



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Marsha S. McLaughlin, Director

[www.howardcountymd.gov](http://www.howardcountymd.gov)

FAX 410-313-3467

TDD 410-313-2323

March 19, 2012

Mr. Joseph Rutter  
Double R Ventures, LLC  
c/o Land Design and Development  
5300 Dorsey Hall Drive, Suite 102  
Ellicott City, MD 21042

Dear Mr. Rutter:

RE: WP-12-128, Mount Hebron Overlook  
(F-11-064)

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(q)** requiring the submission of the final subdivision plan for recordation within 180 days from the approval date of the subdivision plan. The Petitioner is requesting a 90 day extension to the February 26, 2012 deadline date for the submission of the plat for recordation.

Approval is for a 6-month extension, subject to the following conditions:

1. The final plat original for F-11-064 must be submitted within 6 months of the previous deadline date of February 26, 2012 **on or before August 24, 2012.**
2. Compliance with all Subdivision Review Committee comments.
3. Provide a brief description of waiver petition, WP-12-128, as a general note to include requests, sections of the regulations, action and date.

Our decision was made based on the following:

**Extraordinary Hardship or Practical Difficulty** - The extraordinary hardship or practical difficulty involved with this waiver request would require the developer to submit a second final plat after the effective date of Council Bill 2-2012 so that they are able to take advantage of the provisions within this law change. The Bill clearly states that the change can only apply to R-ED lots recorded after the effective date of the Bill. The granting of the requested ninety day extension will allow the developer the opportunity to utilize the new changes without the resubmission of a new plat which given the current economic conditions will be an unnecessary financial hardship.

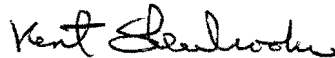
**Not Detrimental to the Public Interest** - Approval of the waiver request will not alter the essential character of the neighborhood and will not substantially impair the appropriate use or development of the surrounding residential properties. Allowing the applicant additional time to submit the original final plat will not be detrimental to the public since the design of the plat does not change. Council Bill 2-2012 will allow for an adjustment in the rear setback, but not additional lot yield. The change in the setback will not be detrimental to the public since the lots will be surrounded by HOA owned open space. The proposed lots will not be adjacent to off-site residential properties.

**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 since the design of the previously submitted final plan will not change. The allowed adjustment in the setback will occur at the site development plan phase of the development process. The delay in the recording of the plat will allow the developer an opportunity to utilize a change in the Law which will permit the builder the ability to offer a variety of model footprints to a potential buyer which will be beneficial in this struggling housing market.

This requested waiver will remain valid for the time period specified in the conditions of approval or as long as this subdivision remains in active processing.

If you have any questions, please contact Brenda Luber at (410) 313-2350 or email at [BLuber@howardcountymd.gov](mailto:BLuber@howardcountymd.gov).

Sincerely,



Kent Sheubrooks, Chief  
Division of Land Development

KS/BL

cc: Research  
DED  
Vogel Engineering  
F-11-064