



Howard County Department Of Planning And Zoning

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Marsha S. McLaughlin, Director

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October 17, 2011

Howard Bankes
6555 Cedar Lane
Columbia, MD 21044

RE: **WP-12-033 Cedarview, Lots 1-4 (F-08-185)**

Dear Mr. Bankes:

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 the following sections of the Subdivision and Land Development Regulations:

Section 16.144(p)(1),(2) and 16.144(q) of the Amended Fifth Edition – Within 120 days of receiving approval of the final plan, the developer shall pay all required fees to the County and if subject to the developer's 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. 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 one (1) condition:

- 1) The submission of the Water and Sewer Utility Plans, the completion of the Developer's Agreement process and the submission of the final plat originals must be completed within **one year** from September 17, 2011 (*on or before September 17, 2012*). The new deadline due date for each of the above plans would be **September 17, 2012**.

The decision of this waiver petition is based on the following justification:

Hardship:

The purpose of this waiver is to grant additional time (one year from September 17, 2011). The Developer had a deadline date of September 17, 2011 to submit the original Water and Sewer Utility Plans, the DPW Developer's Agreement and the Final Plat originals. The owner/developer is facing a hardship due to the current economic climate and the various constraints and challenges associated with obtaining loans, bonds and letters of credit from various banks. Furthermore, there is not a planned DPW Capital Project to extend sewer service to the Bankes' property and this adds to the hardship of meeting the September 17, 2011 deadline.

Not detrimental to public interest:

By granting this waiver, it will not have any detrimental impacts to the public interests, will not alter the essential character of the area and will not impair the use or development of the surrounding properties, because the site is zoned for residential use and has received subdivision (final plan) approval.

Not nullify the intent or purpose of the regulations:

Based upon all of the above justifications, approval of this waiver request will not nullify the intent of the Regulations which requires the developer, within 120 days of receiving approval of the final plan, pay all required fees to the County and post all monies and/or file appropriate surety covering the developer's financial obligations for the required improvements and within 180 days of final plan approval, the developer shall submit the final subdivision plan for signatures and recordation.

Indicate this waiver petition file number, request, section of the regulations, action, conditions of approval, and date on the plat (F-08-185). **This requested waiver will remain valid for the time periods specified in the above conditions or as long as the related subdivision remain in active processing.**

If you have any questions, please contact Derrick Jones at (410) 313-2350.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/dj

cc: Research

DED

DPW – Real Estate Services

F.C.C.

File: F-08-185