



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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August 3, 2011

Santa Barbara Court, LLC
C/O ATEC Industries, Ltd.
6685 Santa Barbara Court
Elkridge, Maryland 21075

Re: Route One Hundred Business Park, Block "D", Parcel "E-1"
Waiver Petition WP-11-203
(Site Development Plan SDP-10-106)

Dear Sirs:

The Director of the Department of Planning and Zoning considered your request for a waiver of Subsections 16.156(k), (l), and (m) of the Howard County Subdivision and Land Development Regulations. As of the date of this letter, the Planning Director approved your request, subject to the following condition:

1. Petitioner shall execute developer agreements, pay applicable fees, and submit site development plan originals in accordance with our letter of December 13, 2010 **on or before December 13, 2011**. Failure to submit plan originals on or before December 13, 2011 will result in expiration of plan approval in accordance with Subsection 16.156(m); a new site development plan submission will be required.

Our decision was made based on the following justification:

Extraordinary Hardship or Practical Difficulty

Extraordinary hardship and practical difficulty to the Petitioner would result if the waiver was denied and strict compliance with the regulations enforced. Delays in obtaining plan approval were encountered by the Petitioner since the variance to the 150' building and use setback was needed before the plans, which included uses inside this setback, could be approved. In addition, the Petitioner has encountered difficulties while attempting to process the developer agreement since difficult negotiations with financial institutions have led to unanticipated delays. Denial of a waiver of the relevant regulations would ultimately result in expiration of SDP-10-016 approval; new site development plan submissions would be required. Denial of the waiver would result in a redundancy of plan submissions, unnecessary expenditure of resources, and project delay, resulting in the imposition of extraordinary hardship and practical difficulty on the Petitioner.

Not Detrimental to the Public Interest

Waiver approval will not be detrimental to the public interest. Site Development Plan SDP-10-016 has been approved and the plans comply with all current regulations except those to which this waiver (and

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the variance) applies. Waiver approval will result in no adverse impact on surrounding properties or the adjacent community.

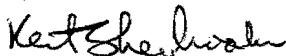
Will Not Nullify the Intent or Purpose of the Regulations

Approval of this waiver will not nullify the intent or purpose of the regulations. On the contrary, waiver approval will help fulfill the purpose of the Subdivision and Land Development Regulations by assisting orderly, efficient, and integrated development of land and will allow the Petitioner to expend its resources towards developing the property in lieu of making new application for previously-approved plans and plans in the late stages of the review process.

Indicate this waiver petition file number in *General Note 26* and the *Site Analysis Data/Tabulation* chart of Site Development Plan SDP-10-016. Waiver approval remains valid for the period specified in the condition of approval.

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
DPZ, Division of Land Development

KS/DBB:dbb

CC: DPZ, Research
DPZ, DED
Benchmark Engineering, Inc.
SDP-10-016 file