



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 3, 2011

3840 View Top, LLC
c/o Mildenberg, Boender & Associates, Inc.
6800 Deerpath Road, Suite 150
Elkridge, MD 21075
ATT: Jacob Hikmat

RE: WP-12-061/Hawes Property, Proposed Lots 1, 3 to 8, O.S. Lot 9
and Non-Buildable Bulk Parcel A (F-07-110)

Dear Mr. Hikmat:

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

As of the date of this letter, the Planning Director **approved** your request for waiver(s) to Sections 16.144(p) and 16.144(q) as they apply to F-07-110, subject to the following conditions:

1. Approval is granted for a **one year** extension from the date of October 30, 2011, by which to pay all required fees to the County; and, if subject to a developer agreement or major facility agreement, post all monies and file appropriate surety covering the developer's financial obligations for the required public or private improvements for F-07-110. The new deadline date is on or before **October 30, 2012**.
2. Approval is granted for a **one year** extension from the date of December 30, 2011, by which to submit the final plat mylar for signature processing and recordation for F-07-110. The new deadline date is on or before **December 30, 2012**.
3. Future request for extensions of time beyond the extended deadlines will require submission of a new waiver petition application.
4. The applicant is advised that a new Fee Schedule has been adopted on July 1, 2011. Increase of any processing fees previously indicated in the Technically Complete Letter for F-07-110 must be paid at the time of submission of applicable plan originals.

JUSTIFICATION FOR APPROVAL:

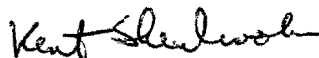
1. Extraordinary hardships or practical difficulties will result from strict compliance with the Regulations. Review by all agencies is complete and the developer has received a TC letter for F 07-110. Water and sewer allocations have been approved, an off-site forest conservation easement has been obtained and road construction drawings have been signed. The applicant was previously granted extensions to the deadline dates under WP 08-116, WP 09-53, WP 09-195 and WP-11-049. This is the fifth request for extensions of the deadline dates. To void the final plan at this time would create extraordinary hardship by voiding of the approved road construction drawings and requiring the resubmission of a sketch, preliminary and final plans resulting in redundant review by County and state agencies. A better solution would be to grant an extension of time to the deadline dates, allowing this project to move forward.

2. The intent of the Regulations will still be served to a greater extent through implementation of an alternative proposal and approval of the waiver request(s) will not nullify the intent of the Regulations. The proposed development is a resubdivision of a previously recorded two lot subdivision (F 03-190). The developer is considering all options for marketing of this development. A red-line revision to the approved road construction drawings for F-07-110 has been processed so as to redesign the subdivision into Lots 1 (existing house), 3 to 8, Open Space Lot 9 and Non-Buildable Bulk Parcel A. Non-Buildable Bulk Parcel A will be further subdivided once the economy has recovered. Previously the subdivision proposed Lots 1, 5 to 10 and O.S. Lots 3 & 4. A Technically Complete Letter has been issued for this subdivision and tentative allocations have been granted under S-03-17. The owner is working diligently towards completing all obligations for this project and will comply with processing steps as outlined in the final plan approval letter. However, due to the economic downturn of the housing market the owner can not obtain financing and is once again requesting extensions to the deadline dates of October 30, 2011, and December 30, 2011, as approved under WP-11-049.

3. Approval of this waiver request will not be detrimental to the interests of the public. The owner is not circumventing the intent of any Subdivision or Zoning Regulations but only once again requires extensions to the due dates so as to delay construction until a more economically feasible market is met and financial processing can be undertaken. Completion of all processing steps as outlined in the Technically Complete Letter will be complied with. Additionally, reconsideration of the due dates is in compliance with previously mandated state law and represents the most advantageous and adequate response to present day economic conditions.

Indicate this waiver petition file number, request, section of the regulations, action taken, date and conditions of approval on all related future plats, site development plans and and/or building permits. This requested waiver will remain valid for the time period specified in the above conditions. Should you have any questions regarding this matter, please contact Brenda Barth at (410) 313-2350 or email: bbarth@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development



.btb

cc: Research/DED/RES
Mildenberg, Boender & Associates
F-07-110