



Howard County Department Of Planning And Zoning
3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Marsha S. McLaughlin, Director

www.howardcountymd.gov
FAX 410-313-3467
TDD 410-313-2323

March 30, 2010

Molssen Haghghat
324 Carroll Avenue
Laurel, Maryland 20707

RE: WP 08-57/Molsen Haghghat
Parcel 377 (SDP -03-132)

Dear Mr. Haghghat:

The Director of the Department of Planning and Zoning considered your request for waivers from the Howard County Subdivision and Land Development Regulations.

As of the date of this letter, the Planning Director **approved** your request to waivers of Section 16.156 (o)(1)(ii) requiring application of building permits for all non-residential construction within two years from site development plan approval and to Section 16.156(o)(2) for reactivation of the site development plan (SDP) if the developer does not apply for building permits within two years from SDP approval, subject to the following conditions

1. In accordance with House Bill 921, local jurisdictions are required to extend plan approvals through July 1, 2010. This Division is herewith also granting an additional **180 day** extension of time from June 30, 2010. Accordingly, the new deadline date by which to apply for building permits for all construction as shown on SDP 03-132, is on or before **December 30, 2010**.
2. Any extension to the December 30, 2010, deadline date will require submission of a new waiver petition application.

JUSTIFICATION FOR APPROVAL:

1. Extraordinary hardships or practical difficulties will result from strict compliance with the Regulations. The site development plan was submitted on April 3, 2003, and underwent numerous revised plan reviews. Additionally, the zoning of the property changed from B-2 to CAC under the Comprehensive Rezoning Plan further delaying approval of proposed improvements. The site plan, SDP 03-132, finally receiving signature approval on October 26, 2005, for a two story retail building (bicycle sales and repair). In September, 2007, a red-line revision was processed to change the use of the proposed building to retail/restaurant and carry-out. The developer has completed rough grading, erosion and sediment control measures are in place and has started construction of a retaining wall on the site. Construction of parking and storm water management infrastructure is being undertaken. However, due to financial constraints encountered due to the present economy, the owner was unable to start building construction and missed the deadline by which to apply for building permit. The owner is now able to move forward with construction and has requested reactivation of the site plan and an extension to the deadline date for application of a permit. To void the site plan at this time would create extraordinary hardship to the property owner by requiring the resubmission of a new site development plan and redundant review of the project by all agencies. A better solution would be to reactivate the site plan and grant an extension of time by which the owner shall apply for building permit to initiate construction on the site.

2. The intent of the Regulations will be served to a greater extent by approving the requested waivers. Review of the site plan has been completed by all County and state agencies, developer agreements were completed and the plan originals received signature approval. The owner has shown intentions to move ahead with this project by the start of grading and installing sediment control measures. Construction of minor improvements have begun and a red line revision was processed for a change in use of the proposed building.

3. Approval of the waiver requests will not adversely affect the interests of the public nor nullify the intent of the Regulations. The applicant is not circumventing any of the Subdivision or Zoning Regulations by approval of the waiver requests, but only requires reactivation of the site development plan and extension of time to file for building permits in accordance with House Bill 921. This Division is also granting an additional **180 day** extension from the date as approved under House Bill 921 of June 30, 2010. Accordingly, the new deadline date by which to apply for building permits to start construction for improvements as shown on SDP 03-132 is on or before **December 30, 2010**. Any extension beyond the December 30, 2010, deadline will require submission of a new waiver petition application.

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 petition will remain valid 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, Acting Chief
Division of Land Development



:btb
cc: Research/DED/RES
Rafik Bazikian
SDP 03-132