



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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December 20, 2013

Dylan Springmann
Talkin & Oh, LLP
5100 Dorsey Hall Drive
Ellicott City, Maryland 21042

James P. Hurt,
12700 Old Frederick Road
Sykesville, Maryland 21784

RE: WP-13-161, Hurt Property (HO-89-06-E)
Waiver Reconsideration Request

Dear Mr. Springmann & Mr. Hurt:

The Director of the Department of Planning and Zoning considered your reconsideration request to the above referenced waiver petition in accordance with the Howard County Subdivision and Land Development Regulations.

As of the date of this letter, the Planning Director **approved** your reconsideration request to Condition #2 of the approved waiver petition letter for WP-13-161 dated August 20, 2013, which states *"The 'Adjoiner Deed' shall not be recorded prior to the recordation of the Amended Deed of Agricultural Easement. The 'Adjoiner Deed' should be recorded after or simultaneously with the Amended Deed of Agricultural Easement. Copies of the legally recorded 'Adjoiner Deed' shall be submitted to the Department of Planning and Zoning by December 18, 2013."* The applicant has requested that the "Adjoiner Deed" be allowed to be recorded prior to the Amended Deed of Agricultural Easement and that the date for the "Adjoiner Deed" recordation be extended until February 16, 2014 (60 days from the previous date) based on government delay.

Approval is subject to the following conditions:

1. Conditions #1, 3, 4 & 5 of the approved waiver petition, WP-13-161, remain valid. This reconsideration request is only applicable for Condition #2 of the approved waiver petition.
2. The "Adjoiner Deed" may be recorded prior to the recordation of the Amended Deed of Agricultural Easement. Copies of the legally recorded "Adjoiner Deed" shall be submitted to the Department of Planning and Zoning **on or before February 16, 2014** (60 days from the previous due date of December 18, 2013).

Our decision was made based on the following:

Extraordinary Hardship or Practical Difficulty

An extraordinary hardship would occur if the waiver reconsideration is not approved and the applicant must resubmit another waiver petition application for standard review, as the site design is to remain the same.

Not Detrimental to the Public Interest

The reconsideration is only for an extension of time to record the "Adjoiner Deed". No changes to the previous application and waiver petition exhibit are proposed under this reconsideration.


Will not Nullify the Intent or Purpose of the Regulations

The applicant has been diligently working with the County to prepare and finalized the required legal documents needed for the Agricultural Land Preservation Program. However, unfortunately the documents have not been prepared within the timeframe listed in Condition #2 of the waiver approval letter. The Department of Planning and Zoning has determined that the delay can be attributed to governmental processing.

Please 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 Julia Boone at (410) 313-2350 or email at jboone@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/jb

cc: Research
DED
RCD – Joy Levy