



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
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Marsha S. McLaughlin, Director

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May 27, 2010

Mr. Jerry Naylor
6022 Hosta Court
Elkridge, MD 21075

RE: WP-10-146, Overlook Preserve, (SDP-07-072)

Dear Mr. Naylor:

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(o)(1)(i)** which requires that within 1 year of signature approval of the site development plan original, the developer shall apply to the Department of Inspections, Licenses and Permits for a building permit to initiate construction on the site and from **Section 16.156(o)(2)** expiration of plan Approval: If the developer does not apply for building permits as required by Paragraph (1) of the Subsection, the site development plan shall expire and a new site development plan submission will be required. The waiver is for reactivation of SDP-07-072 in accordance with HB-921, the state tolling of plan deadline dates.

Approval is subject to the following conditions:

1. Approval of SDP-07-072 is hereby reactivated and extended for a one-year period from the date of the waiver petition approval letter to apply for a building permit to initiate construction on the subject property (on or before **May 27, 2011**). The applicant shall comply with all building permit application requirements of the Department of Inspections, Licenses and Permits.
2. The applicant shall submit a standard red-line revision of SDP-07-072 to the Development Engineering Division for processing that adds a general note on sheet 1 referencing this waiver petition file number, request, section of the regulations and approval date of the one year extension to apply for building permits.
3. The state tolling bill per HB 921 expires on June 30, 2010, please be advised that any additional plan extension request for this project after the above new deadline date will require the submission of a new waiver petition application for processing.

Extraordinary Hardships or Practical Difficulties:

Extraordinary hardship would result if the applicant were required to process a new site development plan for the subject property. The applicant has an approved site development plan on file, which still conforms to all County regulations and requirements. See the applicant's attached justification statement.

Alternative Proposal

Because the project has already went through an extensive review cycle by the Subdivision Review Committee, the alternative for requiring a new site development plan is not recommended. See the applicant's justification statement.

Not Detrimental to the Public Interest

The waiver request will not be detrimental to the public interest since the site development plan for this project has been reviewed by the SRC agencies for compliance of the County and State regulations and was approved. Therefore, the requested extension of SDP approval to file for building permits will not have any adverse effect on the surrounding properties where the project is located. See the applicant's justification statement.

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 site development plan is in compliance with the County and State regulations and received signature approval. Therefore, approval of this waiver request will satisfy the Intent of the Regulations by permitting fairness and consistency in the application of the plan processing procedures. See the applicant's justification statement.

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 one year from the date of this letter or as long as the site development plan 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, Acting Chief
Division of Land Development


cc: Research
DED
SDP-07-072
Rachuba Home Builders
Charles Crocken Engineering