



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

April 23, 2012

Jacob Hikmat  
6800 Deerpath Road, Suite 150  
Elkridge, MD 21075

RE: WP-12-135, Mt Hebron Meadow  
(SDP-10-07)

Dear Mr. Hikmat:

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 16.156(g)(2)**, which states if the Department of Planning and Zoning or the reviewing committee indicates that additional information is needed in order to decide whether to approve the plan, the developer shall provide the information within 45 days of receiving such indication.

Approval is subject to the following conditions:

1. The applicant shall submit to DPZ the revised Site Development plans addressing the comments included with the letter from DPZ dated December 22, 2010 within 1 year of the approval of this waiver petition (on or before April 23, 2013). In addition, please address the questions raised by the Development Engineering Division on April 23, 2012 that indicate an additional review of the plans is required to ensure technical compliance.
2. Upon submission of the revised SDP plan, the applicant shall pay one-half the review fee (\$467.50) as indicated in DPZ's previous letter dated December 22, 2010 for SDP-10-072 (see attached)
3. Compliance with the attached comments from the Development Engineering Division.

Our decision was made based on the following:

**Extraordinary Hardship or Practical Difficulty** – There remains difficulty in obtaining bank financing for various development-related activities in the current economic climate. These difficulties are recognized by DPZ and continue to be an acceptable justification in requesting processing extensions since the ability to obtain financing is a major indicator of whether a project may go forward. Please note that the applicant indicates that submitting the plans would result in a missing of APFO date for the SDP because the final plat cannot yet be recorded due to difficulty receiving bank approval for the fees associated with the Developer's Agreement. However, the use of this justification is flawed since no APFO deadlines are associated with a revised submission request.

**Implementation of an Alternative Proposal** – One alternative would be to void the site development plan if it was not submitted. This would create an extraordinary hardship as the plans would have to be resubmitted with new fees and re-circulated through the County. Such an action would fail to recognize that the site is already largely engineering, but must remain in active processing to finalize engineering details to ensure technical compliance with the regulations.


**Not Detrimental to the Public Interest** - Approval of the waiver request will not alter the essential character of the neighborhood and will not impair the appropriate use or development of the surrounding properties.

**Will Not Nullify the Intent or Purpose of the Regulations** - The granting of this waiver will not nullify the intent of this regulation as the additional time requested is for processing only. The site would not be altered by any new regulations adopted since the date the approval of the plan was granted; however, the applicant has been advised by DED that the site's stormwater management facilities must be constructed by May 4, 2017 or the site will need to be redesigned under the 2007 MDE requirements (see attached DED comments). All adequate public facilities are still accounted for.

Indicate this waiver petition file number, request, section of the regulations, action, conditions of approval, and date on all related plats, and site development plans, and building permits. This requested waiver will remain valid for the time period specified in the conditions of approval or as long as this site development plan remains in active processing.

If you have any questions, please contact Jill Manion-Farrar at (410) 313-2350 or email at [jfarrar@howardcountymd.gov](mailto:jfarrar@howardcountymd.gov).

Sincerely,



Kent Sheubrooks, Chief  
Division of Land Development

KS/JMF



cc: Research  
DED  
Mildenberg, Boender, and Associates