



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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October 12, 2011

6168 Investment and Rental Property
5705 Landing Road
Elkridge, Maryland 21075

Re: Shady Lane Crossing
Waiver Petition WP-12-038
(Final Plan F-06-097)

Dear Sirs:

The Director of the Department of Planning and Zoning considered your request for a waiver of the Howard County Subdivision and Land Development Regulations. As of the date of this letter, the Planning Director approved your request to waive Subsections 16.144(p) and 16.144(q) of the Howard County Code. Waiver of these regulations allows for extension of the deadlines by which fees must be paid, developer agreements executed, and plat originals submitted for the plan referenced.

Approval is subject to the following conditions:

1. Petitioner shall submit to the Department of Public Works, Real Estate Services Division a developer agreement, shall post financial surety for construction of roads, stormwater management and storm drainage, and shall address remaining items listed under Step 2 of our letter of May 9, 2008 **on or before October 28, 2012.**
2. Petitioner shall submit to the DPZ the final plat for signature and recordation and shall address remaining items listed under Step 3 of our letter of May 9, 2008 **on or before December 27, 2012.**
3. Submission of the final plan original shall comply with any fee changes since the "technically complete" letter was issued on May 9, 2008.

Our decision to approve the waiver was made based on the following justification:

Extraordinary hardship or practical difficulty may result from strict compliance with the regulations.

Extraordinary hardship and practical difficulty to the petitioner would result if the waiver was denied and strict adherence to the regulations was enforced. The current economic climate has made it very difficult for developers to obtain construction financing and surety, and denial of the waiver would force the petitioner to either commit to a financially risky venture (or one impossible to finance) or abandon the plan, losing current approvals and housing unit allocations. The petitioner would incur significant financial impacts if the current approvals were not preserved by means of waiver approval. Since the petitioner has already made a significant investment in the plan and the County has a "technically complete" plan and approved final construction drawings associated with the plan on file, approval of the waiver is recommended.

Waiver approval will not be detrimental to the public interest.

Waiver approval will not be detrimental to the public interest since subdivision plans have been processed and determined "technically complete". The requested extensions of the final plan submission deadlines will not adversely affect surrounding properties or the community where the property is located.

Waiver approval will not nullify the intent or purpose of the regulations.

Waiver approval will not nullify the intent or purpose of the regulations. Waiver approval will satisfy the intent of the Regulations by permitting fairness and consistency in the application of plan processing procedures.

The justification for recommendation was supported by information provided by the petitioner.

Indicate this waiver petition file number on all related plats and site development plans. This waiver will remain valid for the time period specified in the conditions of approval or as long as this subdivision remains in active processing.

Should you have any questions please contact Dave Boellner by telephone at 410-313-3956 or by e-mail at dboellner@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
DPZ, Division of Land Development

KS/DBB:dbb

CC: DPZ, Research
DPZ, DED
Vogel Engineering
Grace Schutt
F-06-097 file