



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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January 19, 2012

Jacob Hikmat
6800 Deerpath Road, Suite 150
Elkridge, MD 21075

RE: WP-12-106, Mt Hebron Meadows (formally
Dampman Property), F-08-119

Dear Mr. Hikmat:

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)** requiring 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; **Section 16.144(q)** requiring 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; and, **Section 16.144(r)(5)&(6)** stating a failure to pay fees, post monies, sign developer agreements and major facilities agreements, provide appropriate surety and submit the final plat shall void all previous approvals and the applications shall be considered withdrawn.

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 conditions.

Our decision was made based on the following:

Extraordinary Hardship or Practical Difficulty – Due to the current economic climate, banks are not providing consent and financing for the easement and road dedication associated with this project. This creates a practical difficulty since the lots cannot be recorded without bonding. Documents for the developer's agreement cannot be submitted without bank consent.

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.

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). All adequate public facilities are still accounted for.

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 or as long as this subdivision remains in active processing.

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

Sincerely,


Kent Sheubrooks, Chief
Division of Land Development

KS/JMF 

cc: Research
DED
F-08-119