



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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October 25, 2010

3804 View Top, LLC
c/o Mildenberg, Boender and Assoc., Inc.
6800 Deerpath Road, Suite 150
Elkridge, Maryland 21075
ATT: Jacob Hikmat

RE: WP 11-49/Hawes Property
Lots 1 & 5 to 10 and O.S. Lots 3 & 4 (F-07-110)

Dear Mr. Hikmat:

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 originals 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-07-110. 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-07-110. The new deadline date is on or before **December 30, 2011**.
3. Future request for extensions of time beyond the extended deadlines will require submission of a new waiver petition application.
4. The applicant is advised that any redesign of this subdivision may require revised storm water management controls in accordance with the 2007 Storm Water Management Regulations.

JUSTIFICATION FOR APPROVAL:

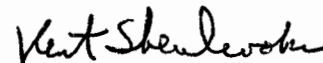
1. Extraordinary hardships or practical difficulties will result from strict compliance with the Regulations. Review by all agencies is complete and the developer has received a TC letter for F 07-110. Water and sewer allocations have been approved, an off-site forest conservation easement has been obtained and road construction drawings have been signed. The applicant was previously granted extensions to the deadline dates under WP 08-116, WP 09-53 and WP 09-195. This is the fourth request for extensions of the deadline dates. To void the final plan at this time would create extraordinary hardship by voiding of the approved road construction drawings and requiring the resubmission of a sketch, preliminary and final plans resulting in redundant review by County and state agencies. A better solution would be to grant an extension of time to the 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 proposed development is a resubdivision of a previously recorded two lot subdivision (F 03-190/Hawes Prop., Lots 1 & 2). The current final plan (F 07-110) will resubdivide Lot 2 and create new Lots 5 to 10 and two open space lots. The property owner has received a Technically Complete Letter and has been granted tentative allocations under S-03-17. The owner is working diligently towards completing all obligations for this project and will comply with processing steps as outlined in the final plan approval letter. However, due to the economic downturn of the housing market the owner can not obtain financing and is once again requesting extension to the deadline dates of October 30, 2010, and December 30, 2010.

3. Approval of this waiver request will not be detrimental to the interests 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 and financial processing can be undertaken. Completion of all processing steps as outlined in the 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.

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



:btb

cc: Research/DED/RES/F-07-110
Security Development, LLC
Benchmark Engineering
Russell L. Hawes