



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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September 24, 2012

Frank Federico
7310 Esquire Court, Suite 14
Elkridge, Maryland

RE: WP-13-038: Cherrytree Park

Dear Mr. Federico:

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 **Sections 16.156(o)(1)(ii) and 16.156(o)(2)** of the Subdivision and Land Development Regulations, which states that the developer shall apply for building permits for all construction authorized by the approved site development plan within two years of signature approval or the site development plan shall expire and a new site development plan submission will be required.

Approval is subject to the following conditions:

1. The developer shall apply for building permits for all construction authorized by the approved site development plan within one year of the previous deadline date (**on or before August 6, 2013**).
2. Please be advised you have executed a Developer's Agreement which included \$51,010.00 of surety to ensure the completion of your landscaping obligation for this project. This Department has performed an inspection to verify installation of the required plant materials, which were not adequately installed at the time of inspection. Since this waiver is to extend the deadline date to apply for permits for construction on-site, this Department is will also extend the landscape inspection date. The next inspection will occur on or about **February 6, 2014**. Should the landscaping be installed prior to that date, you may contact this office, in writing, to request an earlier inspection date, and to forward the required one-year plant warranty.
3. Please note that this site plan and its approval are subject to the MDE stormwater management requirements of 2007. All construction must be completed by May 4, 2017 or the current design will require a revision to meet the stormwater guidelines in effect at that time.
4. Indicate this waiver petition file number, section of the Regulations, request, action, conditions of approval, and approval date in a detailed note on sheet #1 of SDP-08-057 the next time an approved red-line revision change is made to the plan originals.

Our decision was made based on the following:

Extraordinary Hardship or Practical Difficulty

The poor economic environment has placed financial hardships on the project. Sluggish sales early on slowed the pace of the builder. And therefore, if required to resubmit the same site development plan for standard review, an extraordinary hardship would be placed on the developer.

Not Detrimental to the Public Interest

The proposed waiver petition will not be detrimental to the public interest because the Site Development Plan has been reviewed by the Subdivision Review Committee for compliance with all State and County Regulations and has been approved by the Department of Planning and Zoning.

Will not Nullify the Intent or Purpose of the Regulations

The proposed waiver petition will not nullify the intent or purpose of the Regulations since the Site Development Plan, which complied with all State and County regulations upon review, has received signature approval. This waiver was not submitted to waive the above cited Regulation, but only to allow additional time to complete construction on-site.

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 Julia Boone at (410) 313-2350 or email at jboone@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/JB;jb

cc: Research
DED
Real Estate Services
DILP
SDP-08-057
Landscape Coordinator
Zoning - Annette Merson