



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
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Marsha S. McLaughlin, Director

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March 22, 2012

S. Bruce Jaffee, Member
B. S. Land Acquisition, LLC
5100 Dorsey Hall Drive
Ellicott City, MD 21042
Attn: Gary Evans

RE: WP-12-136 – B. S. Land Acquisition, LLC
(SDP-08-083 / BA-07-008C)

Dear Mr. Evans:

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.(k), (l) & (m)** of the Subdivision and Land Development regulations for a 6-month extension. Approval is subject to the following conditions:

1. Compliance with all SRC Agency comments generated with the review of the site development plan, SDP-08-083.
2. Compliance with the conditions of approval of Hearing Examiner Case #BA-07-008C as outlined in George Beisser's letter dated June 12, 2007.
3. Payment of fees and posting of financial obligations within six(6) months of the previously extended deadline date of May 18, 2012 (**on or before November 18, 2012**).
4. Submission of the site development plan original for signature approval within six(6) months of the previously extended deadline date of May 18, 2012 (**on or before November 18, 2012**).
5. Please be advised that the Conditional Use, BA-07-008C will remain valid only as long as SDP-08-083 remains actively processed.
6. Please be advised projects currently within the review process meeting the State's 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 does not receive approval (signed by SCD) prior to this date so that a grading permit could be obtained and the project continue to construction completion. The grandfathering administrative waiver is also conditioned that the developer will make timely construction progress and completion by May 4, 2017.

Our decision was made based on the following justification:

- Extraordinary Hardship or Practical Difficulty – The extraordinary hardship or practical difficulty involved with this waiver request would require the developer to submit a new site development plan. Currently, the project is in the final stages of plan approval and the property owner is working with the Real Estate Services Division to prepare and coordinate the Developer Agreement and other various public / private easement documents which must be executed by both BS Land Acquisition LLC and

Temple Beth Shalom. Furthermore, due to the current economic environment the owner / developer requires additional time to secure construction funding and surety.

- Not Detrimental to the Public Interests – Approval of the waiver request will not alter the essential character of the neighborhood and will not substantially impair the appropriate use or development of the surrounding properties. Allowing the applicant additional time to execute the Developer's Agreement, pay fees and submit the site development plan original will not be detrimental to the public since the design is not changing. The extension of time will allow the developer additional time to deal with the current economic conditions.
- Will not nullify the intent or purpose of the regulations – Approval of this waiver request will not nullify the intent or purpose of the regulations since the design of the site development plan has been reviewed and approved by the County's Subdivision Review Committee. No design changes are proposed.

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 Ms. Pat Britt-Fendlay at 410-313-3371 or via e-mail at pfendlay@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/JME/MPB

cc: Research
Heather Pandullo – Development Engineering Division
Real Estate Services Division, DPW
Division of Public Service & Zoning Administration (File #BA-07-008C)
Division of Land Development Division (File #SDP-08-083)
Robert H. Vogel Engineering, Inc.