



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Courthouse Drive

Ellicott City, Maryland 21043

410-313-2350

Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

October 5, 2015

Doug Chamberlain
SD Properties
12235 Heathcliff Court
Ellicott City, MD 21042

RE: WP-16-026, Holliday Hills
Lots 113 & 114 (SDP-14-052)

Dear Mr. Chamberlain:

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) Building Permits: Application Time Limits** which states that within one 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. The Planning Director also approved your request to waive **Section 16.156(o)(2) Building Permits: Expiration of Plan Approval** which states that if the developer does not apply for building permits as required by Paragraph (1) of this Subsection, the site development plan shall expire and a new site development plan submission will be required.

Approval is subject to the following conditions:

1. The applicant shall apply for a building permit for the proposed house on Lot 114 within one year of the current deadline date of September 9, 2015 or before September 9, 2016.
2. Any changes to the layout or house type on the approved and signed Site Development Plan will require the submission of an SDP Redline illustrating the alterations to the plan.
3. Indicate this waiver petition file number, section of the regulation request, action, condition of approval dates on sheet 1 of SDP-14-052 the next time a plan revision (Redline) change is made to the plan originals.
4. The applicant shall be advised that this may be the last extension approved by this Department.

Our decision was made based on the following:

Extraordinary Hardship or Practical Difficulty

Without approval of the waiver to Section 16.156(o)(1)(i) the applicant would have experienced practical difficulties and extraordinary hardship due to the downturn in the real estate market in Howard County of homes in the \$750,000 to \$800,000 price range. The developer had previously constructed the same home model on roughly the same size lot and was not able to successfully sell the home after 5 months and essentially began renting the house. Current market projections do not support construction of homes of that size, in that price range. If the developer were to begin construction per the currently set timeframe, it could place a substantial economic burden on them without the market to support it.

Implementation of an Alternative Proposal

The alternative proposal to the waiver petition would be to construct the houses and develop the property with homes that could sit vacant for an extended amount of time if the market doesn't support the sale. However if the market potential could be evaluated next spring, better suited homes to the area and market could provide successful competition. Due to the fact that Maple Lawn Farms is in such close proximity to Holliday Hills the competition for new homes of the proposed size are making it very hard to create successful and viable sales. Approval of the waiver will allow the developer to adjust better to the changing market and provide a more successful and viable product on site without resubmitting another Site Development Plan showing the same layout and going through the review process.

Not Detrimental to the Public Interest

Approval of this waiver request to Section 16.156(o)(1)(i) and Section 16.156(o)(2) would allow the developer to provide a more suitable product for sale to the public and allow the currently approved plans to remain in active status while the market is assessed. This process will promote a more suitable and appropriate development and avoid a stagnant and vacant dwelling.

Will Not Nullify the Intent or Purpose of the Regulations

The approval of the waiver for Section 16.156(o)(1)(i) will not nullify the intent of the regulations and will allow the Developer to provide a more usable product based more closely on the current public demand. The intent of the regulations is to promote steady development and avoid stagnant projects. Approval of this waiver petition will allow the developer to assess the market and its current and proposed trends, in order to prepare a better and more suitable product for sale to the public. Consequently with the market assessment the project will be a more successful development.

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 Nicholas Haines at (410) 313-2350 or email at nhaines@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/NH

cc: Research
DED
Real Estate Services
Vogel Engineering