



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Marsha S. McLaughlin, Director

www.howardcountymd.gov
FAX 410-313-3467
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January 25, 2011

Stan Sersen
Environmental Design & Resource Center, LLC
7761 Waterloo Road
Jessup, Maryland 20794

Re: Waiver Petition WP-11-106
EnviroCenter, Phase II
(Final Plan F-10-016 and Site Development Plan SDP-09-059)

Dear Mr. Sersen:

The Director of the Department of Planning and Zoning considered your request for a waiver of the Howard County Subdivision and Land Development Regulations. As of the date of this letter, the Planning Director approved your request to waive Subsections 16.156(k), 16.156(l), and 16.156(m) of the Howard County Code. A waiver of Subsection 16.156(o)(1)(i) is unnecessary since the site development plan has not received signature approval. Waiver approval allows the deadlines for completion of developer agreements, payment of applicable DPW fees, and submission of site development plan originals to be rescheduled to a later date.

Approval is subject to the following conditions:

1. Petitioner shall complete developer's agreements, pay applicable DPW fees, and address other items listed under "Completion of Developer's Agreements and Payment of DPW Fees" as described in our letter of August 31, 2009 to the petitioner **on or before December 27, 2011**.
2. Petitioner shall submit the site development plan original and address other items listed under "Submission of Site Development Plan Original" as described in our letter of August 31, 2009 to the petitioner **on or before December 27, 2011**.
3. Petitioner shall resubmit the plat originals resulting from the "Originals Only" subdivision plat processing approved for F-10-016, Environmental Design & Resource Center, LLC, Parcel 'A' **on or before December 27, 2011**.

The following is an advisory comment:

1. Be advised that projects currently within the review process meeting State of Maryland criteria for preliminary project approval may be permitted to use the State's 2000 regulations for stormwater management. Projects meeting this requirement will be considered grandfathered to the 2000 regulations by submission and approval of an administrative waiver. Expiration of administrative waivers for grandfathering shall be May 4, 2013 if the developer fails to receive approval (SCD signature) prior to this date. Validity of the grandfathering administrative waiver is also contingent upon the developer making timely construction progress and construction completion by May 4, 2017.

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Our decision was made based on the following:

Extraordinary Hardship or Practical Difficulty - See the enclosed justification from the petitioner. Due to the current economic downturn and reduced lending practices, the petitioner is having difficulty obtaining financing to complete the project. If the waiver is not approved, the petitioner will be required to reapply for the site development plan as if it was a new plan and pay all fees necessary to submit a new plan. This justification is consistent with the extension of deadlines for other projects.

Not Detrimental to the Public Interest - See the enclosed justification from the petitioner. Approval of the waiver will not alter the essential character of the neighborhood and will not substantially impair the appropriate use or development of the surrounding residential or commercial properties. Allowing the petitioner additional time to complete developer's agreements, pay fees, and submit the site development plan originals does not create a detriment to the public, but allows an already approved project to proceed once financing is secured.

Will Not Nullify the Intent or Purpose of the Regulations - See the enclosed justification from the petitioner. Waiver approval will not nullify the intent or purpose of the regulations since no regulations have changed or are anticipated to change within the term of the extension. The extension impacts no APFO regulations for this project.

Indicate this waiver petition file number on all related plats, site development plans, and building permits. This waiver will remain valid until December 27, 2011.

Should you have any questions please contact Dave Boellner by telephone at 410-313-3956 or by e-mail at dboellner@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/DBB:dbb

CC: DPZ, Research
DPZ, DED