



# HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

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Ellicott City, Maryland 21043

410-313-2350

Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

December 11, 2015

Naseem Khan & Hanif Khurram  
P.O. Box 6004  
Ellicott City, MD 21042

RE: WP-16-063, Beech Creek, Lot 7

Dear Owners:

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(l)** of the Subdivision and Land Development Regulations, which states that within 180 days of receiving approval of the site development plan the developer shall pay all required fees to the County and, if subject to a developer agreement or major facility agreement, the developer must post all monies and/or file appropriate surety covering the developer's financial obligations for the required improvements; and **Section 16.156(m)** of the Subdivision and Land Development Regulations, which states that within 180 days of approval of the site development plan the developer shall submit the original Mylar plans for signature approval.

Approval is subject to the following conditions:

1. Within **90 days** from the present November 18, 2015 deadline date (**on or before February 16, 2016**) the developer/owner shall execute the Developer's Agreement(s), pay all required fees, post all required sureties, and submit the site development plan (SDP-13-047) for signature approval.
2. The applicant is advised that if the above requirements in Condition #1 are not met within **90 days (on or before February 16, 2016)** the SDP and Conditional Use will be void. No additional requests for extension of time will be considered by this Department.
3. The site development plan shall be in compliance with all agency comments generated with the review of SDP-13-047 and in compliance with the conditions outlined in the Board of Appeals Case, BA-12-008C. If significant changes are made to the site development plan, the technically complete status of the plan may be rescinded and the consultant may be required to submit revised plans, with a half review fee, to DPZ prior to submitting the originals for signature approval. If major changes are made, such as a change-in-use or total redesign, the applicant may be required to submit a new site development plan. The plan may also be required to receive additional approvals from the Hearing Examiner for the Conditional Use Board of Appeals Case.

Review Comment – The waiver petition file number, requested section, approval date and conditions of approval shall be indicated on the final subdivision plat and plan as a general note.

Denial of the requested 1-year extension was based on the following reasons:

1. The applicant has had 1 ½ years to coordinate site improvements with the State Highway Administration and investigate alternative development plans.
2. Keeping the SDP and Conditional Use active does not matter if the developer is looking for an alternative development design. If the developer chooses to abandon the childcare facility for another use a new site development plan, and possibly a Conditional Use, will be required. If the developer chooses to expand the childcare use or provide other uses with the childcare facility the Conditional Use and site development plan will need to be revised.

Our decision was made based on the following:

*Extraordinary Hardship or Practical Difficulty*

After DPZ issued technically complete status, Maryland State Highway Administration required the developer to provide acceleration lane, deceleration lane, turn lane, clear zone, future dedication area, and the entrance relocation with the review of the State Access Permit. The improvements required by State Highway Administration cannot be financially supported by a single child care facility at this time; therefore the developer is requesting an extension of time to evaluate development alternatives. Voiding of the current site development plan and conditional use at this time would create a financial hardship if the developer were to resume this project and be required to resubmit a new site development plan and Conditional Use petition.

*Not Detrimental to the Public Interest & Will Not Nullify the Intent or Purpose of the Regulations*

The granting of the requested waiver would not compromise the intent of the Regulations or create any additional impacts to the adjacent property owners or Howard County residents. This waiver does not request relaxation of any development requirements. The waiver request is to allow additional time for the developer to investigate different alternatives for a profitable development project while maintaining the active plan status of the site development plan and conditional use.

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 Julia Boone at (410) 313-2350 or email at [jboone@howardcountymd.gov](mailto:jboone@howardcountymd.gov).

Sincerely,



Kent Sheubrooks, Chief  
Division of Land Development

KS/jb

cc: Research  
DED  
Real Estate Services  
SDP-13-047 (PDox)  
Benchmark Engineering, Inc.