



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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November 26, 2013

Mr. and Mrs. George Harbin
15055 Old Frederick Road
Woodbine, MD 21794

Dear Mr. and Mrs. Harbin:

RE: WP-14-051, Harbin Acres, (F-12-046)

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 and posting of financial obligation within 120-days from the approval date of the subdivision plan; and **Section 16.144(q)** – requiring the submission of the original final plat within 180-days from the approval date of subdivision plan.

Approval is subject to the following conditions:

1. The red-lined plan to the Quartz Hill Forest Mitigation Bank (SDP-10-104) must be completed and approved within 60-days from the approval date of the waiver petition by **January 25, 2014**. A copy of this red-line must be submitted with the plat originals.
2. The Developer's Agreement and Payment of fees must be completed, and the plat originals must be submitted by May 11, 2014.
3. The plan must comply with any fee changes at the time of the final plat original submission.
4. Compliance with all SRC comments.
5. On the final plat, provide a brief description of waiver petition, WP-14-051, as a general note to include request(s), section(s) of the regulations, action and date.
6. Advisory: The applicant shall be advised that this may be the last plan extension request that the Department will consider.

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 Final Plan and the applicant would lose their housing unit allocations. If the waiver petition was not approved, the issued housing unit allocations will be forfeited and a new Final Plan would be required thus placing a hardship on the applicant. During the preparation of the developer's agreement, a discrepancy in the title report was discovered. This discrepancy required the execution of documents by the developer's financial lender. The developer's lending institution has taken more than one year to execute the necessary partial releases required prior to the execution of the developer's agreement. At this time, the developer

is required to post the necessary financial sureties. The extension will allow the developer additional time to post financial sureties and adequate time for the developer to obtain the required signatures on the plat from their financial lender.

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 required red-line, to complete the Developer's Agreement and to submit the original final plat will not be detrimental to the public since the design of the subdivision is not changing. The extension of time will allow for a possible change in the economic market. The Developer has recently received approval from their lending institution (taking more than one year for approval). The extension will provide adequate time for the developer to obtain their needed financial surety and needed signatures from their financial lender.

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 Luber at (410) 313-2350 or email at BLuber@howardcountymd.gov.

Sincerely,


for Kent Sheubrooks, Chief
Division of Land Development

KS/BL

cc: Research
DED
Real Estate Services
LDE
F-12-046