



Howard County Department Of Planning And Zoning

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Marsha S. McLaughlin, Director

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June 22, 2012

Angela O'Neill
5185 Ilchester Road
Ellicott City, Maryland 21043

RE: WP-12-178/O'Neill Subdivision
(F-07-164)

Dear Ms. O'Neill:

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 waivers to Section 16.144(p) requiring payment of all fees and, if subject to a Developer's Agreement, post all monies and file appropriate surety for public or private improvements within 120 days of final plan approval; and Section 16.144(q) requiring submission of final plat originals within 180 days of final plan approval (F-07-164), subject to the following conditions:

1. A **180 day extension** of time is approved from the June 5, 2012, deadline date by which to pay all fees and, if subject to a Developer's Agreement, post all monies and file appropriate surety for public or private improvements as indicated in the approval letter of February 6, 2012. The new deadline date is **on or before December 5, 2012**, by which to execute the Developer's Agreement for F-07-164.
2. A **180 day extension** of time is approved from the August 4, 2012, deadline date by which to submit the final plat originals as indicated in the approval letter of February 6, 2012. The new deadline date is **on or before February 4, 2013**, by which to submit the final plat originals.
3. This waiver is subject to the attached comments from the Development Engineering Division dated June 7, 2012.
4. 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 approval letter for F-07-164 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. This subdivision has been years in the processing stage and has been placed on hold numerous times awaiting housing unit allocations. A technically complete letter was issued on September 21, 2007, but the project was placed on hold at that time, and again in 2008, 2009, 2010 and 2011. A new Housing Unit Allocation Chart was adopted in February, 2012, at which time this subdivision received allocations and passed the APFO schools test. Approval was granted for the final plan to resume processing and deadline dates were established for submission of road/supplemental original drawings, execution of Developers Agreement, posting of fees and submittal of the final plat originals. While the plan was on hold, the owner moved forward with processing of deeds for road dedication. A title search, however, uncovered discrepancies with the estate planning deeds for the property

which resulted in a delay of road dedication. It is only recently that all legalities involving the deeds were finally resolved, but delayed execution of the Developers Agreement and submission of the plat originals. To deny an extension of the deadline dates at this time would cause this plan to become void and the loss of housing unit allocations which the owner has waited years to obtain. The better solution is to grant the extension of time and allow this project to move forward towards becoming a recorded subdivision.

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. This subdivision has been reviewed by all agencies and has received a technically complete letter. Supplemental/road construction drawings have been signed, housing unit allocations were granted and the project passed the APFO schools test. The owner has worked diligently towards recordation of the plat, however, unforeseen deed legalities, appraisal requirements and difficulties with financial institutions has delayed the subdivision process. The owner will continue to comply with all processing steps as outlined in the approval letter of February 6, 2012.
3. Approval of the waiver requests will not be detrimental to the interests of the public. The owner is not circumventing the intent of the Subdivision or Zoning Regulations but only requires extension to the due dates due to unforeseen legalities. In addition, the extensions will enable the owner to delay development of the lots until a more economically feasible market is met and financial processing can be undertaken. The owner will be required to comply with newly established due dates as indicated in the Conditions of Approval. Any further extensions shall require the filing 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 as long as development plans are 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



:btb

cc: Research/DED/RES
KCE Engineering, Inc.
F-07-164