



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING ✓  
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Marsha S. McLaughlin, Director

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October 6, 2010

Brian Boy  
Hickory Knolls, LLC  
11807 Wollingsford Court  
Clarksville, Maryland 21029

Re: Rocky Gorge Overlook  
Waiver Petition WP-11-033  
(Site Development Plan SDP-10-066)

Dear Mr. Boy:

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 16.156(l) and 16.156(m) of the Howard County Code. Waiver approval allows for extension of the deadlines by which fees must be submitted to the County, sureties filed covering the developer's financial obligations for required improvements, and site development plan originals submitted for signature approval.

Approval is subject to the following conditions:

1. Petitioner shall submit to the DPW, Real Estate Services Division a developer agreement, post financial surety for SWM construction and maintenance, and make payment to the DPW, Real Estate Services Division the balance of the DPW engineering review fee **on or before December 29, 2011**.
2. Petitioner shall submit to the DPZ the site development plan originals for signature **on or before December 29, 2011** and refer to the DPZ letter of July 2, 2010 for additional requirements and instructions.

Approval includes the following advisory comment by the DPZ, Development Engineering Division:

1. A request for an administrative waiver to continue the use of the structural stormwater practice on this site in conformance with the MDE stormwater guidelines was requested with the final plan time extension. Upon approval of this request please add a note to the site development plan referencing this administrative waiver and any contingencies.

Our decision was made based on the following:

***Extraordinary Hardship or Practical Difficulty***

Extraordinary hardship to the petitioner would result if the waiver was denied, the existing "technically complete" plan was voided, and the petitioner required to submit and process a new site development plan for this project. The now well-documented deflationary housing market and more restrictive lending practices have made development difficult if not impossible at this time.

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***Alternative Proposal***

The only alternative to granting the requested extension of the site development plan approval status established under SDP-10-066 is to require the submission of a new site development plan for the project. Since the project has achieved "technically complete" status and has an established file history, the alternative for requiring a new site development plan is not recommended by this Division.

***Not Detrimental to the Public Interest***

The waiver will not be detrimental to the public interest since the site development plan has already been processed and determined "technically complete". Therefore, the requested extensions of the site development plan submission deadlines will have no adverse effect on the surrounding properties or the community where the property is located.

***Will Not Nullify the Intent or Purpose of the Regulations***

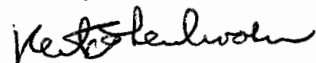
Approval of this waiver request will not nullify the intent or purpose of the regulations. Therefore, approval of this waiver request will satisfy the intent of the Regulations by permitting fairness and consistency in the application of plan processing procedures.

The justification for recommendation was supported by information provided by the petitioner.

Indicate this waiver petition file number on all related site development plans and building permits. This waiver shall expire on December 30, 2011.

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

Sincerely,



Kent Sheubrooks, Acting Chief  
DPZ, Division of Land Development

KS/DBB:dbb

CC: DPZ, Research  
DPZ, DED  
David Gomberg