



Howard County Department Of Planning And Zoning

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Marsha S. McLaughlin, Director

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March 27, 2012

Trinity Homes at Cypress Springs LLC
attn: Michael Pfau
3675 Park Avenue, #301
Ellicott City, MD 21043

RE: **WP-12-143 Cypress Springs, Phase I, Lots 1-13 (SDP-12-002)**

Dear Mr. Pfau:

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 the following sections of the Subdivision and Land Development Regulations:

Section 16.156(m) of the Amended Fifth Edition – Within 180 days of approval of the site development plan, the developer shall submit the original mylar plans corrected to meet the requirements of the various State and County agencies and the Planning Board (if required by the Zoning Regulations). If the corrected originals are not submitted within 180 days of approval the site development plan, approval will expire and a new site development plan submission will be required.

Approval is subject to the following two (2) conditions:

- 1) The payment of all fees and the submission of the site development plan originals must be completed within 180 days from the approval date. The **new deadline due date** shall be **September 23, 2012** for the submission of the SDP originals.
- 2) Compliance with the enclosed DED comments dated March 16, 2012.

The decision of this waiver petition is based on the following justification:

Hardship:

The purpose of this waiver is to grant additional time (180 days) to submit the site development plan (SDP) originals. The petitioner had a deadline date of March 13, 2012 to submit these originals, but due to difficulty of securing financing for construction, the petitioner (developer) had to extend the deadline date to file the DPW developer's agreement and to submit the final plat originals (F-10-028), by waiver petition (WP-11-202). That extension for F-10-028 under WP-11-202 was granted on July 7, 2011 and extended the due dates to June 29, 2012 and August 28, 2012, respectively, for the filing of the developer's agreement and the submission of the final plat originals. Therefore, the petitioner is now requesting that the submission of the SDP originals be extended to facilitate the orderly recordation of the plat and subsequently the SDP for signature approval. Because the final plat must be recorded prior to the signature of the SDP originals, the petitioner would have endured a hardship by rushing to record the plat prior to the March 13, 2012 deadline to submit the SDP originals.

Not detrimental to public interest:

By granting this waiver, it will not have any detrimental impacts to the public interests, will not alter the essential character of the area and will not impair the use or development of the surrounding properties, because the site is zoned for residential use and Phase 1 has received subdivision (final plan) and road construction approval. The petitioner feels it is best to delay the recordation of the plat, construction and site work until the development company is in a better financial position to began and complete construction at one time.

Not nullify the intent or purpose of the regulations:

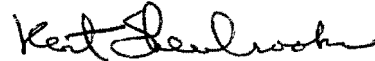
Based upon all of the above justifications, approval of this waiver request will not nullify the intent of the Regulations which requires the developer, within 180 days of receiving approval of the site development plan (SDP) submit the original mylar plans corrected to meet the requirements of the various State and County agencies and the Planning Board (if required by the Zoning Regulations).

The developer had met all requirements to allow them to submit the SDP originals, but due to financial hardships had to delay the recordation of the subject lots under the final plat. Because no new regulations have been enacted to affect the approval of the SDP, the granting of this waiver does not nullify the intent of the Regulations.

Indicate this waiver petition file number, request, section of the regulations, action, conditions of approval, and date on the site development plan (SDP-12-002) and reference this waiver approval on future building permits. **This requested waiver will remain valid for the period specified in the above conditions.**

If you have any questions, please contact Derrick Jones at (410) 313-2350.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/dj

cc: Research

DED

Vogel Engineering

File: SDP-12-002