



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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September 14, 2010

Mr. Otha Upchurch  
457 Old Orchard Road  
Millersville, MD 21108

Dear Mr. Upchurch:

RE: WP-11-030, Fulton Manor II (F-08-102)

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 of fees and posting of financial obligations within 120 days from the approval date of the subdivision plan; and **Section 16.144(q)** – requiring the submission of the final subdivision plan for recordation within 180 days from the approval date of the subdivision plan. The Petitioner is requesting a one year extension for the completion of the developer's agreement and submission of the original plat.

Approval is subject to the following conditions:

1. The plan must comply with any fee changes.
2. Submission of a Developer's Agreement to the Department of Public Works, Real Estate Services Division, and posting of financial surety for stormwater management, storm drainage, forest conservation and landscaping on or before October 28, 2011.
3. Payment to the Department of Public Works, Real Estate Services Division, of the balance of the Department of Public Works, Engineering Review Fee. The fee is based on the final construction cost estimate approved by DPW. It must be paid on or before October 28, 2011.
4. Submission of the final plat for signature and recordation is required on or before December 27, 2011.

Our decision was made based on the following:

**Extraordinary Hardship or Practical Difficulty** - See the enclosed justification statement from the applicant. The extraordinary hardship or practical difficulty involved with this waiver request would require the developer to submit a new Preliminary Equivalent Sketch 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 Preliminary Equivalent Sketch Plan would be required thus placing a hardship on the applicant.

**Not Detrimental to the Public Interest** - See the enclosed justification statement from the applicant. 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 developer's agreement and pay the required fees, and submit the original final plat will not be detrimental to the public since the design is not changing. The extension of time will allow the developer additional time to deal with the current economic conditions.

**Will Not Nullify the Intent or Purpose of the Regulations** - See the enclosed justification statement from the applicant. 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 this letter.

If you have any questions, please contact Brenda Luber at (410) 313-2350 or email at [BLuber@howardcountymd.gov](mailto:BLuber@howardcountymd.gov).

Sincerely,



Kent Sheubrooks, Acting Chief  
Division of Land Development

KS/BL

Enclosure

cc: Research  
DED  
F-08-102  
Amy Lester  
FC&C