



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
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Marsha S. McLaughlin, Director

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January 9, 2014

Jeffery & Janet Harman
13319 Elliot Drive
Clarksville, MD 21029

RE: WP-14-066, Sidehill Road Property (SDP-06-130)

Dear Mr. & Mrs. Harman:

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. 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. The application for the building permit to initiate construction on this site may be made on or before 2 years from the previous deadline date of December 11, 2013 (on or before December 11, 2015).
2. Compliance with the enclosed comments from the Development Engineering Division which requires that construction of the Storm Water Management facility must be completed by May 4, 2017, or the design will have to be revised to meet the current storm water design in place at that time.
3. The site development plan, SDP-06-130, must be red-lined to add the following:
 - A General Note which reference this waiver extension (WP-14-066) and the previously approved waiver extensions (WP-13-077, WP-12-027, WP-11-011, WP-09-243, WP-08-124) which includes the waiver petition numbers, the date of the request, action taken and conditions of approval. (The purpose of this note is to assist DILP in permit processing).
 - Add a General Note to reflect the requirements as outlined in the attached comments from the Development Engineering Division regarding storm water management requirements.

Our decision was made based on the following:

Extraordinary Hardships or Practical Difficulties:

The purpose of this waiver is to grant additional time to apply for the building permit for the construction of a single-family dwelling. The developer had a previously extended deadline date of December 11, 2013 to apply for building permits to commence the construction on the site. The owner/developer is justifying hardship due to poor economic conditions in the current housing market. The risk of

constructing a house during such economic condition could be detrimental to the owner's/developers personal assets, due to the real possibility of not being able to sell the house.

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

By granting this waiver, it will not have any detrimental impacts to other public interest, will not alter the essential character of the area and will not impair the use or development of the surrounding properties; because the site is zoned for residential use and it is considered a buildable lot. SDP-06-130 was reviewed and approved by the Subdivision Review Committee and the site meets all County regulations for site development. This request for extension will not have an adverse effect on the surrounding properties within this community.

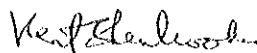
Will not nullify the intent or purpose of the regulations

Based upon all of the above justifications approval of this waiver request will not nullify the intent of the regulations which require the owner developer, within 1 year of signature approval of the site development plan original, to apply to the Department of Inspection's, Licenses and Permits for building permits to initiate construction on site. Approval of this waiver request will satisfy the intent of the Regulations by permitting fairness and consistency in the application of plan processing procedures. All SRC agencies have reviewed and approved the site design for this parcel

This requested waiver will remain valid for the time period specified in the conditions of approval (on or before December 11, 2015) or as long as this site development plan remains in active processing.

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
SDP-06-130