



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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January 31, 2011

SFH5, Inc.  
307 International Circle  
Hunt Valley, MD 21030

RE: WP-11-108, Scots Glen North,  
Waiver Petition Request  
(SDP-04-124)

Dear Sir or Madam:

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

As of the date of this letter, the Planning Director approved your request to waive **Section 16.156(o)(1)(ii)** and **Section 16.156(o)(2)** which requires the developer to apply for building permits for all construction authorized by the approved site development plan within 2 years of signature approval, otherwise the site development plan shall expire and a new site development plan submission will be required. Additionally, the Division of Land Development also approved your request to waive **Section 16.134(a)(1)** which requires the developer to provide for the construction of sidewalks pursuant to this Section and the Design Manual. Approval of this waiver is subject to the following:

1. The developer shall apply to the Department of Inspections, Licenses and Permits for building permits for all housing units shown on the approved Site Development Plan within 2 years from the date of this waiver petition approval (or until January 31, 2013).
2. Red-line the site development plan by adding a note stating that this waiver petition will be valid for two additional years until January 31, 2013. Include waiver petition number and explanation of waivers granted in the note.
3. Red-line the site development plan to make all of the proposed site changes to the sidewalks, bocce court, pavers, and housing units as shown on the waiver petition plan exhibit.
4. Compliance with the attached comments from the Development Engineering Division dated January 24, 2011 is required.

Our decision was made based on the following:

Extraordinary Hardship or Practical Difficulty - Extraordinary hardship or practical difficulty would result if the applicant is required to submit a new site development plan and pay all the associated fees since this, coupled with the significant slowdown in the economy and real estate market, would only extend the hardships currently experienced and delay the possible sale of available houses. Extraordinary hardship or practical difficulty would also result if the applicant is required to provide the sidewalk that was shown

on the original Site Development Plan since the original sidewalk is not buildable in some areas due to excessive slopes and the new builder has received a signed, written petition from the residents requesting elimination of the sidewalks.

Alternative Proposal - The only alternative for not granting the requested extension of the site development plan approval status established under SDP-04-124 is to require the submission of new site development plan for this project. Because the project already went through the entire site development plan review cycle and has an established file history, the alternative for requiring a new site development plan is not recommended by this Division. Additionally, the only alternative to not requiring the proposed sidewalks to be built would be to redesign the entire site to accommodate sidewalk construction. Since a portion of the project has already been built, redesigning the entire site is not recommended by this Division.

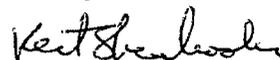
Not Detrimental to the Public Interest - The waiver request will not be detrimental to the public interest since site development plans have already been processed and approved for this project. Additionally, a majority of this project has already been built. The requested plan extension of the site development plan status will not have any adverse effect on the surrounding properties and the community where the property is located. Also, it would be in the public's best interest to provide project continuity by maintaining the current approved plan and the expectations created by this approval. Approval of this waiver is a step in separating the Scots Glen North HOA from the Scots Glen South HOA. Separation of the two HOAs is beneficial to the Scots Glen North residents as they will be able to control their HOA. Additionally, waiving the sidewalk requirement will not be detrimental to the public interest since this community is isolated from the surrounding area, and the current residents have indicated that they do not wish for the sidewalk to be built. Therefore, approval of this waiver petition would not be detrimental to the public interest.

Will not Nullify the Intent or Purpose of the Regulations - Site development plans have already been processed and approved for this project. Since there have been no significant policy or regulation changes since the approval of the site development plan, the approval of this requested extension would not nullify the intent or purpose of the regulations. Also, approval of waiving the sidewalk requirement will not nullify the intent of the regulations since the intent of the regulations will be met by meeting the goals of the residents as it pertains to their welfare. Additionally, approval of this waiver request will satisfy the intent of the Regulations by permitting fairness and consistency in the application of plan processing procedures.

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 for the time period specified in the conditions of approval or as long as this site development plan remains in active processing.

If you have any questions, please contact J.J. Hartner at (410) 313-2350 or email at [jehartner@howardcountymd.gov](mailto:jehartner@howardcountymd.gov).

Sincerely,



Kent Sheubrooks, Chief  
Division of Land Development

KS/TKM/JH

cc: Research  
DED  
File# SDP-04-124