



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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December 13, 2011

Highland Real Estate Investments
12745 Lime Kiln Road
Highland, Maryland 20777
ATT: Ted Pary

RE: WP-12-085/Washington Manor Park, Sec. A, Lot 55
(SDP-08-070)

Dear Mr. Pary:

The Director of the Department of Planning and Zoning considered your request for waiver(s) from the Howard County Subdivision and Land Development Regulations.

As of the date of this letter, the Planning Director **approved** your request for waivers to Section 16.156 (j) requiring payment of fees and posting of financial obligations within 180 days of site development plan approval and 16.156 (k) requiring submission of site development plan originals within 180 days of plan approval for signature processing for SDP-08-070, subject to the following conditions:

1. An extension of time of **one year** is approved from the deadline date of December 30, 2011, by which to complete the Developer's Agreement and payment of fees for SDP-08-70. The new deadline date is **on or before December 30, 2012**.
2. An extension of time of **one year** is approved from the deadline date of December 30, 2011, by which to submit the site development plan originals for signature processing for SDP-08-70. The new deadline date is **on or before December 30, 2012**.
3. Please be advised that new Storm Water Management Regulations are now in effect. Any project not having a signature approved storm water management and sediment control plan by May 4, 2013, will require revised plans designed to meet the current regulations.
4. The applicant is advised that a new Fee Schedule has been adopted on July 1, 2011. Increase of any processing fees previously indicated in the Technically Complete Letter for SDP-08-70 must be paid at the time of submission of applicable plan originals.

JUSTIFICATION FOR APPROVAL:

1. Extraordinary hardships or practical difficulties will result from strict compliance with the Regulations. The applicant intends to construct a 28,744 sq.ft. bakery manufacturing facility on the subject lot. The site plan has been reviewed by all County and state agencies and the owner has received a Technically Complete letter for SDP-08-70. A revision plat to show a 20' public water and utility easement on Lot 55 has been recorded and water and sewer drawings have been approved. This is the third request for an extension to the deadline dates. To void the site plan at this time would create extraordinary hardship by requiring the resubmission of a site plan resulting in redundant review by County and state agencies. A better solution would be to grant an extension of time to the deadline dates, allowing this project to move forward.

2. 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 owner was previously granted extensions to the deadline dates under WP-09-112 and WP-11-083. Granting an additional one year extension from the due date of December 30, 2011, is the best possible alternative and will not nullify the intent of the Regulations. Review of the site plan by all County and state agencies has been completed and the owner has received approval to execute the Developers Agreement and to submit the site plan originals. The owner shall be required to complete all processing steps as outlined in the approval letter and is directed to comply with all new regulations and storm water management requirements in effect at time of submission of the site plan originals.

3. Approval of the waiver request(s) will not adversely affect the interests of the public nor nullify the intent of the Regulations. The applicant is not circumventing any of the Subdivision or Zoning Regulations by approval of the waiver requests, but only requires extensions to the due dates to delay construction until a more economically feasible market is met and financial processing can be undertaken.

Indicate this waiver petition file number, request, section of the regulations, action taken, date and conditions of approval on all related future plats, site development plans and and/or building permits. This requested waiver will remain valid until December 30, 2012, or as long as development plans are in process. Should you have any questions regarding this matter, please contact Brenda Barth at (410) 313-2350 or email: bbarth@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development



cc: Research/DED/RES
FSH Associates
SDP-08-070