



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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April 5, 2012

J. Michael Abrams  
AAK Eastridge, LLC  
7221 Lee Deforest Drive, Suite 100  
Columbia, Maryland 21046

RE: WP-12-148/Columbia Gateway, Parcel T-18  
(SDP-06-083)

Dear Mr. Abrams:

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 to Section 16.156(o)(1)(ii) requiring application of building permits within two years of site development plan approval for all non-residential development with multiple buildings and to Section 16.156(o)(2) indicating that if the developer does not apply for building permits as required, the site development plan shall expire requiring a new submission, subject to the following conditions:

1. Reactivation of the site development plan, SDP-06-83 is approved and an extension of time by which to apply for all building permits is granted. Permits shall be applied for within two years from the date of this approval letter (**on or before April 5, 2014**).
2. Although not a condition of approval, the developer is advised that should any future red-line revisions be required to SDP-06-83, a note shall be added to Sheet 1 indicating waiver petition file numbers (WP-10-092, WP-12-148), decision and date.
3. Please be advised that new Storm Water Management Regulations are now in effect. Any project not having a signature approved storm water management and sediment control plan by May 4, 2013, may require revised plans designed to meet the current regulations (see attached comments from the Development Engineering Division).
4. Please be advised that new ADA regulations are in effect and accessible building entrances may need to be redesigned (see attached comments from the Department of Inspections, Licenses and Permits).

JUSTIFICATION FOR WAIVER APPROVAL:

1. Extraordinary hardships or practical difficulties will result from strict compliance with the Regulations. The property owner has been years in development of this site. Sketch plans, a preliminary plan and several final plats have been approved and recorded for this project. The site development plan, SDP-06-083, was finally signed on August 28, 2006, for the construction of three, two-story office buildings. Nearly all of the site infrastructure, including the public water main and parking areas, are completed and Building B was constructed in 2007. A building permit was issued for Building C, but construction was delayed due to the economic downturn of the economy. A building permit for Building A was not applied for in a timely manner and subsequently the site plan became void. The owner received approval under WP-10-092, to reactivate the site plan and to extend the date to file for all building permits by March 4, 2012. This is the second request for reactivation of the site plan and to extend the date to file for all building permits. To deny the waiver requests would cause considerable delay and expense to the owner in completing development. The better alternative is to reactive the site plan, allowing this project to move forward.

2. The intent of the Regulations will be served to a greater extent by approving this waiver request. The site development plan has been reviewed and approved by all County and state agencies. The public water main and infrastructures are complete and a red-line revision to change the foot prints of Buildings B and C was approved on March 26, 2007. The owner is not circumventing any regulations but is only attempting to now move forward with development plans. No new structures, grading or roadways are proposed, and all construction will be in accordance with the approved site development plan.

3. Approval of this waiver request will not be detrimental to the interests of the public nor nullify the intent of the Regulations. Due to the economy, the owner was unable to move forward with all construction as shown on the site plan. Building B was completed in 2007, and Building C was issued a permit, but market conditions for new office space began to deteriorate and so construction was not finalized. The owner now anticipates an improved economy and is moving forward with the development. The best alternative to submission of a new site plan is to reactive SDP 06-83 and grant an extension of time to obtain all building permits within two years from the date of approval of the waiver petition letter. The developer shall be advised that new storm water management regulations are in effect and to act accordingly, as well as, new 2010 ADA requirements which may result in design changes for building access.

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/attachments  
cc: Research/DED/RES  
Matis Warfield  
SDP-06-083