



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 15, 2010

Thomas A. Palacorolla & Barbara J. Palacorolla
12183 Triadelphia Road
Ellicott City, MD 21042

RE: WP-11-052, Riverwatch, Buildable Parcels
'A' & 'B', Phase 1, Waiver Petition, request
to waive Sections 16.156(o)(1)(i),
16.156(o)(1)(ii)

Dear Mr. and Ms. Palacorolla:

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 16.156(o)(1)(i)** requiring the developer to apply to the Department of Inspections, Licenses and Permits for building permits to initiate construction on the site within 1 year of signature approval of the site development plan original. The Planning Director also **approved your** request to waive **Section 16.156(o)(1)(ii)** which stipulates that for single family attached, apartment and nonresidential developments involving multiple buildings or staged construction, the developer shall apply for building permits for all construction authorized by the approved site development plan within 2 years of signature approval.

Approval is subject to the following conditions:

1. The developer shall apply to the Department of Inspections, Licenses and Permits for building permits to initiate construction on the site for Phase 1 within 1 year from the previous deadline date of October 22, 2010 (or until October 22, 2011).
2. The developer shall apply for building permits for all construction authorized by the approved site development plan within 2 years from the previous deadline date of October 22, 2010 (or until October 22, 2012).
3. Red-line the site development plan by adding a note stating that this waiver petition will be valid for one additional year from the previous deadline date of October 22, 2010 (or until October 22, 2011) to apply for the initial building permit for this project, and two additional years from the previous deadline date of October 22, 2010 (or until October 22, 2012) to apply for permits for all construction authorized by the approved site development plan. Include waiver petition number and explanation of waivers granted in the note.
4. Advisory Comment – The petitioner must file for an extension to the deadline date for AA case number AA-08-022. The petitioner must also reapply for approval of BA case number BA-08-054V. Please contact Robert Lalush in the Division of Public Service and Zoning Administration at (410) 313-4344 for information regarding the process for obtaining this extension and re-approval.

5. Advisory Comment – The petitioner is advised to contact Jeff Bronow in the Division of Research at (410) 313-4370 to request a change in the plan submission deadline dates for Phases 2 and 3 of this project as indicated in the approved APFO phasing schedule.

The waiver approval is based on the following justifications:

Extraordinary Hardship or Practical Difficulty - Extraordinary hardship or practical difficulty would result if the applicant is required to submit a new site development plan and pay all the associated fees since, due to current economic conditions, the number of units allowed to have FHA backed loans has been substantially reduced under current government regulations. Consequently, the ability to obtain financing by prospective buyers and prospective builders has become more difficult.

Alternative Proposal - The only alternative for not granting the requested extension of the site development plan approval status established under SDP-08-109 is to require the submission of new site development plan for this project. Because the project already went through the entire site development plan review cycle and has an established file history, the alternative for requiring a new site development plan is not recommended by this Division.

Not Detrimental to the Public Interest - Approval of this waiver will not be detrimental to the public interest since a site development plan has already been processed and approved for this project. Therefore, the requested plan extension of the site development plan status will not have any adverse effect on the surrounding properties and the community where the property is located.

Will not Nullify the Intent or Purpose of the Regulations - Site development plans have already been processed and approved for this project. Since there have been no significant policy or regulation changes since the approval of the site development plan, the approval of this requested extension would not nullify the intent or purpose of the regulations. Additionally, approval of this waiver request will satisfy the intent of the Regulations by permitting fairness and consistency in the application of plan processing procedures.

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 above or as long as the site development plan remains in active processing. If you have any questions, please contact J.J. Hartner at (410) 313-2350 or email at jehartner@howardcountymd.gov.

Sincerely,


Kent Sheubrooks, Acting Chief
Division of Land Development

KS/JH

cc: DED
Research
Phoenix Engineering
J.J. Hartner, DLD
File # WP-11-052
File # SDP-08-109
J. Neil Lanzi, Esquire
Robert Lalush, Zoning Division