



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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November 16, 2010

Kenneth and Suzanne Wheeler
13893 Forsythe Road
Sykesville, MD 21784

RE: **WP-11-059 Pleasant Valley Farm, Lots 1-3**
(F-09-079)

Dear Mr. and Mrs. Wheeler:

The Director of the Department of Planning and Zoning considered your request for a waiver from both the Howard County Code and the Subdivision and Land Development Regulations.

As of the date of this letter, the Planning Director **approved your** request to waive the following two sections of the Subdivision and Land Development Regulations:

Section 16.144(p) of the Amended Fifth Edition – Within 120 days of receiving approval of the final plan the developer shall pay all required fees to the County and if subject to a developer's 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.

Section 16.144(q) of the Amended Fifth Edition – Within 180 days of final plan approval, the developer shall submit the final subdivision plat to the Department of Planning and Zoning for signatures and recordation.

Approval is subject to the following three (3) conditions:

- 1) The submission of the DPW **Developer's Agreement and** payment of fees must be completed within 1 year from the October 28, 2010 due date. **The new deadline due date shall be on or before October 28, 2011 to post all monies and file appropriate surety** covering the developer's financial obligations for the required public or private improvements.

The submission of the **final plat originals must be completed** within 1 year from the December 27, 2010 due date. **The new deadline due date shall be on or before December 27, 2011 for the submission of the final plat originals.**

- 2) On the plat, as well as all other DPZ plans for this site, provide a brief description of the waiver petition (WP-11-059), as a general note to include request(s), section(s) of the regulations, action and date.
- 3) All comments previously issued in our technically complete letter dated June 23, 2009, for F-09-079, shall be complied with and any fees shall be provided per the adopted fee schedule at the time of plat submission.

** Advisory: An Administrative Waiver request will be required for stormwater management. Plans and agreements will have to be executed before May 4, 2013. Construction is required to be constructed prior to May 4, 2017. (Please see attached comments from the Development Engineering Division).*

The decision of this waiver petition is based on the following justification:

Hardship:

The purpose of this waiver is to grant additional time to submit the final plat originals (F-09-079) and to complete the DPW Developer's Agreement process. The Developer had a deadline date of October 28, 2010 to submit the Developer's Agreement and a deadline date of December 27, 2010 to submit the final plat originals. The owner/developer faced a hardship of not being able to meet the October 28, 2010 due date to complete the DPW Developer's Agreement process due to difficulties in securing the required information (a letter of loan approval) from their financial institution. Attempts to secure the required information from their financial institution were made and such attempts have been documented (via an email letter) by the owner.

Not detrimental to public interest:

By granting this waiver, it will not have any detrimental impacts to the public interests, will not alter the essential character of the area and will not impair the use or development of the surrounding properties. The entire site is zoned for residential use and the owners' immediate plan is to preserve the scenic quality of the farm by retaining the horse rehabilitation business, the existing historic house and the protection of the on-site natural resources (stream, wetlands, forest cover and steep slopes) and therefore, maintaining those pre-existing qualities of the site.

Not nullify the intent or purpose of the regulations:

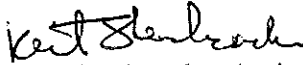
Based upon all of the above justifications, approval of this waiver request will not nullify the intent or purpose of the Regulations which requires the developer, within 120 days of receiving approval of the final plan, pay all required fees to the County and post all monies and/or file appropriate surety covering the developer's financial obligations for the required improvements and within 180 days of final plan approval, the developer shall submit the final subdivision plan for signatures and recordation. This plat has been granted an approval and has met all county and local government development regulations.

Indicate this waiver petition file number, request, section of the regulations, action, conditions of approval, and date of approval on the plat and on all subsequent plans filed for this property. Also, please reference this waiver on all future permits.

This requested waiver will remain valid for the time period specified in the approval conditions.

If you have any questions, please contact Derrick Jones at (410) 313-2350.

Sincerely,


Kent Sheubrooks, Acting Chief
Division of Land Development

KS/dj

Attch: DED

cc: Research DED LDE Real Estate Services F-09-079