



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, 2011

Ice Crystal, LLC  
8835-P Columbia 100 Parkway  
Columbia, MD 21045

RE: WP-10-057, Cherrytree Park,  
Waiver Petition Approval

Dear Sir or Madam:

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)** for a 1 year extension of time from signature approval of the latest replacement site development plan originals to apply to the Department of Inspections, Licenses and Permits for building permits to initiate construction on the site, and **Section 16.156(o)(1)(ii)** for a 2 year extension of time from signature approval of the latest replacement site development plan originals to apply to the Department of Inspections, Licenses and Permits for building permits for all construction authorized by the approved site development plan.

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 within 1 year of signature approval of the latest replacement site development plan originals (on or before August 6, 2011).
2. The developer shall apply for building permits for all construction authorized by the approved site development plan within 2 years of signature approval of the latest replacement site development plan originals (on or before August 6, 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 signature approval of the latest replacement site development plan originals to apply for the initial building permit (on or before August 6, 2011), and two additional years from signature approval of the latest replacement site development plan originals to apply for permits for all buildings shown on the SDP (on or before August 6, 2012). Include waiver petition number and explanation of waivers granted in the note (the reason for this comment is to assist DILP in permit processing).

**Justification:**

**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 demolition, grading, and site construction are extensive and have begun. Additionally, all plan preparation has been completed and approved, and to start over would present the owner with an unnecessary and costly hardship.

**Alternative Proposal** - The only alternative for not granting the requested extension of the site development plan approval status established under SDP-08-057 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. The developer processed a red-line revision replacement plan in February 2010 and received signature approval on August 6, 2010 to extend the plan deadline dates to obtain building permits. This waiver request is only to grant this project an extension to coincide with the previous extension dates per our previous letter of August 9, 2010.

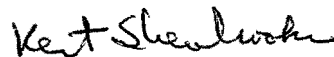
**Not Detrimental to the Public Interest** - Approval of this waiver will not be detrimental to the public interest since a site development plan has already been processed and approved for this project. Therefore, the requested plan extension of the site development plan status will not have any adverse 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 in the conditions of approval or as long as this 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](mailto:jehartner@howardcountymd.gov).

Sincerely,



Kent Sheubrooks, Chief  
Division of Land Development

<sup>72</sup>  
KS/TKM/JH

cc: Research  
DED  
Annette Merson, Zoning  
Frank Federico  
Fisher, Collins, and Carter, Inc.