



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 17, 2010

Dorsey Family Homes
10717 Birmingham Way, Suite B
Woodstock, MD 21163

RE: WP-11-077, The Oaks, Lots 44 & 45

Dear Sir or Madam:

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(o)(1)(i) and 16.156(o)(2) of the Howard County Subdivision and Land Development Regulations, which states that the Developer must apply for building permits within one year of signature approval of the site development plan or the plan shall expire and a new site development plan submission will be required. The applicant is requesting that SDP-02-153 be reactivated to active processing in order to revise the SDP to show a house on Lot 44 through the redline process.

Approval is subject to the following conditions:

1. Lot 44 on SDP-02-153 shall be updated through the Red-Line Revision process to show all proposed site improvements including a purpose note, a general note describing this waiver petition file number and waiver request, and all other information normally provided on a site development plan for a new house.
2. The Petitioner/Developer shall apply for the building permit to initiate construction on the site within one year from the Development Engineering Division's Red-Line approval letter.
3. Subject to the attached comments from the Development Engineering Division.
4. Subject to all comments generated from the Red-Line review of SDP-02-153.

Our decision was made based on the following:

Extraordinary Hardship or Practical Difficulty

Due to the economic conditions in the housing industry, no builder was interested in purchasing the lot. Failure to reactive SDP-02-153 would require the application to submit a new site development plan for standard review. This would create an extraordinary hardship due to the required time and cost per unit for a new site development plan.

Not Detrimental to the Public Interest

The proposed waiver petition will not be detrimental to the public interest because the proposed house will be reviewed for compliance with all State and County regulations under the redline revision process.

Will not Nullify the Intent or Purpose of the Regulations

The proposed waiver petition will not nullify the intent or purpose of the Regulations since the proposed development of Lot 44 will be shown on SDP-02-153, which will be reviewed for compliance with State and County Regulations under the redline revision process. Please see the justification submitted by the applicant's consultant on November 3, 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 one year from the Development Engineering Division's Red-Line approval letter.

If you have any questions, please contact Julia Boone at (410) 313-2350 or email at jboone@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Acting Chief
Division of Land Development

JK

KS/TKM/jb

cc: Research
DED
MBA