



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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March 29, 2012

Cary Cumberland
815 Windriver Drive
Sykesville MD 21784

RE: **WP-12-141 Marydell Addition, Lot 9** (SDP-08-025)

Dear Mr. Cumberland:

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 the following sections of the Subdivision and Land Development Regulations:

Section 16.156(0)(2) of the Amended Fifth Edition – If the developer does not apply for building permits within one year, the site development plan shall expire and a new site development plan submission will be required.

Approval is subject to the following two (2) conditions:

- 1) Within **one year** from the date of this approval, (on or before March 29, 2013) the developer/owner shall apply to the Department of Inspections, Licenses and Permits for building permits to initiate construction on site.
- 2) As part of the grading permit application, you will be required to post **\$2,750.00** surety to ensure the completion of your landscaping obligation for this project. A copy of the approved landscape plan must accompany the grading permit application. This Department will perform an inspection to verify installation of the required plant materials. This inspection will occur **on or about September 23, 2013**. Should your landscaping be installed prior to that date, you may contact this office in writing to request an earlier inspection date and to forward the required 1 year plant warranty.

The decision of this waiver petition is based on the following justification:Hardship:

The purpose of this waiver is to reactivate a site development plan (SDP) that missed the one year deadline to apply for building permits. The SDP is for a residential site development plan that received signature approval by DPZ on December 20, 2007. The owner had a deadline date of December 20, 2008 to apply for building permits in order to initiate construction. The owner/developer has been enduring financial hardships due to the early onset of the current economic climate and a subsequent foreclosure on the mortgage secured by the land. The property has since been owned by the bank and now has a purchase contract from a home builder (the waiver petitioner) who is eager to commence construction. Since there have been no changes to the Subdivision and Land Development Regulations between the lapse of the permit deadline and the request of this waiver, it would create an additional hardship for the petitioner if he had to prepare a new SDP. An approved plan is already on file for this project with an established file history.

Not detrimental to public interest:

By granting this waiver, it will not have any detrimental impacts to the public interests, will not alter the essential character of the area and will not impair the use or development of the surrounding properties. The site is zoned for residential use and has received site development plan approval. No changes are occurring to the SDP beyond what is approved on the plan. The SDP remains compliant with all County and State laws and is not affected by changes in the stormwater management regulations. Based on the current economic climate and the real estate market it is not unreasonable to allow the builder additional time to file for a building permit.

Not nullify the intent or purpose of the regulations:

Based upon all of the above justifications, approval of this waiver request will not nullify the intent of the Regulations which requires the developer, within 1 year of receiving signature approval of the site development plan original, to apply to the Department of Inspections, Licenses and Permits for building permits. The developer had met all requirements to allow them to initiate the building permitting process. The purpose of 16.156(o)(2) is to ensure permits are issued within a reasonable time before new laws are enacted that would change the outcome of an approval. Since no laws have been enacted to alter approval, the granting of this waiver does not nullify the intent of the Regulations.

* Indicate this waiver petition file number, request, section of the regulations, action, conditions of approval, and date of approval on all future building permits. **This requested waiver will remain valid for the period specified in the above conditions.**

If you have any questions, please contact Derrick Jones at (410) 313-2350.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development