary Hardship or Practical Difficulty - The extraordinary hardship or practical difficulty involved with this waiver request would be if we were to require the developer to submit a new Final Plan and Site Development Plan for processing. Since this plan is for a Forest Conservation Bank, this project is not subjected to the APFO housing allocations and open and closed schools tests. If the waiver petition was not approved, new plans would be required thus placing a hardship on the applicant. The applicant has the existing approved plans already on file for this project with an established file history.

Not Detrimental to the Public Interest - Approval of the waiver 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 applicant additional time to complete and developer's agreement and pay the required fees, and submit the original final plat and original site development plan will not be detrimental to the public since the design is not changing. The purpose of the plans is to establish a Forest Conservation bank. The extension of time will allow the developer additional time to deal with the current economic conditions.

Will Not Nullify the Intent or Purpose of the Regulations - Approval of this waiver request will not nullify the intent or purpose of the regulations since the design of the previously submitted final plan and site development plan will not change and the request is in accordance with the State's tolling bill, HB-921.

Indicate this waiver 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 waiver will remain valid for the time period specified above or as long as the subdivision and site development plan remains in active processing.

If you have any questions, please contact Brenda Luber at (410) 313-2350 or email at BLuber@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Acting Chief
Division of Land Development

KS/BL

cc: Research
DED
F-10-031
SDP-10-011
FSH Associates