



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
TDD 410-313-2323

March 25, 2011

Molsen Hahighat
11279 Old Hopkins Road
Clarksville, MD 21029

RE: WP-11-143/Molsen Hahighat Property
10080 Washington Blvd., Parcel 377

Dear Mr. Hahighat:

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

As of the date of this letter, the Planning Director **approved** your request for waivers to Section 16.156 (o)(1)(i) requiring 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 and to Section 16.156(o)(2) for reactivation of the site development plan for failure of developer to file for building permits within one year from site plan approval, subject to the following conditions:

1. Reactivation of the site development plan, SDP-03-132, is approved, and a one year extension from the deadline as previously extended under WP-08-057 is approved. Building permits must be applied for to initiate construction on the site by **December 30, 2011**.
2. Any further extension to the newly established deadline date will require the submission of a new waiver petition request.

JUSTIFICATION FOR APPROVAL:

1. Extraordinary hardships or practical difficulties will result from strict compliance with the Regulations. The site development plan was submitted on April 3, 2003, and underwent numerous revised plan reviews, finally receiving signature approval on October 26, 2005, for a two story retail building (bicycle sales and repair). In addition, the zoning of the property was changed during the review process from B-2 to CAC under the Comprehensive Rezoning Plan. This further delayed the owner in forward with building plans. In September, 2007, a red-line revision was approved to change one use of the leasable area of the proposed building to retail/restaurant and carry-out. The developer has completed rough grading, erosion and sediment control measures are in place and construction of a retaining wall has begun on the site. Construction of parking and storm water management infrastructure is also being undertaken. However, due to financial constraints of the present economy, the owner was unable to initiate building construction and missed the deadline by which to apply for building permit. The owner is now able to move forward with construction and has requested reactivation of the site plan and an extension to the deadline date for application of a permit. To void the site plan at this time would create extraordinary hardship to the property owner by requiring the resubmission of a new site development plan, resulting in redundant review by all agencies. A better solution would be to reactivate the site plan and grant an extension of time by which the owner shall apply for building permit(s) to initiate construction on the site.

2. The intent of the Regulations will be served to a greater extent by approving the requested waivers. Review of the site plan has been completed by all County and state agencies, developer agreements were completed and the plan originals received signature approval. The owner has shown a strong intent in moving ahead with this project by the start of grading and installing sediment control measures on site. Construction of minor improvements have begun and a red line revision was approved for a change in use of one proposed retail area of the building. By approving the waiver requests, the intent of the Regulations will still be served by allowing an orderly, efficient and integrated development of the land as approved under the site development plan.

3. Approval of the waiver requests 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 reactivation of the site development plan and extension to the deadline date by which to file for building permits. In accordance with House Bill 921, a previous extension was granted under WP-08-57, and this is the second similar request. The developer shall be advised that any extension beyond the new deadline will require submission of a new waiver petition application.

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, Chief
Division of Land Development



:btb

cc: Research/DED/RES
SDP-03-132
Rafik Bazikian