



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

October 6, 2010

Brian Boy
Hickory Knolls, LLC
11807 Wollingford Court
Clarksville, Maryland 21029

Re: Rocky Gorge Overlook
Waiver Petition WP-11-032
(Final Plan F-08-038)

Dear Mr. Boy:

The Director of the Department of Planning and Zoning considered your request for a waiver of the Howard County Subdivision and Land Development Regulations. As of the date of this letter, the Planning Director approved your request to waive Subsections 16.144(p) and 16.144(q) of the Howard County Code. Approval of this waiver allows for extension of the deadlines by which developer agreements must be submitted, financial sureties posted, and final plat originals submitted as they relate to the plan referenced.

Approval is subject to the following conditions:

1. Petitioner shall submit to the Department of Public Works Real Estate Services Division a Developer's Agreement, and shall post financial surety for construction of roads, stormwater management and storm drainage and other items listed under Step 2 of our letter of April 11, 2008 **on or before October 28, 2011.**
2. Petitioner shall submit to the DPZ the final plat for signature and recordation and other items listed under Step 3 of our letter of April 11, 2008 **on or before December 27, 2011.**

Approval includes the following advisory comment:

1. Petitioner is advised to submit a request to the Department of Planning and Zoning for an administrative waiver to continue with the use of the structural stormwater practice on this site in conformance with the MDE stormwater guidelines. On the request please note that the Preliminary Plan was approved on February 27, 2007, the Final Plan was approved on November 25, 2008, and that construction of the stormwater management facilities shall be completed by May 4, 2017. Please forward this request to the attention of Charles Dammers, Chief, Development Engineering Division.

Our decision to approve the waiver was made based on the following:

Extraordinary Hardship or Practical Difficulty

Extraordinary hardship to the petitioner would result if the waiver was denied, the existing "technically complete" plan was voided, and the petitioner required to submit and process a new final subdivision plan for this project. The now well-documented deflationary housing market and more restrictive lending practices have made development difficult if not impossible at this time.

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Alternative Proposal

The only alternative to granting the requested extension of the final plan approval status established under F-08-038 is to require the submission of a new final plan for the project. Since the project has achieved "technically complete" status and has an established file history, the alternative for requiring a new final plan is not recommended by this Division.

Not Detrimental to the Public Interest

The waiver will not be detrimental to the public interest since subdivision plans have already been processed and determined "technically complete". Therefore, the requested extensions of the final plan submission deadlines will not have any adverse effect on the surrounding properties and the community where the property is located.

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. Therefore, approval of this waiver request will satisfy the intent of the Regulations by permitting fairness and consistency in the application of plan processing procedures.

The justification for recommendation was supported by information provided by the petitioner.

Indicate this waiver petition file number on all related plats and site development plans. This waiver shall expire on December 28, 2011 or if the petitioner fails to meet a submission deadline established by this waiver.

Should you have any questions please contact Dave Boellner by telephone at 410-313-3956 or by e-mail at dboellner@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Acting Chief
DPZ, Division of Land Development

KS/DBB:dbb

CC: DPZ, Research
DPZ, DED
David Gomberg