



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Marsha S. McLaughlin, Director

www.howardcountymd.gov
FAX 410-313-3467
TDD 410-313-2323

December 3, 2012

Otha Upchurch
804 Hedge Hopper Road
Gambrills, MD 21054

Dear Mr. Upchurch:

RE: WP-13-060, Fulton Manor II
(F-08-102)

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(p)** – requiring the payment of fees and posting of financial obligations within 120 days from the approval date of the subdivision plan; and **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 applicant is requesting a one-year extension for the completion of the developer's agreement and submission of the final plat original.

Approval is subject to the following conditions:

1. The Developer's Agreement and Payment of fees must be completed by **April 26, 2013**, and the plat originals must be submitted to DPZ by **June 25, 2013**. If the above deadline dates are not met, the plan will become null and void, all previous approvals will be rescinded and the project will lose its tentative housing unit allocations in accordance with Section 16.144 of the Howard County Subdivision and Land Development Regulations. In accordance with the current State stormwater management regulations, final plans that utilize the previous stormwater management techniques must meet the established grandfathering date of May 4, 2013, which require construction drawings to receive signature approval and stormwater practices to be bonded through an executed Developer's Agreement, in order to proceed with developing under the previous regulations. Therefore, in order to allow adequate processing time for the final plan, the Department of Planning and Zoning will only grant a partial time extension. The applicant shall be advised that additional plan extensions beyond the above dates may not be considered.
2. The plan must comply with any fee changes at the time of the final plat original submission.
3. Compliance with all SRC comments.
4. Compliance with the Administrative Waiver for Stormwater Management approved

on November 15, 2012.

Mr. Upchurch

Page Two

December 3, 2012

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 new Preliminary Equivalent Sketch Plan and the applicant would lose their housing allocations. If the waiver petition was not approved, the issued housing unit allocations will be forfeited and a new Preliminary Equivalent Sketch Plan would be required thus placing a hardship on the applicant.

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 complete the developer's agreement and pay the required fees, and submit the original final plat will not be detrimental to the public since the design is not changing. The extension of time will allow the developer additional time to deal with the current economic conditions.

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.

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.

If you have any questions, please contact Brenda Lubber at (410) 313-2350 or email at BLubber@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/BL

Attachment

cc: Research
DED
Real Estate Services
Amy Lester
FCC