



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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August 4, 2011

Stuart D. Gilbert  
9955 Old Mill Road  
Ellicott City, MD 21042

RE: WP-12-008, Old Mill Overlook, Lots 1-3 and Open  
Space Lot 4 (F-11-031)

Dear Mr. Gilbert:

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 16.144(p)** which requires the developer to (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 within 120 days of receiving approval of the final plan. Also, as of the date of this letter, the Planning Director **approved** your request to waive **Section 16.144(q)** which requires the developer to submit the final subdivision plat to the Department of Planning and Zoning for signatures and recordation within 180 days of final plan approval. Approval of this waiver is subject to the following conditions:

1. The developer shall pay all required fees to the County and post all monies and file appropriate surety covering the developer's financial obligations for the required public or private improvements as indicated within the DPZ technically complete letter dated April 1, 2011, within 1 year of the date of the previous deadline date of July 30, 2011 (or until July 30, 2012).
2. The developer shall submit the final subdivision plat to the Department of Planning and Zoning for signatures and recordation as indicated within the DPZ technically complete letter dated April 1, 2011, within 1 year of the previous deadline date of September 28, 2011 (or until September 28, 2012).

The preceding approval was 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 final plan and pay all the associated fees since the significant slowdown in the economy and real estate market has made it difficult for the owners and developers to obtain construction financing and the required surety.

Alternative Proposal – The only alternative for not granting the requested deadline extensions is to require the submission of a new final plan for this project. Because the project already went through the entire final subdivision plan review cycle, received a "technically complete" designation, and has an established file history, the alternative for requiring a new site development plan is not recommended by this Division.

Not Detrimental to the Public Interest – The waiver request will not be detrimental to the public interest since final subdivision plans have already been processed and approved for this project. The requested deadline extensions will not have any adverse effect on the surrounding properties and the community where the property is located. In fact, an extension would allow the developer to preserve the natural state of the lot, rather than potentially having a lot that is half-developed and unsightly because of the recent downturn in the housing market. Therefore, approval of this waiver petition would not be detrimental to the public interest.

Will not Nullify the Intent or Purpose of the Regulations – Final subdivision 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 final plan, the approval of this requested extension would not nullify the intent or purpose of the regulations. 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 subdivision 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

<sup>m</sup>  
KS/TKM/JH

cc: Research  
DED  
Robert H. Vogel Engineering, Inc.