



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Marsha S. McLaughlin, Director

www.howardcountymd.gov
FAX 410-313-3467
TDD 410-313-2323

July 27, 2011

Jim Greenfield
6420 Autumn Sky Way
Columbia, MD 21044

RE: WP-12-003, Schooley Mill Farm (F-09-043)

Dear Mr. Greenfield:

The Director of the Department of Planning and Zoning considered your request for a waiver from the Howard County Subdivision and Land Development Regulations.

On July 26, 2011, the Planning Director **approved** your request to waive **Section 16.144(p)**, which requires within 120 days of receiving approval of the final plan that 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 for **Section 16.144(q)**, which requires that 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 applicant must post surety and execute the Developer's Agreement **on or before October 28, 2012**.
2. The applicant must submit the original final plat mylar to the Department of Planning and Zoning **on or before December 27, 2012**.
3. Compliance with the attached DED comments.

Our decision was made based on the following:

Extraordinary Hardship or Practical Difficulty – The housing market is in an unprecedented downturn. It is unwise for developers to pursue the development of new homes at this time. In addition, due to the financial crisis of 2008, banks are very restrictive in providing finances for the bonds required to commence development. Voiding the plan if the deadline date to submit the Developer's Agreement or mylar is missed would result in a loss of a significant investment for the applicant.

Implementation of an Alternative Proposal – One alternative would be to void the final plan if it was not submitted. This would create an extraordinary hardship as the plans would have to be resubmitted with new fees and re-circulated through the County for review even though the subdivision plan has not be altered, thereby wasting County resources and creating an unnecessary additional expense for the applicant. The applicant could also submit the originals by the due date, but will only be able to do so if surety and bonds can be posted, which requires bank financing, which will be difficult to obtain.

Not Detrimental to the Public Interest - Approval of the waiver request will not alter the essential character of the neighborhood and will not impair the appropriate use or development of the surrounding properties. Furthermore, the proposed subdivision of the land has not been altered.

Will Not Nullify the Intent or Purpose of the Regulations - The granting of this waiver will not nullify the intent of this regulation as the additional time requested is for processing only and the plat recordation will fall within a reasonable timeframe from the approval of the plan. The site would not be altered by any new regulations adopted since the date the approval of the plan was granted; however, the applicant has been advised by DED that the site's stormwater management facilities must be constructed by May 4, 2017 or the site will need to be redesigned under the 2007 MDE requirements (see attached DED comments).

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.

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

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/JMF 

Enclosure: DED

cc: Research
DED
Fisher, Collins and Carter
F-09-043
Forest Conservation Coordinator
Landscape Coordinator

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