



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 11, 2012

S. Bruce Jaffe, Member
B.S. Land Acquisition, LLC
5100 Dorsey Hall Drive
Ellicott City, MD 21042
Attn: Gary Evans

RE: B.S. Land Acquisition LLC
WP-13-082 (SDP-08-083 / BA-07-008C)

Dear Mr. Evans:

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 **Sections 16.156.(k), (l) & (m)** for a four(4)-month time extension (denying the request for a six(6)-month time extension) for the developer to pay all fees, post surety, execute the Developer Agreements and submit the original mylar plans to the County for signature approval.

Approval is subject to the following conditions:

1. The developer must pay all fees, post surety, execute Developer's Agreement(s) within four(4) months of the previously extended deadline date of November 18, 2012 (**on or before March 18, 2013**).
2. The developer must submit the site development plan original mylars for signature approval within four(4) months of the previously extended deadline date of November 18, 2012 (**on or before March 18, 2013**).
3. Compliance with all SRC Agency comments generated with the review of the site development plan, SDP-08-083.
4. Compliance with the conditions of approval of Hearing Examiner Case #BA-07-008C as outlined in George Beisser's letter dated June 12, 2007.
5. Please be advised that the Conditional Use, BA-07-008C will remain valid only as long as SDP-08-083 remains actively processed.

Our decision was made based on the following:

JUSTIFICATION FOR FOUR(4) MONTH TIME EXTENSION APPROVAL RECOMMENDATION:

- Extraordinary Hardship or Practical Difficulty – The extraordinary hardship or practical difficulty involved with this waiver request would require the developer to submit a new

site development plan which addresses the current MDE SWM Regulations. The developer has invested a great deal of time and money to reach this near final level in the land development process for SDP-08-083. Currently, the project is in the final stages of plan approval and the developer is working with the Real Estate Services Division to prepare and coordinate the Developer Agreement and other various public / private easement documents which must be executed by both BS Land Acquisition LLC and Temple Beth Shalom. Furthermore, due to the current economic environment the owner / developer requires additional time to secure construction funding and surety.

- Not Detrimental to the Public Interests – Approval of the waiver request will not alter the essential character of the neighborhood and will not substantially impair the appropriate use or development of the surrounding properties. Allowing the applicant additional time to execute the Developer's Agreement; pay fees and submit the site development plan original will not be detrimental to the public since the design is not changing. The extension of time will allow the developer additional time meet the grandfathering conditions of the MDE SWM Regulations while dealing with the constraints imposed through current economic conditions.
- Will not nullify the intent or purpose of the regulations – Approval of this waiver request will not nullify the intent or purpose of the regulations since the design of the site development plan has been reviewed and approved by the County's Subdivision Review Committee.

JUSTIFICATION FOR SIX(6) MONTH TIME EXTENSION DENIAL RECOMMENDATION: DPZ cannot grant the requested six(6) month time extension based on conflicting dates as outlined below:

- The DPZ, Development Engineering Division, after review of the submitted information, recommended **denial** of the waiver as the stormwater management designed for this project is under the MDE 2000 Regulations and the grandfathering of the project shall expire if the following conditions are not met: (See attached comments)
 - Projects currently within the review process meeting the State's criteria for preliminary project approval may be permitted to use the State's 2000 regulations for stormwater management. Projects meeting this requirement will be considered grandfathered to the 2000 regulations by submission and approval of an administrative waiver.
 - Expiration of administrative waivers for grandfathering shall be May 4, 2013, if the developer does not receive approval (signed by SCD) prior to this date so that a grading permit could be obtained and the project continue to construction completion.
 - The grandfathering administrative waiver is also conditioned that the developer will make timely construction progress and completion by May 4, 2017.
- DPZ's "Technically Complete" letter for SDP-08-083 dated March 26, 2009, Page 1, Item #1, Paragraph 2, advised the developer that *"Real Estate Services, DPW requires a minimum of three(3) weeks to execute the agreement(s). This should be anticipated by the developer in scheduling submittal of the originals."*

- It generally takes 2-3 weeks to obtain signature approval on site development plan original mylars from the date of submission to DPZ. It is anticipated that DPZ will be processing a very heavy backlog of plans that have been granted similar extensions which must meet the aforementioned SWM grandfathering deadline dates. For that reason the original mylar SDP's may take additional processing time. A four(4) month time extension should allow the developer and the County ample time to process the necessary documents / plans which in-turn will allow the developer to meet these established deadline dates.

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 Ms. Pat Britt-Fendlay at 410-313-3371 or via e-mail at pfendlay@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/JMF/MPB


Attachment: DED

cc: Research
Heather Pandullo – Development Engineering Division
Real Estate Services
Zoning Administration – BA-07-008C
DPZ File #'s: SDP-08-083 / WP-09-127 / WP-10-041 / WP-11-066 / WP-12-012 / WP-12-136

