



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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FAX 410-313-3467  
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April 11, 2012

Molsen Haghight  
11279 Old Hopkins Road  
Clarksville, Maryland 21029

RE: WP-12-145/Molsen Haghight Property  
10080 Washington Blvd., Parcel 377 (SDP-03-132)

Dear Mr. Haghight:

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

As of the date of this letter, the Planning Director **approved** your request for waivers Section 16.156(o)(1)(i) requiring that within one year of signature approval of the site development plan original, the developer shall apply to the Department of Inspection, Licenses and Permits to initiate construction on the site, and to Section 16.156(o)(2) for reactivation of the site plan for failure of developer to apply for building permits within one year from site plan approval, subject to the following conditions:

1. Reactivation of the site development plan, SDP-03-132, is approved, and a one year extension from the date of this waiver petition approval letter (**on or before April 11, 2013**) by which to apply for building permits to initiate construction on the site is granted.
2. Any further extension to the newly established deadline date will require the submission of a new waiver petition request.
3. The owner is advised that the 2007 Storm Water Management Regulations are in effect. Any projects not having approved storm water management plan and sediment and erosion control plan by May 4, 2013, and construction completion by May 4, 2017, will be required to submit revised plans designed to current regulations (see enclosed DED comments).

JUSTIFICATION FOR APPROVAL:

1. Extraordinary hardships or practical difficulties will result from strict compliance with the Regulations. The site development plan was submitted on April 3, 2003, and underwent numerous revised plan reviews, finally receiving signature approval on October 26, 2005, for a two story retail building (bicycle sales and repair). In addition, the zoning of the property was changed during the review process from B-2 to CAC under the Comprehensive Rezoning Plan. This further delayed the owner in moving forward with building plans. In September, 2007, a red-line revision was approved to change one use of the leasable area of the proposed building to retail/restaurant and carry-out. The developer has completed rough grading, erosion and sediment control measures are in place and construction of a retaining wall has begun on the site. Construction of parking and storm water management infrastructure is also being undertaken. However, due to financial constraints of the present economy, the owner was unable to initiate building construction and missed the deadline by which to

apply for building permit. The owner is now able to move forward with construction and has requested reactivation of the site plan and an extension to the deadline date for application of a permit. To void the site plan at this time would create extraordinary hardship to the property owner by requiring the resubmission of a new site development plan, resulting in redundant review by all agencies. A better solution would be to reactivate the site plan and grant a one-year extension of time by which the owner shall apply for building permit(s) to initiate construction on the site.

2. The intent of the Regulations will be served to a greater extent by approving the requested waivers. Review of the site plan has been completed by all County and state agencies, developer agreements were completed and the plan originals received signature approval. The owner has shown a strong intent in moving ahead with this project and has started grading and installing sediment control measures. Construction of minor improvements have begun and a red line revision was approved for a change in use of one proposed retail area of the building. A previous waiver (WP-11-143) was approved to reactivate the site plan and granted an extension of time to apply for initial building permits until December 30, 2011. This is the fourth request to reactivate the site plan and the third request to extend the date by which to apply for building permit. By approving the waivers once again, the intent of the Regulations will still be served in allowing an orderly, efficient and integrated development of the land as approved under the site development plan.

3. Approval of the waiver requests will not adversely affect the interests of the public nor nullify the intent of the Regulations. The applicant is not circumventing any of the Subdivision or Zoning Regulations by approval of the waiver requests, but only requires reactivation of the site development plan and extension to the deadline date by which to file for building permits. In accordance with House Bill 921, an extension to the due date was granted under WP-08-57, and once again under WP-11-143. This is the third request for an extension of time. The developer shall be advised that any extension beyond the new deadline date will require submission of a new waiver petition application and that the 2007 Storm Water Management Regulations are in effect. Any project not having an approved storm water management plan and sediment and erosion control plan by May 4, 2013, and construction completion by May 4, 2017, will be required to submit revised plans designed to current regulations.

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 the plan remain in process. Should you have any questions regarding this matter, please contact Brenda Barth at (410) 313-2350 or email: [bbarth@howardcountymd.gov](mailto:bbarth@howardcountymd.gov).

Sincerely,



Kent Sheubrooks, Chief  
Division of Land Development



:btb/enclosure

cc: Research/DED/RES  
SDP-03-132