



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
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Marsha S. McLaughlin, Director

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September 18, 2013

Brian Roberts
Roberts Real Estate Development, LLLP
2124 Priest Bridge Drive, Suite 1
Crofton, Maryland 21114

Re: Tiber Woods
Waiver Petition WP-14-023
(Preliminary Equivalent Sketch Plan SP-13-013)

Dear Mr. Roberts:

The Director of the Department of Planning and Zoning considered the request by Roberts Real Estate Development, LLLP for a waiver of Subsection 16.144(d)(2) of the Howard County Subdivision and Land Development Regulations. A waiver of this regulation would allow for extension of the deadline by which information shall be provided to the Subdivision Review Committee in order to allow the committee to decide whether to approve Preliminary Equivalent Sketch Plan SP-13-013.

As of the date of this letter, the Planning Director approved the request to waive Subsection 16.144(d)(2) as it applies to SP-13-013, subject to the following condition:

1. Petitioner shall address the Subdivision Review Committee comments included in our letter of July 17, 2013 on or before November 17, 2013.

Our decision to approve the waiver was made based on the following justification:

Extraordinary hardship or practical difficulty may result from strict compliance with the regulations.

The petitioner would be subject to extraordinary hardship or practical difficulties if the waiver is denied and strict compliance with the relevant regulations is enforced. The petitioner anticipated designing the stream restoration portion of the development as part of the final plan; however, the Development Engineering Division required the stream restoration design to be part of the preliminary equivalent sketch plan. Waiver denial would force the petitioner to either: 1) submit the plan without the stream restoration design, making additional revised plan submission(s) inevitable or 2) let the plan go void, reactivating the existing plan or submitting a new application upon completion of the stream restoration plan. These options present hardships to the petitioner, and submission of the present waiver petition and subsequent approval by the Department avoid an unnecessarily protracted review process.

Waiver approval will not be detrimental to the public interest.

Waiver approval will not be detrimental to the public interest since granting the extension will allow the petitioner time to produce the preliminary stream restoration design that will enhance the stream, thus

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providing a public benefit. Waiver approval and deadline extension will have no adverse effect on the surrounding properties, the community in which the property is located, or Howard County in general.


Waiver approval will not nullify the intent or purpose of the regulations.

Approval of this waiver will not nullify the intent or purpose of the regulations. Approval of this waiver will satisfy the intent of the Regulations by assisting orderly and efficient development and providing uniform procedures and standards for the processing of subdivision plans.

Indicate this waiver petition file number, section of the regulations, action, conditions of approval, and date on all related subdivision plans. This waiver shall expire on November 18, 2013.

Should you have any questions please contact Dave Boellner by telephone at 410-313-3956 or by email at dboellner@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
DPZ, Division of Land Development

KS/DBB:dbb

CC: DPZ, Research
DPZ, DED
Paul Miller - Miller Land Company
J. Victor Stirn
GLW