



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

Marsha S. McLaughlin, Director

[www.howardcountymd.gov](http://www.howardcountymd.gov)  
FAX 410-313-3467  
TDD 410-313-2323

April 12, 2010

Summit Associates  
2200 Summit Park Lane, Site 2000  
Raleigh, NC 27612  
ATT: Gene Singleton

RE: WP 10-123/Savage Mill Hotels  
(SDP 07-76)

Dear Mr. Singleton:

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) and Section 16.156(o)(2) to reactivate and extend the approval period for SDP-07-76, subject to the following conditions:

1. Encroachment of structures, parking or retaining walls over building setback lines or increase to the maximum building height restriction will require applicable approvals for administrative adjustments and/or Board of Appeal variances. Previously approved BA Case No. 07-01V for reduction of the 30' structure and use setback from a residential district for parking along the northern property line and a reduction to the 30' structure and use setback from a residential district for a retaining wall along the southern property line and BA Case No. 07-17V for reduction of the 30' structure and use setback from a residential district for a retaining wall to the northwest corner have expired since the property owner did not apply for building permits by the deadline date as indicated in the Decision and Orders. Additionally, it was determined that AA-07-05 for an adjustment to increase the building height restriction from 40' to 47' for two hotels had also expired. The developer has re-applied for a reduction of the 30' structure and use setback from a residential district for parking along the northern property line and for a reduction of the 30' structure and use setback from a residential district for a retaining wall along the southern property line under BA 10-05V. The developer has also re-applied for an adjustment to increase the building height restriction from 40' to 47' for two hotels under AA-10-06. Should these cases be denied, red-line revisions to the site development will be required prior to application of building permits so as to show conformance to the regulations or the site development plan may become null and void. The request for reduction of the 30' structure and use setback from a residential district for a retaining wall to the northwest corner as applied for under BA 07-17V has been determined to be no longer necessary. This wall was never shown on the approved site development plan, but was only proposed under BA 07-17V.
2. Reactivation of the site development plan, SDP-07-76 is approved and an extension of time by which to apply for building permits for all construction is granted. Permits for all construction as shown on the site development plan, SDP-07-76, shall be applied for within the deadline dates to apply for permits as indicated in the Decision and Orders for BA 10-05V and AA-10-06.
3. Developer Agreement(s) which had been previously voided must be re-submitted and required sureties posted for the site development plan, SDP-07-76. Contact the Real Estate Services Division of the Department of Public Works (410) 313-2330 regarding this process.

4. The developer shall submit a red-line revision for SDP-07-76 to add a note indicating this waiver petition file number, new administrative adjustments, Board of Appeals cases, decisions, dates and deadlines by which to apply for building permits to Plan Sheet No. 1 of the site plan.
5. The status of waiver petition approval for WP 07-105 is hereby reactivated along with SDP-07-76.

#### **JUSTIFICATION FOR APPROVAL:**

1. Extraordinary hardships or practical difficulties will result from strict compliance with the Regulations. The developer has been continuously moving forward with plans for construction of two hotels on the subject site. SDP-07-76 was initially submitted on March 1, 2007, and underwent numerous revised plans, finally receiving signature approval on October 15, 2008. In addition, a Forest Conservation Plat of Easement has been recorded, several waiver petitions processed and the site was subject to an administrative adjustment and several variance cases. Red-line revisions were processed in April 6, 2009, to revise the hotel foot print and on February 9, 2009, to add an adventure athletic rope course. A building permit was applied for on January 27, 2009, but was not issued. The Office of Law determined that the owner/developer failed to obtain the required building permits within the applicable time frames set forth in the Decision and Orders of BA Case No. 07-01V and BA Case No. 07-17V and subsequently AA-07-05, as well as. As a consequence of these cases becoming void, the site development plan also became void, associated Developer Agreements were void and posted sureties released. The developer is now able to move forward with development of this site and has re-applied for a variance to reduce the 30' building and use setback from a residential district for parking along the north property line and for a reduction of the 30' building and use setback from a residential district for a retaining wall along the southern property line under BA 10-05V. The developer has also re-applied for an administrative adjustment to the maximum height restriction from 40' to 47' for the two proposed hotels. It was determined that the variance to reduce the setback on the northwest corner for a retaining wall is no longer needed. The site development plan does not reflect a retaining wall at this location. To not reactivate the site plan would cause considerable delay and expense to the developer by requiring redundant review of the site plan. The better alternative is to reactivate the site plan allowing this project to move forward. To avoid further confusion, the date by which to apply for building permits for improvements on the subject site as shown on SDP 07-76 shall coincide with the deadline dates as reflected in the Decision and Orders of BA 10-05V and AA-10-06. Additionally, this project was subject to a previously approved waiver petition, WP 07-105 to allow grading on steep slopes for retaining walls and parking which shall also be reactivated in conjunction with the status of SDP-07-76.

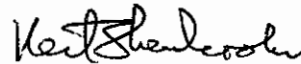
2. The requested waivers will not be detrimental to the interest of the public. The developer is not circumventing the intent of the Subdivision or Zoning Regulations but is only requesting re-activation of an approved site development plan. The site plan, SDP-07-76 has been reviewed by all state and County agencies and received signature approval on October 15, 2008. The developer has filed appropriate variances and administrative adjustment requests to the bulk requirements of the Zoning Regulations under AA 10-06 and BA 10-05V. Should these or any subsequent reconsiderations or future variance/adjustment cases not receive approval, the developer shall be required to make red-line revisions to the site plan to show conformance to the 30' structure and use setback from a residential district for parking and a retaining wall and height restrictions prior to application of building permits.

3. 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 been years in the processing of development plans for this site. Numerous waiver petitions to the Subdivision Regulations and variances, as well as, administrative adjustments to the Zoning Regulations have been reviewed and approved. To void the site plan would serve no purpose and would cause redundant review under a new submission. No new grading, construction, building expansions or roadways are proposed which would require re-review of a new plan. The developer is not circumventing any regulation but only failed to apply for permits in a timely manner. Therefore,

reactivation of the site plan, subject to execution of the Developer's Agreement, posting of surety and approval of the applicable Zoning Regulation variances and administrative adjustments and filing of building permits by the deadline dates as stipulated in the applicable Decision and Orders is the better alternative.

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 active as long as the site development plan approval remains valid. Should you have any questions regarding this matter, please contact Brenda Barth at (410) 313-2350 or email: [bbarth@howardcountymd.gov](mailto:bbarth@howardcountymd.gov).

Sincerely,



Kent Sheubrooks, Acting Chief  
Division of Land Development



:btb

cc: Research/DED/RES  
SDP 07-76  
Patton, Harris, Rust & Assoc.