



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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December 2, 2010

Highland Real Estate Investments, LLC
12745 Lime Kiln Road
Highland, Maryland 20777
ATT: Ted Pary

RE: WP-11-83/Washington Manor Park, Sec. A, Lot 55
One Story Bakery Manufacturing Facility (SDP 08-70)

Dear Mr. Pary:

The Director of the Department of Planning and Zoning considered your request for waivers from the Howard County Subdivision and Land Development Regulations.

As of the date of this letter, the Planning Director **approved** your request for waiver to Section 16.156(j) requiring payment of fees and posting of financial obligations within 180 days of site development plan approval and Section 16.156(k) requiring submission of site development plan originals within 180 days of plan approval for signature processing,

1. An extension of time of **one year** is approved from the deadline date of December 30, 2010, by which to complete the Developer's Agreement and payment of fees for SDP-08-70. The new deadline date is **on or before December 30, 2011**.
2. An extension of time of **one year** is approved from the deadline date of December 30, 2010, by which to submit the site development plan originals for signature processing for SDP-08-70. The new deadline date is **on or before December 30, 2011**.
3. Please be advised that new Storm Water Management Regulations are now in effect. Any project not having a signature approved storm water management and sediment control plan by May 4, 2013, will require revised plans designed to meet the current regulations.

JUSTIFICATION FOR APPROVAL:

1. Extraordinary hardships or practical difficulties will result from strict compliance with the Regulations. The applicant intends to construct a 28,744 sq.ft. bakery manufacturing facility on the subject lot. The site plan has been reviewed by all County and state agencies and the developer has received a TC letter for SDP-08-70. A revision plat to show a 20' public water and utility easement on Lot 55 has been recorded and water and sewer drawings have been approved. To void the site plan at this time would create extraordinary hardship by requiring the resubmission of a site plan resulting in redundant review by County and state agencies. A better solution would be to grant an extension of time to the deadline dates, allowing this project to move forward.
2. The intent of the Regulations will still be served to a greater extent through implementation of an alternative proposal and approval of the waiver request(s) will not nullify the intent of the Regulations. The owner was previously granted an extension to the deadline dates under WP-09-112 in accordance with House Bill 921. Reconsideration of those deadline dates was subsequently approved for an additional 180 day extension and the deadline dates were established as December 30, 2010, to execute the Developer's

Agreement, post surety and submit the site development plan originals. This is the third request for an extension to the due dates. Approval for a one year extension to the previously established due dates is the best possible alternative and will not nullify the intent of the Regulations since review of the site plan by all County and state agencies has been completed and the owner has received a Technically Complete Letter. The owner shall be required to complete all processing steps as outlined in the approval letter and is directed to comply with all new regulations and storm water management requirements in effect at time of submission of the site plan originals.

3. Approval of this waiver request will not adversely affect the interests of the public nor nullify the intent of the Regulations. The applicant is not circumventing any of the Subdivision or Zoning Regulations by approval of the waiver requests, but only requires extensions to the due dates to delay construction until a more economically feasible market is met and financial processing can be undertaken.

Indicate this waiver petition file number, request, section of the regulations, action taken, date and conditions of approval on all related plats, site development plans and building permits. This requested waiver will remain valid for as long as development plans remain active. Should you have any questions regarding this matter, please contact Brenda Barth at (410) 313-2350 or email: bbarth@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Acting Chief
Division of Land Development



:btb
cc: Research/DED
FSH Associates
SDP 08-70