



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING  
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Marsha S. McLaughlin, Director

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February 8, 2011

Louis Mangione  
Mangione Enterprises of Turf Valley, LP  
1205 York Road, Penthouse  
Lutherville, Maryland 21093

Re: Fairways at Turf Valley, Phases II and III  
Waiver Petition WP-11-115  
(Final Plans F-10-084 and F-10-086)

Dear Mr. Mangione:

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), 16.144(q), 16.144(r)(5), and 16.144(r)(6) of the Howard County Code. Waiver approval allows for extension of plan submission deadlines and is subject to the following conditions:

1. Petitioner shall pay all required fees to the County, submit Developer's Agreements to the Department of Public Works, Real Estate Services Division, and post financial surety for construction of public facilities relating to Final Plans F-10-084 and F-10-086 **on or before January 8, 2012**. Plans listed in this condition and failing to meet the January 8, 2012 deadline shall be voided and the application for plan approval shall be considered withdrawn in accordance with Subsection 16.144(r)(5) of the Code.
2. Petitioner shall submit final plat originals for Final Plans F-10-084 and F-10-086 to the Department of Planning and Zoning for signature approval **on or before February 27, 2012**. Plans listed in this condition and failing to meet the February 27, 2012 deadline shall be voided and the application for plan approval considered withdrawn in accordance with Subsection 16.144(r)(6) of the Code.
3. Petitioner is advised to consult previous Department correspondence (e.g. respective plan "technically complete" letters) for additional information regarding submission requirements.

Our decision was made based on the following:

*Extraordinary Hardship or Practical Difficulty*

Extraordinary hardships or practical difficulties may result from strict compliance with the relevant regulations since litigation potentially affecting related plans remains pending and current economic conditions are unfavorable. Outstanding lawsuits and appeals, most notably those challenging the Fourth Amendment to the Turf Valley Comprehensive Sketch Plan and the Second Amendment to the Turf Valley Residential Subdistrict Final Development Plan, may, if successful, substantially affect existing and proposed Turf Valley plans and schedules, including the two relevant plans. Strict compliance with the regulations would force the petitioner to either forfeit approved plans which have taken considerable time and effort to

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develop or pay fees, execute developer agreements, and post sureties during a time of unfavorable economic conditions. Strict compliance would also require that the petitioner record subdivisions that are part of comprehensive plans subject to pending litigation; the recorded subdivisions would then be subject to revision should the litigation result in revision of the comprehensive plans.

*Not Detrimental to the Public Interest*

Waiver approval will not be detrimental to the public interest since subdivision plans have already been processed and determined "technically complete" by the Subdivision Review Committee, and the plans comply with current applicable regulations. Waiver approval and deadline extension will have no adverse effect on the surrounding properties and the community in which 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. Approval of this waiver request will satisfy the intent of the Regulations by permitting fairness and consistency in plan and waiver approval procedures.

Indicate this waiver petition file number on all related plats and site development plans. **This waiver will remain valid until February 27, 2012, provided all conditions are met.**

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, Chief  
DPZ, Division of Land Development

KS/DBB:dbb

CC: DPZ, Research  
DPZ, DED  
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