



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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June 19, 2013

Shirley and George Harbin
15055 Old Frederick Road
Woodbine, MD 21797

Dear Mr. and Mrs. Harbin:

RE: WP-13-172, Harbin Acres (F-12-046)

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 the payment and posting of financial obligation within 120-days from the approval date of the subdivision plan; and **Section 16.144(q)** – requiring the submission of the original final plat within 180-days from the approval date of subdivision plan.

Approval is subject to the following conditions:

1. The red-lined plan to the Quartz Hill Forest Mitigation Bank (SDP-10-104) must be completed and approved within 30-days from the approval date of the waiver petition by August 19, 2013. A copy of this red-line must be submitted with the plat originals.
2. The Developer's Agreement and Payment of fees must be completed, and the plat originals must be submitted by November 11, 2013.
3. The plan must comply with any fee changes at the time of the final plat original submission.
4. Compliance with all SRC comments.
5. On the final plat, provide a brief description of waiver petition, WP-13-172, as a general note to include request(s), section(s) of the regulations, action and date.

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 submit a new Final Plan and the applicant would 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. The additional time will allow the developer to resolve issues with the title report. In addition, the developer initiated the start of the developer's agreement before the required deadline date. During the preparation of the developer's agreement, a discrepancy in the title report was discovered. The developer has contacted their lending institution and is seeking their approval and signature on any required documents. The required red-line to the Quartz Hill Forest Mitigation Bank was not submitted by the April 11, 2013 deadline date.

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 required red-line, to complete the Developer's Agreement and to submit the original final plat will not be detrimental to the public since the design of the subdivision is not changing. The extension of time will allow for a possible change in the economic market, but also, allow for adequate time for the developer to resolve issues with the title report. In addition, the extension should allow the lending institution adequate time to complete the necessary legal documents.

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

cc: Research
DED
Real Estate Services
LDE
F-12-046