



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 12, 2012

William Knott
SK King George, LLC
1401 West Joppa Road
Towson, Maryland 21204

RE: WP-12-139/Jones Road Age Restricted Housing
SDP-05-016

Dear Mr. Knott:

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

As of the date of this letter, the Planning Director **approved** your request for waivers from Sections 16.156 (o)(1)(ii) requiring the application of building permits within two years of site development plan approval for all construction and 16.156(o)(2) to reactivate the site development plan (SDP-05-016), subject to the following conditions:

1. The site development plan, SDP-05-016/Jones Road Adult Housing, has been reactivated as of **March 12, 2012**.
2. Building permits for all construction on this site shall be applied for within **two years** from the date of this waiver petition approval letter (**on or before March 12, 2014**).
3. Any further extensions beyond the newly established deadline date by which to apply for building permits for all construction as shown on SDP-05-016 shall require submission of a new waiver petition request.
4. Please note enclosed comments from the Development Engineering Division indicating that the developer must make timely construction progress and completion of this project by May 4, 2017, in order to continue to be grandfathered to the 2000 Storm Water Management Regulations.
5. Add notes to all future development plans and permits referencing this waiver petition file number, date and conditions of approval.

JUSTIFICATION FOR RECOMMENDATION:

1. Extraordinary hardships or practical difficulties will result from strict compliance with the Regulations. The applicant has been years in the processing of plans for the development of this site. A Conditional Use for adult housing was approved in October, 2003. The site development plan was subsequently submitted in 2004 and required numerous revised plans. The applicant applied for an Administrative Adjustment to reduce the setback for a T-turnaround and was

required to record a Plat of Consolidation and Forest Conservation Easement, F-06-40. The site plan was subsequently placed on hold for allocations in 2005 and did not receive signature approval until May, 2006. During the interval of being on hold for allocations, the Conditional Use expired and the applicant failed to apply for building permits within the allotted time period. This Department issued a letter on October 3, 2008, advising the applicant that the Conditional Use had lapsed, permits were not applied for in a timely manner and that the site development plan was also void. The applicant filed a departmental appeal to that determination, BA 652-D, scheduled for hearing but later withdrawn. The applicant then concluded that a regulatory conflict existed between the two-year period by which to apply for building permits from the date of the Conditional Use Decision and the unlimited time period a project might be delayed for housing unit allocations, causing the lapse of the Conditional Use for this project. This resulted in the applicant filing an amendment to the Zoning Regulations (ZRA 109) to change the applicable sections of Conditional Uses so that they would not become void while plans were in process. ZRA 109 would also grandfather the applicant's previously approved Conditional Use (BA 03-26C) and AA Case 04-31 to no longer be considered lapsed. The applicant's building permits, red-line revision request and waiver petition had been placed on hold until a decision was rendered in ZRA 109. Approval was issued in ZRA 109 effective June 9, 2009. The applicant applied for a waiver to extend the date by which to apply for building permits (WP-09-018). The deadline dates for building permit application was extended to April 28, 2010, to initiate construction and for all development within two years, by April 28, 2011. Building Permits for Lots 9 to 12 have been processed and construction was completed. This is the second request for extension of time. Since the first grouping of townhouses have been constructed, initial permit application has been completed. Therefore, this Division will extend the deadline date by two years from the date of the waiver petition approval letter to complete all construction and to reactive the site development plan. To deny the waiver request at this time would cause considerable hardship and financial burden to the developer, requiring submission of a new site development plan. The better solution is to allow reactivation of the previously approved site plan and grant an extension to building permit application.

2. The intent of the Regulations will be served to a greater extent by approving the requested waiver. The applicant has received Board of Appeals and Hearings Examiner approvals, site development plan approval, recordation of a final plat, approval of water and sewer plans and has completed one grouping of townhomes. Red-line revisions have been processed and Forest Conservation surety was released. However, due to regulatory conflicts and misconstrued interpretation of deadlines the date to file for permits for all construction was not met. The applicant has not circumvented any regulations but is attempting to follow all development requirements and has continuously moved forward with processing of plans. To void the site plan at this time would cause redundant review of plans and result in further delay for construction of affordable adult housing in Howard County. Based upon approval of ZRA 109 and approval of the previous waiver extension request, the better solution would be to reactivate the site plan and allow the project to move forward.

3. Approval of this waiver request will not adversely affect the interests of the public nor nullify the intent of the Regulations. The applicant has previously had a public hearing for the Conditional Use and the community is aware of the proposed development. The private access street has been constructed and residents have moved into completed units. No new roadways, additional lots or redesign of the project is proposed. The applicant shall be required to follow all steps of the Technically Complete Letter for SDP-05-16 and shall apply for all building permits by the established due dates. In accordance with comments from the Development Engineering Division, the applicant is also advised that timely progress must be made and completion of this project shall be made by May 4, 2017, to be considered grandfathered to the 2000 Storm Water Management Regulations. Any further extensions to the deadline dates established by this waiver request 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 future plats, site development plans and and/or building permits. This requested waiver will remain valid for the time period specified in the above conditions or as long as development plans are in process. 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/enclosure

cc: Research/DED
Zoning Administration
Annette Merson/Zoning
DILP-Permits
SDP-05-016