



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

June 20, 2011

Ted Wies
Columbia Builders
PO Box 999
Columbia, MD 21044

RE: WP-11-192, Emerson Section 2,
Area 7, Parcel A (SDP-06-113)

Dear Mr. Wies:

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(o)(1)(ii)**, which requires the applicant to apply for all building permits for single family attached, apartment and nonresidential developments involving multiple buildings or staged construction building project within two-year of signature approval of the plan; and, **Section 16.156(o)(2)**, which states that if the developer does not apply for building permits within the required time period, the site development plan shall expire and a new site development plan submission will be required.

Approval is subject to the following conditions:

1. The applicant shall apply for building permits within two years of the previous deadline of May 11, 2011 (**on or before May 11, 2013**) all SFA residential units on the site development plan. The applicant shall comply with all building permit application requirements of the Department of Inspections, Licensing and Permits.
2. Compliance with attached DED comments dated June 15, 2011 stating that the **"waiver approval is subject to all milestones for the construction of the stormwater management practices being constructed prior to May 4, 2013."**

Our decision was made based on the following:

Extraordinary Hardship or Practical Difficulty: See the enclosed justification statement and subsequent email submitted by the applicant. Due to the continued poor new housing market conditions, lack of demand, and strict lender requirements and financing restrictions, the applicant was not able to begin any new construction or apply for permits without non-contingent pre-sales in place. Part of the project is currently constructed and there have been not been any changes in regulations that would impact the design of this project. Therefore, the requirement of a new site development plan in addition to the adverse housing market would create an extraordinary hardship.

Regulations will be served to a greater extent through the implementation of an alternative proposal: See the enclosed justification statement from the applicant. This SDP has been through several review cycles

and has been approved by the Planning Board. There is an established file history, and since there have not been any significant regulatory changes that would have impacted the approval of this project, the regulations will not be served to a greater extent by requiring a new review process. Approval of this waiver is consistent with the approval of similar waivers for other projects due to the downturn of the housing market.

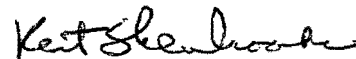
Not Detrimental to the Public Interest: See the enclosed justification statement from the applicant. Approval of the waiver request will not alter the essential character of the neighborhood and will not impair the appropriate use or development of the surrounding residential or commercial properties. This waiver is purely an extension to procedural time requirements. As previously stated, there have been no changes in regulations that would impact the design of this project, and therefore the extension of time does not create a detriment to the public interest.

Will Not Nullify the Intent or Purpose of the Regulations: See the enclosed justification statement from the applicant. The approved SDP complied with all County and State regulations upon its initial approval, and/or received waiver petition approval for any modification of the regulations. As previously stated, there have been no changes in regulations and none planned that would impact the design of this project, and therefore the extension of time does not nullify the intent or purpose of the regulations.

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 Jill Manion-Farrar at (410) 313-2350 or email at jfarrar@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/JMF 

cc: Research
DED
Fisher, Collins and Carter
SDP-06-113



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June 22, 2011

Ted Wies
Columbia Builders
PO Box 999
Columbia, MD 21044

RE: WP-11-192, Emerson Section 2,
Area 7, Parcel A (SDP-06-113) –
LETTER OF CLARIFICATION

Dear Mr. Wies:

The purpose of this letter is to provide clarification regarding condition #2 by the Development Engineering Division in the conditions of approval for WP-11-192, a waiver petition which reactivated the site development plan for Emerson Section 2, Area 7, Parcel A and extends the deadline for obtaining building permits until May 11, 2013. This clarification is being provided in response to a request seeking clarification of that condition from a national homebuilder contracted to purchase Parcel A, in order to gain an understanding of the regulatory timeframe of construction of 2 recharge swales proposed but not yet constructed on the subject property.

The original wording of condition #2 is as follows:


"Compliance with attached DED comments dated June 15, 2011 stating that the 'waiver approval is subject to all milestones for the construction of the stormwater management practices being constructed prior to May 4, 2013.'"

As indicated in the attached email from Chad Edmondson, the Development Engineering Division reviewer of the project, **the intent of condition #2 "is to follow the MDE requirements that all approvals are obtained prior to May 4, 2013 and construction of the SWM devices is complete by May 4, 2017."**

This letter does not alter the approval of the waiver petition, or the deadlines associated with obtaining building permits.

If you have any questions, please contact Jill Manion-Farrar or Chad Edmondson at (410) 313-2350 or email at jfarrar@howardcountymd.gov or cedmondson@howardcountymd.gov.

Sincerely,


Kent Sheubrooks, Chief
Division of Land Development

KS/JME 

Enclosure: Email from Chad Edmondson dated June 21, 2011

cc: Research
Joe Fortino, DMW
Chad Edmondson, DED
SDP-06-113

