



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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FAX 410-313-3467
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May 28, 2013

3804 View Top, LLC
1055 W. Joppa Road, Unit 330
Towson, Maryland 21204
ATT: Russell Hawes

RE: WP-13-162/Hawes Property, Lots 1, 3 to 8, O.S.Lot 9 and
Non Buildable Bulk Parcel A (F-07-110)

Dear Mr. Hawes:

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 **six month** extension from the date of April 30, 2013, 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 27, 2013**.

2. Approval is granted for a **six month** extension from the date of **June 30, 2013**, 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 27, 2013**.*

*The property owner is advised to anticipate the closure of County Offices during the week of December 23 to December 27, 2013, and to make the required submission prior to that time period.

3. Future request for extensions of time beyond the extended deadlines will require submission of a new waiver petition application.

4. See enclosed comments from the Development Engineering Division. The applicant is advised that all storm water management facilities on the site must be designed using current Storm Water Management regulations as shown on the red-line revision road construction drawings for F-07-110.

5. The applicant is advised that a new Fee Schedule has been adopted on July 1, 2012. 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

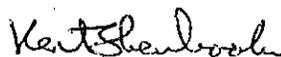
09-53, WP 09-195, WP-11-049, WP-12-061 and WP-13-065. This is the seventh request for extensions to the deadline dates. The owner has submitted a final plan for the resubdivision of Non-Buildable Bulk Parcel A (F-12-093) to create new lots 10 and 11. This final plan has been placed on hold on 7/02/12 and again on 7/27/12 due to the closed middle school district. To void F-07-110 at this time would create extraordinary hardship to the owner and result in the voiding of the approved road construction drawings, requiring the resubmission of a sketch, preliminary and all related waivers and the resubdivision plan which is on hold, 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 due to the economic downturn. 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 and to meet current SWM and ESD standards. Non-Buildable Bulk Parcel A will be further subdivided once the economy has recovered. The final plan for this resubdivision, F-12-093 has been submitted and is on hold due to a closed school district. 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 April 30, 2013, and June 30, 2013, as approved under WP-13-065.

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 housing 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. See enclosed comments from the Development Engineering Division.

Indicate this waiver petition file number, request, section of the regulations, action taken, date and conditions of approval on all related plats, site development plans and building permits. This requested waiver will remain valid for the time period specified or for as long as development plans remain active. 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/enclosure

cc: Research/DED/RES

Cindy DelZoppo

F-07-110