



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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February 6, 2013

Pine Road, LLC
6800 Deerpath Road, Suite 150
Elkridge, MD 21075
ATT: Jacob Hikmat

RE: WP-13-115/Nordau Subdivision, Section E-1, Lots 13 to 18;
Extension of Time (F-12-047)

Dear Mr. Hikmat:

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** waiver(s) to Section 16.144(p)- Requiring that within 120 days of receiving approval of the final plan the developer shall: (1) Pay all required fees to the County, and (2) if subject to a developer agreement or major facility agreement, shall post all monies and file appropriate surety covering the developer's financial obligations for the required public or private improvements; and Section 16.144(q)- Requiring that within 180 days of final plan approval, the developer shall submit the final subdivision plat original to the Department of Planning and Zoning for signatures and recordation. Approval is subject to the following conditions:

1. A **one year extension** of time is approved from November 24, 2012, 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 for F-12-047. The new deadline date is **on or before November 24, 2013**.
2. A **one year extension** of time is approved from January 23, 2013, by which to submit the final plat originals for F-12-047. The new deadline date is **on or before January 23, 2014**.

Justification for Approval:

1. Extraordinary hardships or practical difficulties will result from strict compliance with the Regulations. This project received approval on May 24, 2012, and was granted tentative housing unit allocations. However processing was placed on hold due to a closed school region. On July 27, 2012, this project was granted approval to proceed with subdivision based upon a newly adopted school chart. The developer proceeded to comply with all processing steps in the Final Plan Approval Letter for F-12-047. However, due to the economy at this time, the developer is now unable to obtain reasonable bonding and financing by the deadline dates. Accordingly the developer has requested a one year extension to execute the Developer's Agreement, post surety and submit the plat originals. To deny the waiver request would cause considerable hardship to the developer by delaying the processing of this subdivision. The better alternative is to grant one year extensions to the due dates, allowing proposed development to continue.

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. The developer has continuously moved forward with the processing of this final plan. Road Construction/Supplemental and Landscape drawings have been signed and are on file with this subdivision. The developer has met new storm water management requirements for this six lot subdivision and will construct bio-retention facilities as shown on the approved Road Construction drawings. Granting a one year extension, therefore, will not adversely affect site design or development of this project and no current regulations will be nullified by approval .

3. Approval of the waiver request(s) will not be detrimental to the interests of the public. The owner is not circumventing the intent of the regulations and has met all design criteria. The extensions are only required at this time to delay construction until the economic market recovers and financing can be obtained. All agencies have reviewed development plans and this project was approved on July 27, 2012. The developer shall comply with all processing requirements as indicated in the Final Plan Approval Letter for F-12-047.

Indicate this waiver petition file number, request, section of the regulations, action taken, date and conditions of approval on all related plats, site development plans and building permits. This requested waiver will remain valid for the time period specified or for as long as development plans remain active. 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
Mildenberg, Boender & Assoc.
F-12-047