



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
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Marsha S. McLaughlin, Director

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November 3, 2011

Hickory Knolls, LLC
11807 Wollingford Court
Clarksville, Maryland 21029

Re: Rocky Gorge Overlook
Waiver Petition WP-12-047
(Site Development Plan SDP-10-066)

Dear Sirs:

The Director of the Department of Planning and Zoning considered your request for a waiver of Subsections 16.156(l) and 16.156(m) of the Howard County Subdivision and Land Development Regulations. As of the date of this letter, the Planning Director approved your request subject to the following conditions:

1. Petitioner shall submit a developer agreement, post financial surety for SWM construction and maintenance, and make payment to the DPW, Real Estate Services Division the balance of the DPW engineering review fee **on or before December 29, 2012.**
2. Petitioner shall submit the site development plan originals to the DPZ for signature **on or before December 29, 2012** and refer to the DPZ letter of July 2, 2010 for additional requirements and instructions.

Waiver approval includes the following advisory comment:

1. This subdivision and its approval are subject to the MDE stormwater management requirements of 2007. The final stormwater design has been approved with F-08-038. All stormwater practices must be constructed by May 4, 2017 or the current design will require a revision to meet the stormwater guidelines in effect at that time.

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

Extraordinary Hardship or Practical Difficulty

Extraordinary hardship to the petitioner would result if the waiver was denied, the existing "technically complete" plan was voided, and the petitioner required to submit and process a new site development plan for this project. Changes in County regulations resulting in a reduction in lot yield, the now well-documented deflationary housing market and more restrictive lending practices have made development difficult if not impossible at this time. Any development taking place would result in minimal profit.

Alternative Proposal

The only alternative to granting the requested extension of the site development plan approval status established under SDP-10-066 is to require the submission of a new site development plan for the project. Since the project has achieved "technically complete" status 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 will not be detrimental to the public interest since the site development plan has already been processed and determined "technically complete". Therefore, the requested extensions of the site development plan submission deadlines will have no adverse effect on the surrounding properties or the community where the property is located.

Will Not Nullify the Intent or Purpose of the Regulations

Approval of this waiver request will not nullify the intent or purpose of the regulations. Therefore, approval of this waiver request 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 the site development plan 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
Benchmark Engineering, Inc.
David Gomberg