



**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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August 28, 2013

Stephanie and Brian Oberle  
1082 Hunting Lane  
Columbia MD 21044

RE: **WP-14-011 Oberle Property** (SDP-10-009)  
7018 Newberry Drive Columbia MD

Dear Mr. and Mrs. Oberle:

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.

**Section 16.156(o)(2)** of the Amended Fifth Edition – If a developer does not apply for a building permit as required within the 1 year period, the SDP plan shall expire and a new SDP plan will be required.

**Approval is subject to the following condition:**

- 1) Within **one year** from the date of this approval, (on or before **August 28, 2014**) the developer/owner shall apply to the Department of Inspections, Licenses and Permits for building permits to initiate construction on site.

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

Hardship:

The purpose of this waiver is to allow the petitioner additional time to apply for building permits for a residential site development plan that received signature approval by DPZ in 2010. The owner/developer has incurred a difficulty in securing a purchaser of the lot due to adverse economic conditions in the housing industry. The petitioner asserts that the filing of a new site development plan (SDP) would create an extraordinary hardship due to the time required to design and site the house model (and related site improvements/features) and the cost “per unit” for a new SDP.

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 residential use and has received site development plan approval. No changes are occurring to the SDP beyond what is approved on the plan. The SDP remains compliant with all County and State laws and is not affected by changes in the stormwater management regulations. Based on the recent economic climate and the real estate market, it is not unreasonable to allow the builder additional time to file for a building permit.

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. The purpose of 16.156(o)(1)(i) is to ensure 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 future permits. This requested waiver will remain valid for one year from the date of this letter.

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

Sincerely,



Kent Sheubrooks, Chief  
Division of Land Development

KS/dj

Enc: DED

cc: Research

DED

DILP – Shari Logan

Zoning Division – Annette Merson

File: SDP-10-009

M.B.A.