



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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FAX 410-313-3467  
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November 10, 2010

Frank Federico  
Bonnie Orchard LLC  
7310 Esquire Court, Suite 14  
Elkridge, Maryland 21075

Re: Bonnie Orchard  
Waiver Petition WP-11-071  
(Final Plan F-08-122)

Dear Mr. Federico:

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. Waiver approval allows developer agreement and plan original submission deadlines to be extended, and is subject to the following conditions:

1. Petitioner shall submit to the Department of Public Works, Real Estate Services Division a developer agreement, shall post financial surety for construction of roads, stormwater management and storm drainage, and shall address remaining items listed under Step 2 of our letter of February 12, 2009 on or before October 28, 2011.
2. Petitioner shall submit to the DPZ the final plat for signature and recordation and shall address remaining items listed under Step 3 of our letter of February 12, 2009 on or before December 27, 2011.
3. Submission of the final plan original shall comply with any fee changes since the "technically complete" letter was issued on February 12, 2009.

Our decision was made based on the following:

*Extraordinary Hardship or Practical Difficulty*

Extraordinary hardship and practical difficulty to the petitioner would result if the waiver was denied and strict adherence to the regulations was enforced. The now well-documented deflationary housing market and restrictive lending practices have made development prohibitive at this time, and denial of the waiver would force the petitioner to either commit to a financially risky venture or abandon the plan. Since the petitioner has already made a significant investment in the plan and the County has a "technically complete" plan and approved final construction drawings associated with the plan on file, approval of the waiver is recommended.

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*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". The requested extensions of the final plat 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. Waiver approval will satisfy the intent of the Regulations by permitting fairness and consistency in the application of plan processing procedures.

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

Indicate the waiver petition file number on all related plats and site development plans. This waiver shall expire on December 28, 2011.

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

Sincerely,



Kent Sheubrooks, Acting Chief  
DPZ, Division of Land Development

KS/DBB:dbb

CC: DPZ, Research  
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