



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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October 23, 2012

Mr. and Mrs. Walter Dustin
11903 Lime Kiln Road
Fulton, MD 20759-9616

Dear Mr. and Mrs. Dustin:

RE: WP-13-051, Dustin's Golden Fields (F-09-028)

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 and denied** your request to waive **Section 16.144(p)** – requiring the payment of fees and posting of financial obligations within 120 days from the approval date of the subdivision plan; and **Section 16.144(q)** – requiring the submission of the final subdivision plan for recordation within 180 days from the approval date of the subdivision plan. You requested a one year extension from the October 28, 2012 deadline date (developer's agreement and payment of fees deadline) and from the December 27, 2012 deadline date (plat submission). However, the Department has determined that only a six month extension could be considered due to the 2000 MDE stormwater management regulations which is requiring all final approvals, bonds and financial obligations must be finalized prior to May 4, 2013.

Approval is subject to the following conditions:

1. The Developer's Agreement and Payment of fees must be completed by April 1, 2013, and the plat originals must be submitted to DPZ by April 1, 2013. If the above deadline date is not met, the plan will become null and void, all previous approvals will be rescinded and the project will lose its tentative housing unit allocations in accordance with Section 16.144 of the Howard County Subdivision and Land Development Regulations. In accordance with the current State stormwater management regulations, final plans that utilize the previous stormwater management techniques must meet the established grandfathering date of May 4, 2013, which require construction drawings to receive signature approval and stormwater practices to be bonded through an executed Developer's Agreement, in order to proceed with developing under the previous regulations. Therefore, in order to allow adequate processing time for the final plan, the Department of Planning and Zoning will only grant a partial time extension. The applicant shall be advised that additional plan extensions beyond April 1, 2013 may not be considered.
2. The plan must comply with any fee changes.

Our decision was made based on the following:

Extraordinary Hardship or Practical Difficulty - The extraordinary hardship or practical difficulty involved with this waiver request would require the developer to lose their housing allocations. If the waiver petition was not approved, the issued housing unit allocations will be forfeited and a new Final Plan would be required thus placing a hardship on 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 substantially impair the appropriate use or development of the surrounding residential properties. Allowing the applicant additional time to complete the developer's agreement and pay the required fees, and submit the original final plat, will not be detrimental to the public since the design is not changing. The extension of time will allow the developer additional time to deal with the current economic conditions.

Will Not Nullify the Intent or Purpose of the Regulations - Approval of this waiver request will not nullify the intent or purpose of the regulations since the design of the previously submitted final plan will not change.

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 Brenda Luber at (410) 313-2350 or email at BLuber@howardcountymd.gov.

Sincerely,


Kent Sheubrooks, Chief
Division of Land Development

KS/BL

Enclosure (DED)

cc: Research
DED
Real Estate Services
FCC
F-09-028