



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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September 14, 2010

Magis Farm, LLC (Par.99) and  
Northridge Road, LLC (Par. B)  
c/o Greenebaum & Rose Assoc., Inc.  
1829 Reisterstown Road, Suite 300  
Baltimore, Maryland 21208

RE: WP 11-20/Rogers Property, Lots 1 to 68, O.S.Lots 69 to  
77 and Common Open Area Lots 78 and 79 (F-10-64)

Dear Property Owners:

The Director of the Department of Planning and Zoning considered your request for waivers from the Howard County Subdivision and Land Development Regulations.

As of the date of this letter, the Planning Director **approved** your request for waivers to: Section 16.144(o) requiring submission of final construction drawings within 60 days of final plan approval; 16.144(p)(1) requiring payment of all fees and, (2) if subject to a Developer's Agreement or major facilities agreement, post all monies and file appropriate surety for public or private improvements within 120 days of final plan approval; Section 16.144(q) requiring submission of final plat originals within 180 days of final plan approval, and Sections 16.144(r)(5) & (6) voiding plan approval for failure to pay fees, sign developer's agreement, provide surety and submission of final plat originals (F-10-64). Approval is subject to the following conditions:

1. A **180 day extension** of time is approved from August 12, 2010, by which to submit road construction drawing originals. The new deadline date is on or before **February 8, 2011**.
2. A **180 day extension** of time is approved from October 11, 2010, by which to pay all fees and, if subject to a Developer's Agreement or major facilities agreement, post all monies and file appropriate surety for public or private improvements. The new deadline date is on or before **April 9, 2011**.
3. A **180 day extension** of time is approved from October 26, 2010, by which to submit the final plat originals. The new deadline date is on or before **April 24, 2011**.

JUSTIFICATION FOR APPROVAL:

1. Extraordinary hardships or practical difficulties will result from strict compliance with the Regulations. Review of the final plan by all agencies is complete and the developer has received a Technically Complete Letter for F-10-64. Water and sewer plans have been signed and cost estimates forwarded to Real Estate Services. A previously approved extension based on governmental delay to submit the road drawing originals and Developer's Agreement, as well as, posting of financial surety and fees was granted and a new due date was established as October 11, 2010. The due date for final plat originals was established as on or before October 26, 2010. The developer is now experiencing difficulty in receiving comments from the Maryland Department of the Environment (MDE) and requires further extensions to all due dates. Denial to the extension requests at this time would result in the voiding of the approved final plan, road construction drawings and voiding of tentative housing unit allocations. The resubmission of the

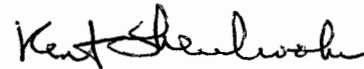
preliminary equivalent sketch plan and re-review of this project by the Planning Board would also be necessary. Resubmission of all plans would create redundant review by County and state agencies and result in extreme financial hardship to the developer. A better solution would be to grant an extension of time to all 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 developer is diligently working towards completion of this subdivision and will comply with all processing steps as outlined in the Technically Complete Letter of April 29, 2010. The request for deadline extensions is only a precautionary measure in order to allow the developer ample time to review any forthcoming comments from Maryland Department of the Environment (MDE) regarding a permit for construction of an arch span across proposed Burrows Lane. No new roadways, additional lots or redesign of this subdivision is proposed and approval of the waiver requests will not nullify the intent of the Regulations.

3. Approval of the waiver requests will not be detrimental to the interests of the public. The developer is not circumventing the intent of the Subdivision or Zoning Regulations but only requires extension to the due dates so as to review and address any possible comments from MDE. The requested extensions will not have any adverse effect on the surrounding properties or the community in which the property is located since all County and state agencies have reviewed and approved the proposed development. The developer will still be required to complete all steps as required in the final plan Technically Complete Letter.

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 as long as the development plans remain in process. Should you have any questions regarding this matter, please contact Brenda Barth at (410) 313-2350 or email: [bbarth@howardcountymd.gov](mailto:bbarth@howardcountymd.gov).

Sincerely,



Kent Sheubrooks, Acting Chief  
Division of Land Development



:btb

cc: Research/DED/F-10-64  
Gutshick, Little & Weber  
Francis and Susan Rura  
Preston Hartmann