



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

Marsha S. McLaughlin, Director

[www.howardcountymd.gov](http://www.howardcountymd.gov)  
FAX 410-313-3467  
TDD 410-313-2323

October 14, 2010

Morsberger, LLC-Land Design & Development  
5300 Dorsey Hall Drive  
Suite 102  
Ellicott City, MD. 21042  
ATTN: D. Reuwer

Michael and Mary Pfau  
6212 Devon Drive  
Columbia, MD. 21044

RE: WP-11-039 (Waverly Overlook-Bethany Brook II)  
(Associated with SDP-10-048 (Waverly Overlook) and F-10-082  
(Bethany Brook II))

Dear Interested Parties:

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 16.156(l) and Section 16.156(m)** which establish deadlines for submission of fees, posting of financial obligations, and the submission of plan originals in relation to site development plans and to waive **Section 16.144(p) and Section 16.144(q)** which establish deadlines for submission of developer's agreements, payment of fees, posting of financial obligations and the submission of subdivision plat mylars.

**Approval is subject to the following condition:**

1. The Developer must submit Developer's Agreements, pay any remaining DPW fees and sureties and submit plan originals in association with SDP-10-048 within 180 days of September 28, 2010 (**on or before March 27, 2011**) and shall submit any remaining fees and sending plat originals associated with F-10-082 within 180 days of September 20, 2010 (**on or before March 19, 2011**).

The Planning Director's decision was made based on the following:

**Extraordinary hardships or practical difficulties:**

Denial of the waiver petition would result in undue hardship because it would require the submission of a new site development plan and sending plat. No site changes would occur with a new site development plan or sending plat. The project has already been subject to complete review and has an established file history. The consultant also points out that the final record plat (and sending plat) must be recorded prior to signature approval of the SDP. The deadlines for the associated subdivision plat (F-10-027) have already been extended under WP-10-043. It is therefore a reasonable request to ask for an extension of site for the site development plan and sending plat. See also the justifications provided by the consultant dated September 14-16, 2010.

**Detrimental to the Public Interest:**

The extension of deadline dates for the paying of fees, signing developer's agreements and submitting plan and plat originals will not be detrimental to the Public Interest. The project has already been approved. See also the justifications provided by the consultant dated September 14-16, 2010.

**Nullifies the Intent or Purpose of the Regulations:**

All SRC applicable review agencies have reviewed the proposed subdivision and therefore the Intent and Purpose of the Regulations have been upheld through the required review process. See also the justifications provided by the consultant dated September 14-16, 2010.

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 period stated in the above condition.

If you have any questions, please contact Tanya Krista-Maenhardt, AICP at (410) 313-2350 or email at [tmaenhardt@howardcountymd.gov](mailto:tmaenhardt@howardcountymd.gov).

Sincerely,



Kent Sheubrooks, Acting Chief  
Division of Land Development

KS/TKM/Waivers 2010/Waverly Overlook-Bethany Brook II approval 10-14-10

Enclosure

cc: Research  
DED  
FCC