



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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September 8, 2010

Mark Bennett
Maple Lawn Farms, LLC and G&R Maple Lawn, LLC
c/o Greenebaum & Rose Associates
1829 Reisterstown Road, Suite 300
Baltimore, MD 21208

RE: WP-11-013, Maple Lawn Farms, Hillside
District Area 5 (Phase 7) (F-10-061)

Dear Mr. Bennett:

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(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; **Section 16.144(q)**, which states 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, and **Section 16.144(r)(5)&(6)**, which states final Plans shall be voided and the application shall be considered withdrawn for failure to pay fees, sign developer's agreement, and provide surety within 180 days of final plan approval or for failure to submit the final plat within 180 days of final plan approval.

Approval is subject to the following conditions:

1. The applicant must post surety and execute the Developer's Agreement within 60 days of the date of the waiver approval (**on or before November 7, 2010**).
2. The applicant must submit the original final plat mylar to the Department of Planning and Zoning within 60 days from the original October 4, 2010 final plat mylar deadline (**on or before December 3, 2010**).

Our decision was made based on the following:

Extraordinary Hardship or Practical Difficulty – Due to the applicant breaking the water and sewer plans into three phases after the signature approval of the Road Construction Plans, the Development Engineering Division approval letter for the Water and Sewer Plans was issued on July 26, 2010. Therefore, there is not enough time to submit the Water and Sewer Plan mylars and execute the Developer's Agreement by the August 5, 2010 deadline. An additional 60 days added to the remaining deadlines for the Developer's Agreement and the submission of the final plat will allow the unchanged plat to proceed.

Implementation of an Alternative Proposal – The only alternative would be to void the final plan based on needing additional time to complete the necessary paperwork. This would create an extraordinary hardship as the plans would have to be resubmitted with new fees and re-circulated through the County for review even though the subdivision plan has not be altered, thereby wasting County resources and creating an unnecessary additional expense for the applicant.

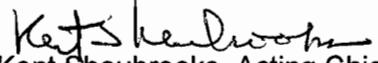
Not Detrimental to the Public Interest - Approval of the waiver request will not alter the essential character of the neighborhood and will not impair the appropriate use or development of the surrounding properties. Furthermore, the proposed subdivision of the land has not been altered.

Will Not Nullify the Intent or Purpose of the Regulations - The granting of this waiver will not nullify the intent of this regulation as the additional time requested is for processing only and the plat recordation will fall within a reasonable timeframe from the approval of the plan. The site would not be altered by any new regulations adopted since the date the approval of the plan was granted. All adequate public facilities are still accounted for.

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 specified in the conditions of approval.

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

Sincerely,


Kent Sheubrooks, Acting Chief
Division of Land Development

KS/JMF 

cc: Research
DED
GLW
F-10-061