



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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December 14, 2012

Security Development LLC
P.O. Box 417
Ellicott City, MD 21041
Attn: Steve Breeden

RE: Kings Arms Section 5, Lots 1-5 & OS Lot 6
WP-13-086 (F-12-019 / ECP-11-050 / WP-11-153)

Dear Sir / Madam:

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 16.144.(p) & (q)** which requires the developer to pay all required fees to the County and to post all monies and file appropriate surety covering the developer's financial obligations for the required public or private improvements and to submit the final subdivision plat to the Department of Planning and Zoning for signatures and recordation. Approval of this waiver is subject to the following conditions:

1. The developer shall pay all required fees to the County and post all monies and file appropriate surety covering the developer's financial obligations for the required public or private improvements as indicated within the DPZ approval letter dated July 27, 2012, within 180-days of the previous deadline date of November 24, 2012, (to on or before **May 23, 2013**).
2. The developer shall submit the final subdivision plat to the Department of Planning and Zoning for signatures and recordation within 6-months of the previous deadline date of January 23, 2013, (to on or before **July 22, 2013**).
3. Advisory Comment: The applicant is responsible for any processing fee changes that may have occurred since the approval letter was issued.

Our decision was made based on the following:

- Extraordinary Hardship or Practical Difficulty – Extraordinary hardship or practical difficulty would result if the applicant is required to submit a new final plan and pay all the associated fees associated with a new plan.
- Alternative Proposal – The only alternative for not granting the requested deadline extensions is to require the submission of a new final plan for this project. Because the project already went through the entire final subdivision plan review cycle, received a “technically complete” designation, and has an established file history, the alternative for requiring a new final subdivision plan is not recommended by this Division. All necessary design requirements for this development have been provided and approved.

- Not Detrimental to the Public Interest – The waiver request will not be detrimental to the public interest since final subdivision plans have already been processed and approved for this project. The requested deadline extensions will not have any adverse effect on the surrounding properties and the community where the property is located. Approval of this Waiver Petition will simply delay the development / construction process for a short period. The public interest will be served as the property development will continue as planned, and as approved through the regulatory process. No public safety issues will be created by granting this time extension.
- Will not Nullify the Intent or Purpose of the Regulations – Final subdivision plans have been approved for this project. This project conforms to the 2007 Maryland Department of the Environment (MDE) Storm Water Management (SWM) Design Requirements and there have been no other significant policy or regulation changes since the approval of the final plan. The approval of this requested extension will not nullify the intent or purpose of the regulations which is to provide a timetable for developers, builders and engineers (private sector) to adhere to for the completion of the development process. This waiver request is primarily to address a timing issue and all technical design issues have been addressed in accordance with the Regulations.

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 Ms. Pat Britt-Fendlay at 410-313-3371 or via e-mail at pfendlay@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/JMF/MPB

cc: 

Research
Phil Thompson – Development Engineering Division
Real Estate Services
Benchmark Engineering, Inc.