



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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June 25, 2013

Robert & Patricia Wertz
5293 Kerger Road
Ellicott City, MD 21043

RE: WP-13-177, Wertz Property, Lots 1 & 2
(F-11-070)

Dear Mr. & Mrs. Wertz:

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(q)** requiring the submission of the final subdivision plat original for recordation within 180 days from the approval date of the subdivision plan and **Section 16.144(p)** for a 180 day extension for the completion of the developer's agreement, pay all required fees, post all sureties and submission of the original plat.

Approval is subject to the following conditions:

1. This Department will grant a 180 day extension from the date of this waiver approval (**on or before December 22, 2013**) by which to complete the Developer's Agreements, pay all required fees, post all sureties and to submit final plat originals. The new deadline date by which to complete the Developer's Agreements, pay all required fees, post all sureties and to submit final plat originals for F-11-070 (**on or before December 22, 2013**).
2. Compliance with all comments generated with the review of the ECP -11-006 and subdivision plat, F-11-070 and WP-11-167.
3. Add a general note on the final plat describing this waiver petition and the conditions.
4. The applicant is advised that any increase of processing fees previously indicated in the Technically Complete Letter for F-II-070 must be paid at the time of submission of applicable plan originals.

Our decision was made based on the following:

Extraordinary Hardships or Practical Difficulties:

Strict compliance with the Subdivision Regulations in this case will result in extraordinary hardship and practical difficulties for the present property owner if required to prepare and process a new subdivision plat. The final plan, F-11-070, received a technically complete letter on December 2, 2011. At this time, however, the owner is facing personal financial obligations that have affected financial bonding with the banking entities, but is continuing to conclude the financial dealings that are required to complete the Developer's Agreement bonding requirements. The owner is currently returning the information package to Real Estate Services for final completion of the Developer's Agreements. To deny the extension

requests would result in the voiding of all previously approved plans and cause considerable financial hardship to the owner. A better solution is to grant extensions to the due dates so that bonding and financing can be obtained, allowing this project to move forward.

Alternative Proposal

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 owner is not circumventing any of the regulations, but only requests an extension of time to allow the completion of the remaining financial obligations and the submittal of the final plat originals.

Not Detrimental to the Public Interest

The requested waivers will not be detrimental to the interest of the public. This development has been reviewed by all County and State agencies and has been approved under F-11-070. No adverse comments were received from the public regarding the proposed project. Any further requests to the deadline dates will require submission of a new waiver petition application.

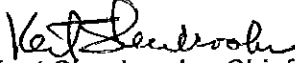
Will not nullify the intent or purpose of the regulations:

The waiver, if approved will not nullify the intent and purpose of the Howard County Subdivision and Land Development Regulations as the waiver plan will ensure sufficient time for the owner to complete the financial obligations and to submit the final plat original for signature and recordation. Therefore, approval of this waiver request will not nullify the Intent or Purpose of the Regulations which is to ensure that all development proposals follow uniform procedures and standards

This requested waiver will remain valid for the time period specified in the conditions of approval or as long as this subdivision remains in active processing.

If you have any questions, please contact Jennifer Wellen at (410) 313-2350 or email at jwellen@howardcountymd.gov.

Sincerely,


Kent Sheubrooks, Chief
Division of Land Development

KS/jw

cc: Research
DED
Real Estate Services
F-11-070
FCC