



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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December 8, 2011

Christopher L. Rachuba
Dilup Long Term Holdings, LLC
946 – A Marimich Court
Eldersburg, Maryland 21784

Re: Chestnut Hill Subdivision, Section 1, Lot 13
Waiver Petition WP-12-080
(Site Development Plan SDP-07-058)

Dear Mr. Rachuba:

The Director of the Department of Planning and Zoning considered your request for a waiver of Subsections 16.156(o)(1)(i) and 16.156(o)(2) of the Howard County Code. Waiver approval would reactivate the site development plan referenced and allow for extension of the deadline by which application must be made to the Department of Inspections, Licenses and Permits for a building permit to initiate construction on the site. The Planning Director approved your request, subject to the following conditions:

1. Petitioner shall apply to the Department of Inspections, Licenses and Permits for building permits to initiate construction on the site **on or before December 31, 2012.**

Waiver approval includes the following advisory comment:

1. The DPZ, Development Engineering Division has no objection to waiver approval. However, a simplified ECP, and ESD for SWM will be required if the approved SDP is revised and the resulting area of the limit of disturbance exceeds 5,000 square feet. A redline revision to the approved SDP will be required for changes to the approved site plan.

Our decision was made based on the following:

Extraordinary hardships or practical difficulties may result from strict compliance with the regulations.

Extraordinary hardships or practical difficulties to the petitioner may result from strict compliance with the relevant regulations. The well-documented poor real estate market has contributed to the developer being unable to locate a buyer for the house proposed on the original plan, and a breakdown in negotiations for the house on the 2010 redline revision. Strict compliance with the relevant regulations would result in the petitioner making building permit application for a house having no contract purchaser, this being in an unstable real estate market with questionable ability to obtain financing. Potential hardship to the petitioner may be avoided simply by postponing the relevant deadlines until conditions improve.

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Waiver approval will not be detrimental to the public interest.

The waiver request will not be detrimental to the public interest since the site plan has been processed and approved. Extension of the deadlines by which building permit application must be made will have no adverse effects on surrounding properties, the adjacent community and Ellicott City Planning Area, or Howard County as a whole.

Indicate this waiver petition file number and conditions of approval on all related site development plans, redline revisions and building permits. **This waiver expires on January 1, 2013.**

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
DeMario Design Consultants, Inc.