



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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April 27, 2011

Daniel Schuster, LLC
attn: Jay Harmon
3717 Crondall Lane
Owings Mills, MD 21117

RE: WP-11-164 Schuster Concrete

Dear Mr. Harmon:

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 the following sections of the Subdivision and Land Development Regulations:

Section 16.156(o)(1)(i) of the Amended Fifth Edition – Within 1 year of signature approval of the site development plan original, the developer shall apply to the Department of Inspections, Licenses and Permits for building permits to initiate construction on the site.

Approval is subject to the following three (3) conditions:

- 1) Within **one year** from the date of this approval (**on or before April 27, 2012**), the developer/owner shall apply to the Department of Inspections, Licenses and Permits for building permits to initiate construction on site.
- 2) This approval is subject to the owner/developer complying with the red-line revisions approved on February 9, 2009 by the Development Engineering Division.
- 3) The process of extending and meeting the DPW Developer's Agreement requirements for this project must be coordinated through the Real Estate Services Division of DPW (RES). Contact RES to initiate process.

The decision of this waiver petition is based on the following justification:Hardship:

The purpose of this waiver is to reactivate a voided plan that received signature approval by DPZ. The owner had a deadline date of November 6, 2010 to apply for building permits in order to initiate construction. The owner/developer had been enduring financial hardships due to the early onset of the current economic climate and declining sales that preceded it in the concrete manufacturing business. The owner has since stated that business has been increasing and is ready to carry out their intentions for this site development plan. Since there has been no change to the Subdivision and Land Development Regulations between the lapse of the permit deadline and the request of this waiver, it would create an additional hardship for a company so closely tied to the construction industry that just weathered the worse downturn in recent history.

Not detrimental to public interest:

By granting this waiver, it will not have any detrimental impacts to the public interests, will not alter the essential character of the area and will not impair the use or development of the surrounding properties. The site is zoned for manufacturing use and has received site development plan approval. Furthermore, since this is an existing operation/plant, all proposed improvements are designed to enhance the existing functions of the plant. No changes are occurring to the SDP beyond what is approved on the redline revision, [which downscaled the proposal]. The SDP remains compliant with all County and State laws.

Not nullify the intent or purpose of the regulations:

Based upon all of the above justifications, approval of this waiver request will not nullify the intent of the Regulations which requires the developer, within 1 year of receiving signature approval of the site development plan original, to apply to the Department of Inspections, Licenses and Permits for building permits. The developer had met all requirements to allow them to initiate the building permitting process and went through the appropriate process to make limited changes to the approved SDP, which was approved in February of 2009. The purpose of 16.156(o)(1)(i) is to insure permits are issued within a reasonable time before new laws are enacted that would change the outcome of an approval. Since no laws have been enacted to alter approval, the granting of this waiver does not nullify the intent of the Regulations.

Indicate this waiver petition file number, request, section of the regulations, action, conditions of approval, and date on all related site development plans and building permits. This requested waiver will remain valid for the period specified above (until April 27, 2012).

If you have any questions, please contact Derrick Jones at (410) 313-2350.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/dj

cc: Research DED

DPW- Real Estate Services

DILP Martin and Phillips Design--Kevin Phillips

File: SDP-05-030