



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Marsha S. McLaughlin, Director

www.howardcountymd.gov
FAX 410-313-3467
TDD 410-313-2323

July 9, 2010

Frank Federico
Emily's Delight
8835-P Columbia 100 Parkway
Columbia, MD 21045

RE: WP-10-168, Pecoraro Property, (F-10-032)

Dear Mr. Federico:

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 16.144(o)**, which states that within 60 days of receiving approval of the final plan the developer shall submit the final construction drawing originals to the Department of Planning and Zoning for signature. If a subdivision has a forest conservation obligation, the final forest conservation plan shall be submitted within 60 days; **Section 16.144(p)**, which states that within 120 days of receiving approval of the final plan the developer shall pay all required fees to the County, and, if subject to a developer agreement or major facility agreement, shall post all monies and file appropriate surety covering the developer's financial obligations for the required public or private improvements, and **Section 16.144(q)**, which states that within 180 days of final plan approval, the developer shall submit the final subdivision plat to the Department of Planning and Zoning for signatures and recordation.

Approval is subject to the following conditions:

1. The Road Construction Plan originals must be submitted for signature within 60 days of the June 30, 2010 expiration of State House Bill 921 (on or before **August 29, 2010**).
2. 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**).
3. 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**).
4. The Direct currently requested by the Division of Land Development for F-10-032 must be submitted within 2 weeks of approval of this waiver petition (**on or before July 23, 2010**).
5. All SRC comments based on the Direct Submissions to the Division of Land Development must be addressed.
6. State Bill HB-921, which has been in effect for "tolling" the deadlines for development plans in the approval process expired 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 – The applicant has been coordinating between two consulting firms in providing different aspects of the plan during Direct Submittal review. There is a current request for a direct submission for an off-site forest conservation easement. This request coincided with the due date for the final road construction plan originals deadline. Since the plan is substantially complete, it would be a financial hardship, especially in the current economic climate to void a plan due to the need to provide additional information on a plan deemed technically complete.

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 due to the global economic downturn.

Will Not Nullify the Intent or Purpose of the Regulations – The waiver does not request relaxation of any technical or material subdivision or development requirements. 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 per the deadline dates of this letter.

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/JME

cc: ^{CMF} Research
DED
Vogel Engineering
LDE
F-10-032