



Howard County Department Of Planning And Zoning
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Marsha S. McLaughlin, Director

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August 22, 2012

Lawyers Hill, LLLP
5570 Sterrett Place, Suite 201
Columbia, Maryland 21044
ATT: Jim Newburn

RE: WP-13-024/Bonnie Ridge, Lots 15 and 16
(F-07-202)

Dear Mr. Newburn:

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 to Section 16.144(q) requiring submission of final plat originals within 180 days of final plan approval (F-07-202), subject to the following conditions:

1. The date by which to submit the final plat originals for F-07-202 is extended **180 days** from the deadline date of August 4, 2012. The new date by which to submit final plat originals is on or before **January 31, 2013**.
2. A copy of the recorded revised deed for Lot 14 shall be submitted with the final plat originals for file retention.
3. Please be advised that new Storm Water Management Regulations are now in effect. Any project not having a signature approved storm water management and sediment control plan by May 4, 2013, may require revised plans designed to meet the current regulations (see enclosed DED comments).
4. Please address the additional review comments for F-07-202 from the Division of Land Development prior to submission of the final plat originals.

JUSTIFICATION FOR APPROVAL:

1. Extraordinary hardships or practical difficulties will result from strict compliance with the Regulations. The final plan for F-07-202/Bonnie Ridge, Lots 15 and 16, has been years in the processing stage and was placed on hold in 2008, 2009 and 2010 awaiting housing unit allocations. An approval letter was finally issued on February 6, 2012, and the deadline date by which to submit the final plat originals of August 4, 2012, was established. This final plan is for a resubdivision of existing Lot 13 into Lots 15 and 16 which both abut Lot 14 that contains an existing house and barn which are to remain. Lot 13 was previously recorded under F-07-173/Bonnie Ridge and is part of a major subdivision as approved under S-99-011 and P-01-011. During the processing of the previous final plan (F-07-173), the owner of Lot 14 agreed to a reconfiguration of lot layout between Lots 13 and 14. That subdivision plan preceded to recordation, however, the new deed for Lot 14 describing a conveyance of land between Lots 13 and 14 was never recorded. The two owners are now trying to reach a resolution regarding legal title of Lot 13. Attempts to resolve this situation are still ongoing and it has been determined that an agreement can not be accomplished by the August 4, 2012 deadline. To deny the waiver extension request at this time would create extraordinary hardships to each property owner by voiding the final plan and result in the loss of a housing unit allocation which the owner has waited years to obtain. The better solution is to grant the extension of time and allow the final plan, F-07-202, to move forward towards recordation.

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 final plan has been reviewed by all agencies and an approval letter was issued, a housing unit allocation was granted and the subdivision passed the APFO schools test. The owner is now attempting to legally resolve issues regarding deed conveyance of property and is not avoiding any subdivision regulations. An extension of time of 180 days will be granted to allow each property owner to come to an agreement and record a new deed. The owner/developer shall also be required to submit a copy of the newly recorded deed for Lot 14 with submission of the final plat originals.

3. Approval of the waiver request(s) will not be detrimental to the interests of the public. The property owner of Lot 13 is not circumventing the intent of the regulations, but is attempting to develop the property by presenting adequate and safe access and design criteria for the resubdivision. The owner, however, can not proceed with recordation of F-07-202 until a new deed is recorded for Lot 14. An extension of time will allow for the preparation of a new deed giving legal title of the entirety of Lot 13 and as shown on the recorded plat for F-07-173, and permit the resubdivision to resume.

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 as long as development plans are in process. 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
Sang Oh, Esq.
FSH Assoc.
F-07-202