



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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November 22, 2010

Maple Estates, LC
5074 Dorsey Hall Drive, Suite 205
Ellicott City, MD 21042

Dear Sir or Madam:

RE: WP-11-069, Lime Kiln Valley (F-09-027)

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(r) (6)** – which states “**Status of plans which do not meet deadlines, or which fail to provide information in a timely manner: Failure to submit final plat: Except where delay is caused by government action, failure to submit the final plat within 180 days of final plan approval shall void previous approvals and the application shall be considered withdrawn**”. **Section 16.144(q)** – which states “**Final Subdivision Plat: 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 for the reactivation and extension of F-09-027 is subject to the following conditions:

1. Compliance with all Subdivision Review Committee comments generated with the Final Plan application.
2. Contact the Real Estate Services Division of the DPW concerning the preparation and execution of a deed for the dedication of public road right-of-way for road widening. The deed must be executed prior to the submission of the plat originals. The developer must provide the deed within 120 days from the date of this approval letter (**on or by March 22, 2011**) to the Department of Public Works, Real Estate Services Division.
3. Submission of the final plat original (and one paper copy for addressing purposes) for signature and recordation within 180 days from the date of this approval letter (**on or before May 21, 2011**).
4. The waiver petition number and its conditions of approval must be added to the plat.
5. The plan must comply with any fees changes.

Our decision was made based on the following:

Extraordinary Hardship or Practical Difficulty - See the enclosed justification statement from the applicant. The plat was granted approval on November 13, 2008; however, the previous developer had difficulties in obtaining signatures from the property owners. The submission of a new plan would not produce a different design. Since the plan has been granted approval and the design is not changing, requiring the submission of a new final plan would be an inefficient use of the SRC agencies time. In addition, this plat would not be subjected to the housing allocation or the open and closed school tests. Also, the reactivation of the plat will save the developer time and money which given the current economic uncertainty would place an additional hardship on the applicant if the submission of a new plat were required.

Not Detrimental to the Public Interest - See the enclosed justification statement from the applicant. 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 residential properties. The purpose of the plat is to create a public storm drain and utility easement, create a HOA sign easement and to correct the alignment of Lime Kiln Road and several lot lines. If the County reactivated the plan to approval status, it would not be detrimental to the public since the purpose of the plat is to correct errors on the previously recorded plat and add easements which would serve this subdivision. The plat will not create additional lots.

Will Not Nullify the Intent or Purpose of the Regulations - See the enclosed justification statement from the applicant. Approval of this waiver request will not nullify the intent or purpose of the regulations since the plat complies with the current regulations. In addition, the plat will not be subjected to the housing allocation and open and closed school tests. There are no new regulations which would impact this plan if it were submitted as a new final plan.

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 specified in this letter or as long as this subdivision remains in active processing.

If you have any questions, please contact Brenda Luber at (410) 313-2350 or email at BLuber@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Acting Chief
Division of Land Development

KS/BL

cc: Research
DED
Robert H. Vogel, Engineering, Incorporated
F-09-027