



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 24, 2011

Howard County Public School System
Attn: Bruce Gist
10910 Maryland Route 108
Ellicott City, MD 21043

RE: WP-11-142, Southeastern Elementary School
(Gorman Crossing)
Waiver Petition Request (SDP-97-005)

Dear Mr. Gist:

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)(ii)** and **Section 16.156(o)(2)** which requires the developer to apply for building permits for all construction authorized by the approved site development plan within 2 years of signature approval, otherwise the site development plan shall expire and a new site development plan submission will be required. Approval of this waiver is subject to the following:

1. The developer shall apply to the Department of Inspections, Licenses and Permits for building permits for all construction authorized by the approved red-line revision to the site development plan within 2 years from the date of this waiver petition approval (on or before March 24, 2013).
2. Red-line the site development plan by adding a note stating that this waiver petition will be valid for two additional years until March 24, 2013. Include waiver petition number and explanation of waivers granted in the note.
3. Compliance with the attached comments from the Development Engineering Division dated March 22, 2011 is required.

Our decision was made based on the following:

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 the red-line revision to SDP-97-005 has already been completed and approved. Additionally, there are no additional changes being made to the plan other than those already proposed.

Alternative Proposal - The only alternative for not granting the requested reactivation and extension of the site development plan approval status established under SDP-97-005 is to require the submission of new red-line to the site development plan for this project. Because the project already went through the entire red-line review cycle and has an established file history, the alternative for requiring a new red-line to the site development plan is not recommended by this Division.

Not Detrimental to the Public Interest - The waiver request will not be detrimental to the public interest since a red-line to the site development plans have already been processed and approved for this project. 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. Additionally, reactivation of this site development plan will allow additional student capacity to be met through the construction of these three remaining buildings. Also, it would be in the public's best interest to provide these proposed school additions prior to the beginning of the 2012 school year. Therefore, approval of this waiver petition would not be detrimental to the public interest.

Will not Nullify the Intent or Purpose of the Regulations - A red-line revision to the 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.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development


KS/TKM/JH

cc: Research
DED
File# WP-11-142
File# SDP-97-005
Fisher, Collins, and Carter, Inc.
Annette Merson, Zoning
Steve Rolls, Zoning