



Howard County Department Of Planning And Zoning
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Marsha S. McLaughlin, Director

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October 13, 2010

George Roscoe
14527 MacClintock Drive
Glenwood, Maryland 21738

RE: WP 11-46/G. Roscoe Property, Lots 1 to 3 & O.S. 4
(F-08-158)

Dear Mr. Roscoe:

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(p)-requiring that within 120 days of receiving approval of the final plan the developer shall: (1) Pay all required fees to the County; and (2) If subject to a developer agreement or major facility agreement, shall post all monies and file appropriate surety covering the developer's financial obligations for the required public or private improvements; and Section 16.144(q)- Requiring that within 180 days of final plan approval, the developer shall submit the final subdivision plat original to the Department of Planning and Zoning for signatures and recordation, subject to the following conditions:

1. Approval is granted for a **one year** extension from the date of October 30, 2010, by which to pay all required fees to the County; and, if subject to a developer agreement or major facility agreement, post all monies and file appropriate surety covering the developer's financial obligations for the required public or private improvements for F-08-158. The new deadline date is on or before **October 30, 2011**.
2. Approval is granted for a **one year** extension from the date of December 30, 2010, by which to submit the final plat mylar for signature processing and recordation for F-08-158. The new deadline date is on or before **December 30, 2011**.
3. Future request for extensions of time beyond the extended deadline dates will require submission of a new waiver petition application.
4. Per enclosed comments from the Development Engineering Division, 2007 MDE Storm Water Management Regulations are in effect. This project may need to be reanalyzed to meet new requirements if facilities are not constructed by May 4, 2017.

JUSTIFICATION FOR APPROVAL:

1. Extraordinary hardship would result if the waiver requests were not approved. The final plat for the G. Roscoe Property, F-08-158 received a Technically Complete Letter dated July 24, 2008, was granted tentative allocations and the Supplemental/Forest Conservation & Landscape Plan originals have been signed. The applicant was granted extension of time to the deadline dates under WP-09-81 and WP-09-189. This is the third request for extension to the due dates. These extensions are once again necessary due to the economic condition of the housing market. The owner is unable to obtain bonding and financing in a timely manner and is in need of extensions to the deadline dates by which to execute developer's agreements, make payment of fees and submit the plat originals. To void the final plan at this time would create extraordinary hardship and result in the voiding of all previously approved plans and housing unit allocations. Resubmission of development plans would create redundant review of this subdivision by County and state agencies and further create financial burdens to the developer. A better solution would be to grant an extension of time to the deadline dates, allowing this project to move forward.

2. The requested waivers will not be detrimental to the interest of the public. The owner is not circumventing the intent of any Subdivision or Zoning Regulations but only once again requires extension to the due dates so as to delay construction until a more economically feasible market is met. Completion of all processing steps as outlined in the final plan Technically Complete Letter will be complied with. Additionally, reconsideration of the due dates is in compliance with previously mandated state law and represents the most advantageous and adequate response to present day economic conditions. This Department will grant an additional one year extension from the previously approved deadline dates as established under WP 09-189.

3. 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 applicant is not circumventing any of the Subdivision or Zoning Regulations by approval of the waiver requests, but only requires an extension to the due dates to delay construction until financial processing can be undertaken. All County and state comments have been addressed and the final plan has been approved. The alternative proposal to grant extensions to the due dates is the better solution than voiding previously approved plans. Any further extension requests will require the submission of a new waiver petition application.

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.

Sincerely,



Kent Sheubrooks, Acting Chief
Division of Land Development



cc: Research/DED/F-08-158
FSH Associates