



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 16, 2010

Paul Miller
Miller Land Company
9058 Chevrolet Drive
P.O. Box 307
Ellicott City, Maryland 21042

J. Victor Stirn
Professional Service Associates, LLC
870 River Road
Sykesville, Maryland 21784

Re: Villas of Dunloggin (Stirn & Miller Properties)
Waiver Petition WP-11-026
(Site Development Plan SDP-07-054,
Final Plan F-08-022,
Site Development Plan SDP-08-060,
Final Plan F-08-181)

Dear Messrs. Miller and Stirn:

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 Subsection 16.144(m) as it applies to F-08-181, Subsection 16.144(q) as it applies to F-08-022, Subsection 16.156(g)(2) as it applies to SDP-07-054 and SDP-08-060, and Subsections 16.156(k), 16.156(l), and 16.156(m) as they apply to SDP-07-054. Waiver approval allows for extension of the deadlines by which various plan submissions must be made. Approval is subject to the following conditions:

1. Villas of Dunloggin (SDP-07-054)
 - a. Petitioners shall submit to this office revised plans reflecting incorporation of comments included with our letter of August 7, 2008, in addition to comments enclosed with our letters of November 29, 2007 and May 23, 2008, **on or before September 1, 2011**. The revised plans must receive written approval from the DPZ, Division of Land Development prior to execution of developer agreements, payment of applicable fees, and submission of plan originals.
 - b. Petitioners shall execute developer agreement(s), pay applicable fees, and submit plan originals **on or before October 1, 2011**.
2. E. Alexander Adams and Marion Harless Property (F-08-022)
 - a. Petitioners shall submit to this office plat originals **on or before October 1, 2011** in accordance with our letter of December 5, 2007.
3. Stream Restoration at Stirn-Miller Property (SDP-08-060)
 - a. Petitioners shall submit to this office revised plans addressing comments included with our letter of July 7, 2008 **on or before September 1, 2011**.
4. Villas of Dunloggin (F-08-181)
 - a. Petitioners shall submit to this office revised plans addressing comments included with our letter of June 20, 2008 **on or before September 1, 2011**.

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Our decision to approve the waiver was made based on the following:

Extraordinary Hardship or Practical Difficulty

Extraordinary hardship to the petitioners has occurred in the fact that: 1) the previous developer of the proposed project, Charles Skirven, passed away earlier this year and his company is in bankruptcy proceedings; 2) the now well-documented global recession and deflationary real estate market has diminished the projected profitability of the project; and, 3) parties have been contacted about developing the property but are hesitant to make investments given the present economy and market. Voiding the relevant plans would result in additional, and unnecessary, hardship on the petitioners and would be counterproductive.

Not Detrimental to the Public Interest

The waiver request will not be detrimental to the public interest since final subdivision and site development plans have already been processed and either determined "technically complete" or are close to being determined so. Waiver approval and subsequent deadline extensions will have no adverse effect on surrounding properties, the community where the property is located, or the County as a whole.

Will Not Nullify the Intent or Purpose of the Regulations

Waiver approval will not nullify the intent or purpose of the regulations as stated in Subsection 16.101(a) of the Howard County Code. Relevant plans have been and continue to be reviewed for compliance with applicable regulations and standards, meeting the legislative intent and purpose of the regulations. Waiver approval simply extends the term by which revised plans and plans originals must be submitted.

Indicate this waiver petition file number on all plats, plans, applications, and permits. If petitioners fail at any time to comply with any waiver approval condition, this waiver petition shall be considered void. **This waiver shall expire on October 2, 2011.**

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
DPZ, DED
AB Consultants, Inc.
FSH Assoc.

Miller Land Co.
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