



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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June 23, 2011

Mr. Anton Haug
2530 Kensington #205
Ellicott City, MD 21043

RE: WP-11-187, Allview Estates, Lots 10 & 11
(SDP-10-098, Allview Estates)

Dear Mr. Haug:

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 Section 16.156(m) of the Subdivision Regulations which states "within 180 days of approval of the site development plan, the developer shall submit the original mylar plans. If the original mylars are not submitted within 180 days of the approval of the site development plan, the approval will expire and a new site development plan submission will be required".

Approval is subject to the following conditions:

1. Petitioner shall submit to the DPW, Real Estate Services Division the Declaration of Covenants (DOC) documentation and the balance of the Engineering Review Fees as listed in our letter dated December 2, 2010 on or before January 28, 2012 (same deadline date given to F-06-035).
2. Petitioner shall submit to DPZ the site development plan originals for signature approval and any other items listed in the technically complete letter dated December 2, 2010 on or before January 28, 2012 (same deadline date given to F-06-035).

Our decision was made based on the following:

Extraordinary Hardships or Practical Difficulties: - Due to the current economic climate, no builder is interested in purchasing the lots, and no bank will finance the lots without a builder contract. This creates a practical difficulty since the lots cannot be recorded without bank financing.

Alternative Proposal – One alternative would be to void the site development plan which would create an extraordinary hardship as the plans would have to be resubmitted with new fees and re-circulated through the County for review even though the subdivision plan has not been altered, thereby wasting County resources and creating an unnecessary additional expense for the applicant. The SDP has an established file history and has been through previous review cycles and has received approval by the SRC agencies.

Not Detrimental to the Public Interest – Approval of the waiver request will not alter the essential character of the neighborhood and will not impair the appropriate use or development of the surrounding properties. Furthermore, the proposed subdivision of the land has not been altered under F-06-035.

Will not nullify the intent or purpose of the regulations – The granting of this waiver will not nullify the intent of these regulations as the additional time requested is for processing only and the site development plan will fall within a reasonable timeframe from the approval of the plan. Therefore, approval of this waiver request will satisfy the Intent of the Regulations by permitting fairness and consistency in the application of the plan processing procedures. The applicant's request is justified because a plan processing extension until January 28, 2012 has already been granted for the associated final plat, F-06-035 for this project

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 Jennifer Wellen at (410) 313-2350 or email at jwellen@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/jw

cc: Research
DED
F-06-035
SDP-10-098
MBA