



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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May 22, 2013

BA Waterloo Condominium, LLC
7850 Walker Drive, Ste. 400
Greenbelt, MD 20770

RE: WP-13-159, Shipley's Grant Phase IV, Parcel E-4
(SDP-10-087)

Dear Sir or Madam:

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(o)(1)(i) which requires that within 1 year of signature approval of the site development plan original, the developer shall apply to the Department of Inspections, Licenses and Permits for a building permit to initiate construction on the site and from Section 16.156(o)(2) expiration of plan Approval: If the developer does not apply for building permits as required by Paragraph (1) of the Subsection, the site development plan shall expire and a new site development plan submission will be required

Approval is subject to the following conditions:

1. Within 1 year of May 22, 2013 (on or before **May 22, 2014**), the developer shall apply to the Department of Inspections, Licenses and Permits for building permits to initiate construction on the site.
2. Within 2 years of May 22, 2013 (on or before **May 22, 2015**), the developer shall apply for building permits for all construction authorized by the approved site development plan.
3. The applicant shall add a general note on sheet 1 of SDP-10-087 referencing this waiver petition file number, request, section of the regulations and approval date of the one year and two year extension to apply for building permits the next time a red-line revision change is submitted to DPZ for plan revision processing.
4. See the attached Development Engineering Division comments.

Our decision was made based on the following:

Extraordinary Hardships or Practical Difficulties:

Extraordinary hardship would result if the applicant is required to process a new site development plan for the subject property. The applicant has been coordinating with the architect for the project to refine the product that is being used on this site. These refinements are to better provide comparable unit areas in both the upper and lower units. In the development of this new architecture, it has not left sufficient time to be able to process the necessary building permits for this site development plan. The applicant has an approved site development plan on file, which still conforms to all County regulations and requirements.

Alternative Proposal

One alternative would be to void the site development plan. This would create an extraordinary hardship as the plans would have to be resubmitted with new fees and re-circulated through the County for review even though the subdivision plan has not been altered, thereby wasting County resources and creating an unnecessary additional expense for the applicant. The SDP has an established file history and has been through a previous review cycle.

Not Detrimental to the Public Interest

The waiver request will not be detrimental to the public interest since the site development plan for this project has been reviewed by the SRC agencies for compliance of the County and State regulations, has no environmental or APFO related issues and was approved. Therefore, the requested extension of SDP approval to file for building permits will not have any adverse effect on the surrounding properties where the project is located.

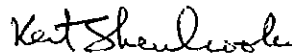
Will not nullify the intent or purpose of the regulations

Approval of this waiver request will not nullify the Intent or Purpose of the Regulations since the site development plan is in compliance with the County and State regulations and received signature approval. Therefore, approval of this waiver request will satisfy the Intent of the Regulations by permitting fairness and consistency in the application of the plan processing procedures.

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 specified time period in the conditions of approval.

If you have any questions, please contact Jennifer Wellen at (410) 313-2350 or email at jwellen@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/jw

cc: Research
DED
Real Estate Services
GLW
SDP-10-087