



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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January 4, 2012

Plogger, LLC
c/o Mildenberg, Boender & Associates, Inc.
6800 Deerpath Road, Suite 150
Elkridge, MD 21075
ATT: Jacob Hikmat

RE: WP-12-099/Guilford Overlook, Lots 1 to 15 & O.S.Lots 16 to 19
(F-11-059)

Dear Mr. Hikmat:

The Director of the Department of Planning and Zoning considered your request for waiver(s) from the Howard County Subdivision and Land Development Regulations.

As of the date of this letter, the Planning Director **approved** your request for waiver(s) to Sections 16.144(o), 16.144(p) and 16.144(q) as they apply to F-11-059, subject to the following conditions:

1. This Department will grant a **one year extension** from the previous due date of December 23, 2011, by which to submit final construction drawing originals. The new deadline date by which to submit final construction drawing originals for F-11-059/Guilford Overlook, is on or before **December 23, 2012**.
2. This Department will grant a **one year extension** from the previous due date of February 21, 2012, by which to make payment of all fees, submission of a Developers Agreement and posting of financial surety for public or private improvements for F-11-059/Guilford Overlook, is on or before **February 21, 2013**.
3. This Department will grant a one year extension from the previous due date of April 21, 2012, by which to submit final plat originals. The new deadline date by which to submit final plat originals for F-11-059/Guilford Overlook, is on or before **April 21, 2013**.
4. Any further extensions beyond the established due dates will require submission of a new waiver petition application.
5. The applicant is advised that a new Fee Schedule has been adopted on July 1, 2011. Increase of any processing fees previously indicated in the Technically Complete Letter for F-11-059 must be paid at the time of submission of applicable plan originals.

JUSTIFICATION FOR APPROVAL:

1. Extraordinary hardships or practical difficulties will result from strict compliance with the Regulations. The preliminary equivalent sketch plan, SP 10-02, for development of 15 buildable lots and four open space lots was approved on 8/06/10. Waiver petitions, WP-10-105 to reduce open space road frontage and specimen tree removal and WP-10-145 for ext. of time to submit revised plans for SP-10-002 have been processed and approved. The developer has shown continuous effort to move forward with this project by attending several agency review meetings and a SWM Seminar to resolve design issues. The final plan, F-11-059, received a technically complete

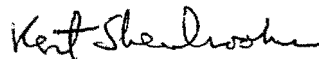
letter on October 24, 2011. At this time, however, the developer is now facing a downturn in the economic market, and has found it necessary to postpone development of the site. To deny the extension requests would result in the voiding of all previously approved plans and cause considerable financial hardship to the owner. A better solution is to grant extensions to the due dates so that bonding and financing can be obtained, allowing this project to move forward.

2. The intent of the Regulations will still be served to a greater extent through implementation of an alternative proposal and approval of the waiver request(s) will not nullify the intent of the Regulations. The developer is not circumventing any of the regulations, but only requests an extension of time to delay development until better financing is available and the real estate market rebounds.

3. The requested waivers will not be detrimental to the interest of the public. This development has been reviewed by all County and state agencies and has been approved under F-11-059. No adverse comments were received from the public regarding the proposed project. Protection of all environmental features and forest conservation will be met by placement of these areas into open space lots dedicated to Howard County which will serve to enhance the public park system for neighboring property owners. Any further requests to the deadline dates will require submission of a new waiver petition application.

Indicate this waiver petition file number, request, section of the regulations, action taken, date and conditions of approval on all related future plats, site development plans and and/or building permits. This requested waiver will remain valid for the time period specified in the above conditions or as long as the plan remain in process. Should you have any questions regarding this matter, please contact Brenda Barth at (410) 313-2350 or email: bbarth@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development



:bth

cc: Research/DED/RES
F-11-059