



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
TDD 410-313-2323

November 15, 2010

Phillip Dorsey
13090 Old Frederick Road
Sykesville, MD 21784

RE: WP-11-072, Hay Meadow Overlook
(F-09-110)

Dear Mr. Dorsey:

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

On November 10, 2010, the Planning Director **approved** your request to waive **Sections 16.144(p) and (q)** – Within 120 days of receiving approval of the final plan, the developer shall pay all fees to the County, post all monies and/or file appropriate surety covering the developer's financial obligations for the required public or private improvements covered under a developer's agreement, and within 180 days, submit the original mylar plat to the Department of Planning and Zoning for all signatures and recordation.

Approval is subject to the following conditions:

1. The Developer's Agreement shall be submitted to the Department of Public Works, Real Estate Services within one year from October 28, 2010 (**on or before October 28, 2011**).
2. The original Final Plat shall be submitted to the Department of Planning and Zoning one year from December 27, 2010 (**on or before December 27, 2011**). Contact Carol Stirn at (410) 313-2350 to set up a new original plat appointment within this allotted time period. The applicant is responsible for any processing fee charges that may have occurred since the technically complete letter was issued for F-09-110.
3. The applicant is responsible for addressing all comments attached with both the October 27, 2009 technically complete letter and the October 26, 2010 letter addressing the redesign of the subdivision.
4. The applicant is advised that the 2007 Stormwater Management Regulations are in effect and that this plan shall be grandfathered until May 4, 2018, per the attached DED comments, and that if the SWM practices and structures are not fully constructed by that date, the grandfathering shall expire and the plans must be revised to meet current MDE stormwater management regulations.

Our decision was made based on the following:

Extraordinary Hardship or Practical Difficulty - Due to the economic climate, the applicant had difficulty obtaining a Letter of Credit from the bank (see the enclosed email from Susquehanna Bank).

This explanation is consistent with several waivers currently approved for subdivisions throughout the County.

Not Detrimental to the Public Interest - 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 or commercial properties.

Will Not Nullify the Intent or Purpose of the Regulations - The granting of this waiver is consistent with other waivers allowing for additional processing time for subdivisions and development plans throughout the County. This waiver is regarding processing time only; the plat must remain in compliance with all other County regulations. Please see the conditions and the attached DED comments regarding grandfathering related to the 2007 Stormwater Management Regulations.

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 until the dates listed as part of the waiver petition conditions.

If you have any questions, please contact Jill Manion-Farrar at (410) 313-2350 or email at ifarrar@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Acting Chief
Division of Land Development

KS/JMF 

cc: Research
DED
Vogel Engineering
F-09-110
Steve Kawakami