



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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March 23, 2010

Ron Wildman
Granite Manor LLC
4747 Bonnie Branch Road
Ellicott City, Maryland 21043

Re: Granite Manor, Lots 1 – 4
Waiver Petition WP-10-117
(Final Plan F-09-008)

Dear Mr. Wildman:

The Director of the Department of Planning and Zoning considered your request for a waiver of the Howard County Subdivision and Land Development Regulations. As of the date of this letter, the Planning Director approved your request to waive Subsections 16.144(p), 16.144(q), 16.144(r)(5), and 16.144(r)(6) of the Howard County Code. Waiver approval extends the deadlines by which sureties must be posted, a Deed of Forest Conservation Easement and a Forest Conservation Agreement must be executed, and final plat originals must be submitted to the Department of Planning and Zoning for signature and recordation.

Approval is subject to the following conditions:

1. Petitioner shall post surety and execute a Deed of Forest Conservation Easement and a Forest Conservation Agreement for the proposed forest conservation areas within 120 days of the State mandated tolling period of June 30, 2010 (on or before October 28, 2010).
2. Petitioner shall submit to the DPZ the final plat original for signature and recordation and address other items listed under Step 2 of our letter of February 26, 2009 within 180 days of the State mandated tolling period of June 30, 2010 (on or before December 27, 2010).

The following is an advisory comment:

1. While not a condition of waiver approval, the applicant is advised to contact Jeff Bronow, Chief, DPZ Research Division regarding the applicability of Council Bill 8-2009 to this project. The Bill, which became effective May 6, 2009, provides for altering the allocation year for a project without breaking the plan into phases. By taking advantage of the new legislation, the applicant may select a different allocation year and comply with associated submission deadlines.

Our decision was made based on the following:

Extraordinary Hardship or Practical Difficulty

Extraordinary hardship to the petitioner would result if the final plan was voided by the Department and the petitioner is required to submit and process a new final subdivision plan for this project. The petitioner has an existing "technically complete" subdivision plan, F-09-008, already on file, and the supplemental forest

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conservation plan has received signature approval. Based on the current economic climate and real estate market it is not unreasonable to allow the developer additional time to secure necessary financing to complete the project and for sale of new homes.

Alternative Proposal

The only alternative to granting the requested extension of the final plan approval status established under F-09-008 is to void the plan and require the submission of a new final plan for the project. Since the project has achieved "technically complete" status and has an established file history, the alternative for requiring a new final plan is not recommended by this Division. The granting of this extension of the final plat processing is a reasonable alternative.

Not Detrimental to the Public Interest

Waiver approval would not be detrimental to the public interest since subdivision plans have already been processed and determined "technically complete" by the Subdivision Review Committee. Therefore, the requested extensions of the final plan submission deadlines will have no adverse effect on the surrounding properties and the community where the property is located.

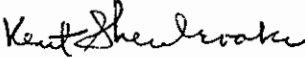
Will Not Nullify the Intent or Purpose of the Regulations

Approval of this waiver request will not nullify the intent or purpose of the regulations. In addition, approval will extend submission deadlines originally established by Waiver Petition WP-09-242 in accordance with the State House Bill HB921. Therefore, approval of this waiver request will satisfy the intent of the Regulations by permitting fairness and consistency in the application of plan processing procedures.

Indicate this waiver petition file number, request, section of the regulations, action, conditions of approval, and date on all related plats, plans, and building permits. This waiver remains valid as applicable to the submissions listed in Conditions 1 and 2 above.

Should you have any questions please contact Dave Boellner by telephone at 410-313-3956 or by e-mail at dboellner@howardcountymd.gov.

Sincerely,


Kent Sheubrooks, Acting Chief
DPZ, Division of Land Development

KS/DBB:dbb

CC: DPZ, Research Allan Shad
DPZ, DED Katherine Taylor
Marian Condon
Julia Hawrylo