



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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October 13, 2010

Mr. B. James Greenfield  
Land Holdings Hall Shop Road  
6420 Autumn Sky Way  
Columbia, MD 21044

RE: WP-11-036, Schooley Mill Farm

Dear Mr. Greenfield:

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; 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 applicant must post surety and execute the Developer's Agreement **on or before October 28, 2011.**
2. The applicant must submit the original final plat mylar to the Department of Planning and Zoning **on or before December 27, 2011.**

Our decision was made based on the following:

**Extraordinary Hardship or Practical Difficulty** – The housing market is in an unprecedented downturn. It is unwise for developers to pursue the development of new homes at this time. In addition, due to the financial crisis of 2008, banks are very restrictive in providing finances for the bonds required to commence development. The applicant faces a hostile environment to pursue this development, which is fully designed. Voiding the plan if the deadline date to submit the Developer's Agreement or mylar is missed would result in a loss of a significant investment for the applicant.

**Implementation of an Alternative Proposal** – One alternative would be to void the final plan if it was not submitted. 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. The applicant could also submit the originals by the due date. However, if the applicant recorded the subdivision now, bonds must be posted with undesirable terms and held by the County until the work was completed and inspections passed, which may not happen for many years due to the soured economy.

**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; however, the applicant has been advised by DED that the site's stormwater management facilities must be constructed by May 4, 2017 or the site will need to be redesigned under the 2007 MDE requirements (see attached DED comments). 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 until the dates listed in the conditions in this letter.

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

Sincerely,



Kent Sheubrooks, Acting Chief  
Division of Land Development

KS/JMF

cc: Research  
DED  
F-09-043  
Fisher Collins and Carter