



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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May 11, 2010

Chris Folkenberg
PO Box 252
Laurel, MD 20725

RE: **WP-10-148 Folkenberg Property (SDP-08-095)**

Dear Mr. Folkenberg:

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 section 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.

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

Within one year from the date of this approval, **on or before May 11, 2011**, 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 over one year ago (April 1, 2009). The owner had a deadline date of April 1, 2010 to apply for building permits in order to initiate construction. The owner/developer has been enduring financial hardships due to the early onset of the current economic climate and a misunderstanding of the requirement to apply for permits within one year of SDP approval. The owner has since stated that efforts have been made to gain a much better understanding of what's involved to prepare for the permitting process and that their financial situation has improved.

And since there have been no changes to the Subdivision and Land Development Regulations between the lapse of the permit deadline and the request of this waiver, it would create an additional hardship for a company so closely tied to the construction industry that just weathered the worse downturn in recent history. Extraordinary hardship would result if the applicant is required to submit and process a completely new SDP since an approved plan is already on file for this project with an established file history.

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 storm water management regulations. Based on the current economic climate and the real estate market it is not unreasonable to allow the builder additional time to file for a building permit.

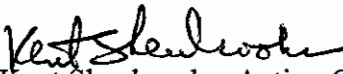
Not nullify the intent or purpose of the regulations:

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 and is in accordance with the State Bill, HB-921, for tolling of approved plans.

Indicate this waiver petition file number, request, section of the regulations, action, condition of approval, and date of approval on all permits related to this property. This requested waiver will remain valid for the period specified above.

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

Sincerely,


Kent Sheubrooks, Acting Chief
Division of Land Development

KS/dj
cc: Research
DILP
SDP-09-055