



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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December 8, 2014

Naseem Khan & Hanif Khurram
P.O. Box 6004
Ellicott City, Maryland 21042

RE: WP-15-061, Beech Creek, Lot 7
(SDP-13-047)

Dear Owners:

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(l)** of the Subdivision and Land Development Regulations, which states that within 180 days of receiving approval of the site development plan the developer shall pay all required fees to the County and, if subject to a developer agreement or major facility agreement, the developer must post all monies and/or file appropriate surety covering the developer's financial obligations for the required improvements; and **Section 16.156(m)** of the Subdivision and Land Development Regulations, which states that within 180 days of approval of the site development plan the developer shall submit the original Mylar plans for signature approval.

Approval is subject to the following conditions:

1. The deadline date for the site development plan, SDP-13-047, is hereby extended for an additional one year from the November 18, 2014 deadline date until November 18, 2015 to execute the Developer's Agreement(s), pay all required fees, post all required sureties, and submit the site development plan originals for signature approval.
2. Compliance with all agency comments generated with the review of the site development plan, SDP-13-047, and compliance with the conditions outlined in the Board of Appeals Case, BA-12-008C. If significant changes are made to the site development plan, the consultant may be required to submit revised plans (with a half review fee) to DPZ prior to submitting the originals for signature, or submit a new site development plan. The plan may also be required to receive additional approvals from the Hearing Examiner for the Conditional Use Board of Appeals Case.
3. Compliance with the Development Engineering Comments dated December 1, 2014 – If any changes are required to the currently approved plans for this project that require additional storage for stormwater management shall be designed in accordance with the current MDE and Howard County regulations.

Review Comment – The waiver petition file number, requested section, approval date and conditions of approval shall be indicated on the final subdivision plat and plan as a general note.

Our decision was made based on the following:

Extraordinary Hardship or Practical Difficulty

After DPZ issued technically complete status, Maryland State Highway Administration required the developer to provide acceleration lane, deceleration lane, turn lane, clear zone, future dedication area, and the entrance relocation with the review of the State Access Permit. The improvements required by State Highway Administration cannot be financially supported by a single child care facility at this time; therefore the developer is requesting an extension of time to evaluate development alternatives. Voiding of the current site development plan and conditional use at this time would create a financial hardship if the developer were to resume this project and be required to resubmit a new site development plan and Conditional Use petition.

Not Detrimental to the Public Interest & Will Not Nullify the Intent or Purpose of the Regulations

The granting of the requested waiver would not compromise the intent of the Regulations or create any additional impacts to the adjacent property owners or Howard County residents. This waiver does not request relaxation of any development requirements. The waiver request is to allow additional time for the developer to investigate different alternatives for a profitable development project while maintaining the active plan status of the site development plan and conditional use.

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 time period specified in the conditions of approval.

If you have any questions, please contact Julia Boone at (410) 313-2350 or email at jboone@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/jb

cc: Research
DED
Real Estate Services
SDP-13-047 (PDox)
Benchmark Engineering, Inc.