



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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June 7, 2010

Jacob Hikmat
6800 Deerpath Road, Suite 150
Elkridge, MD 21075

RE: WP-10-154, Dampman Property

Dear Mr. Hikmat:

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

On June 4, 2010, the Planning Director **approved** your request to waive **Section 16.144(r)(5)**, which states that, except where delay is caused by government action, failure to pay fees, post monies, sign developer agreements and major facility agreements, and provide appropriate surety within 180 days of final plan approval shall void previous approvals and the application shall be considered withdrawn and **Section 16.144(r)(6)**, which states that, except where delay is caused by government action, failure to submit the final plat within 180 days of final plan approval shall void previous approvals and the application shall be considered withdrawn.

Approval is subject to the following conditions:

1. The Developer's Agreement must be submitted for processing, all monies posted, and all sureties posted within 120 days of the expiration of State House Bill 921 (on or before **October 28, 2010**).
2. The Final Plat must be submitted for recordation within 180 days of the June 30, 2010 expiration of State House Bill 921 (on or before **December 27, 2010**).
3. All SRC comments provided with the December 23, 2009 letter and any subsequent comments based on the Direct Submission to the Development Engineering Division must be addressed on the Final Plat.
4. State Bill HB-921, which has been in effect for "tolling" the deadlines for development plans in the approval process will expire on June 30, 2010. Be advised that any additional requests for plan deadline extensions will require the submission of a new waiver petition application to DPZ for processing.

Our decision was made based on the following:

Extraordinary Hardship or Practical Difficulty - Please see the justification letter included with the application and attached with this report. Due to the economic climate, the applicant is receiving unfavorable bonding and financing options. This explanation is consistent with several waivers currently approved for subdivisions throughout the County.

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 properties. There have been no changes to the Subdivision and Land Development code


during the extended deadline timeframe. This request is in compliance with HB 921, which allows the extension of deadlines based on the economic downturn.

Will Not Nullify the Intent or Purpose of the Regulations - The granting of this waiver is consistent with State Law allowing for additional processing time for subdivisions and development plans throughout the State and within the County. The request complies with the August 18, 2009 memo from Marsha McLaughlin regarding the application of HB 921 to County deadlines.

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 outlined in the waiver petition's conditions of approval.

If you have any questions, please contact Jill Manion-Farrar at (410) 313-2350 or email at jfarrar@howardcountymd.gov.

Sincerely,


Kent Sheubrooks, Acting Chief
Division of Land Development

KS/JMF 

cc: Research
DED
Mildenberg, Boender, and Associates, Inc.