



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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June 4, 2013

Port Capital Center of Maryland
P.O. Box 416
Ellicott City, MD 21041

RE: The Oaks at Waters Edge Parcel A – Shopping Center
7720 Port Capital Drive
WP-13-169 (SDP-05-131)

Dear Sir / 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)** which states that within one(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 conditions:

1. A building permit to initiate construction on-site in accordance with the approved SDP-05-131, shall be applied for on or before May 5, 2014, or the approval of SDP-05-131 shall expire in accordance with the conditions of Section 16.156.(o).(2) of the Subdivision and Land Development Regulations.
2. Subject to the attached comments from the Development Engineering Division which requires that stormwater management(SWM) construction must be completed before May 4, 2017 or the project must be designed using the current SWM regulations.
3. Please be advised, you have executed a Developer's Agreement which included \$21,060.00 of surety to ensure the completion of your landscaping obligation for this project. This Department has performed one inspection to verify installation of the required plant materials, which were not installed at the time of inspection. Since this waiver is to extend the deadline date to apply for permits to initiate construction on-site, this Department is also extending the landscape inspection date. **The second landscape inspection will occur on or about November 15, 2014.** Should the landscaping be installed prior to that date, you may contact this office, in writing, to request an earlier inspection date, and to forward the required one(1)-year plant warranty.
4. Indicate this waiver petition file number, section of the Regulations, request, action, conditions of approval, and approval date in a detailed note on Sheet 1 of SDP-05-131 the next time an approved red-line revision change is made to the plan originals and prior to building permit application.

Our decision was made based on the following justification:

- **Extraordinary Hardship or Practical Difficulty** – Due to the economic climate of the past several years, the Developer had to postpone construction at this site. An extraordinary hardship would occur if the waiver is not approved and the Developer must apply for a new site development plan which would require extensive processing time and money.

- **Alternative Proposal** – In accordance with the Howard County Subdivision and Land Development Regulations, if the applicant does not meet the deadline dates established under Section 16.156.(o), the site development plan approval shall be voided and the application shall be considered withdrawn.
- **Not Detrimental to the Public Interests** – Approval of this waiver petition request will not be detrimental to the public interest because the Site Development Plan has been reviewed by the Subdivision Review Committee for compliance with all State and County Regulations and has been approved by the Department of Planning and Zoning.
- **Will not Nullify the Intent or Purpose of the Regulations** – Approval of this waiver petition request will not nullify the intent or purpose of the regulations since the Site Development Plan, which complied with all State and County regulations upon review, has received signature approval. This waiver was submitted only to allow additional time to initiate and complete the building permit review process and to initiate construction at the site.

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/grading 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 Comments

cc: Research
Jayesh Pancholi – Development Engineering Division
Real Estate Services Division, DPW
Department of Inspections, Licenses & Permits
Landscape Coordinator
Robert H. Vogel Engineering, Inc.
DPZ File # SDP-05-131