



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

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May 2, 2011

Frank Federico  
Emily's Delight  
7310 Esquire Court, Suite 14  
Elkridge, MD 21075

RE: **WP-11-154, Pecoraro Property (F-10-032,  
Pecoraro Property Phase I; F-10-124,  
Pecoraro Property Phase II; and F-11-032,  
Pecoraro Property Phase III)**

Dear Mr. Federico:

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(p)(1) & (2)**, which states within 120 days of receiving approval of the final plan the developer shall pay all required fees to the County, and, if subject to a developer agreement or major facility agreement, shall post all monies and file appropriate surety covering the developer's financial obligations for the required public or private improvements; and **Section 16.144(q)**, which states 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 is subject to the following conditions:

1. The Developer's Agreement must be submitted for processing, all monies posted, and all sureties posted within **6 months** of the current deadline (on or before **September 27, 2011**).
2. The Final Plat for Phase I, F-10-032, must be submitted for recordation within **6 months** of the current deadline (on or before **October 11, 2011**).
3. The Final Plat for Phase II, F-10-124, must be submitted for recordation within **1 year** of the current deadline (on or before **March 26, 2012**).
4. The Final Plat for Phase III, F-11-032, must be submitted for recordation within **1 year** of the current deadline (on or before **August 4, 2012**).
5. All SRC comments for all three phases must be addressed on their respective plans.

Please note that the conditions of approval provide a slightly altered deadline schedule than what was requested with the waiver petition, due to the timing issue of the Phase II deadline occurring prior to the Developer's Agreement and Phase I plat deadlines, which would ultimately require an additional waiver in the future. Phase II and III now have a one year extension to the existing deadlines.

Our decision was made based on the following:

**Extraordinary Hardship or Practical Difficulty** – The applicant requests this waiver based on financial constraints and practical hardships. The plats cannot be recorded until the Developer's Agreements are fully executed. Per the applicant's justification, the Developer's Agreements are fully executed except for multiple joinder sheets for the off-site forest conservation deed, and the developer and attorney are in the process of locating the current note holder for the parcel. The applicant is experiencing difficulty in locating the current note holder, as the note holder has transferred multiple times from the original note holder(s) and no transfer documents have been recorded. This difficulty was confirmed by the Department of Public Works, Real Estate Services division.

In addition, the applicant is using letters of credit to post their sureties. These letters of credit are still in process with their lender.

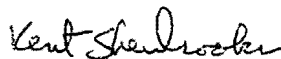
**Not Detrimental to the Public Interest** - Approval of the waiver request will not alter the essential character of the neighborhood and will not substantially impair the appropriate use or development of the surrounding properties. There have been no substantive changes to the Subdivision and Land Development code during the extended deadline timeframe that would affect the status of this project.

**Will Not Nullify the Intent or Purpose of the Regulations** – The waiver does not request relaxation of any technical or material subdivision or development requirements.

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 the conditions of approval. Additional extensions will require a new waiver petition to be filed.

If you have any questions, please contact Jill Manion-Farrar at (410) 313-2350 or email at [jfarrar@howardcountymd.gov](mailto:jfarrar@howardcountymd.gov).

Sincerely,



Kent Sheubrooks, Chief  
Division of Land Development

KS/JMF

cc: Research  
DED  
Brenda Barth  
F-10-032  
F-10-124  
F-11-032