



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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March 4, 2015

Dar Al Taqwa Inc.
10740 Clarksville Pike
Ellicott City, Maryland 21042
ATT: Adnan Khan, President

RE: WP-15-112/Dar Al Taqwa, Phase 3
(SDP-12-006/Ext.of Time)

Dear Mr. Khan:

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(k) and (l) requiring execution of the Developer's Agreement and posting of fees within 180 days of plan approval and Section 16.156(m) requiring the submission of the site development plan originals within 180 days of plan approval. If the originals are not submitted within 180 days of plan approval, the approval will expire and a new site development plan submission will be required. Approval is subject to the following conditions:

1. A one year extension is approved from the previous deadline date of February 25, 2015, by which to execute the Developer's Agreement and post required fees for SDP-12-006. The new deadline date is on or before **February 25, 2016**, to execute the Developer's Agreement and post required fees. The Department of Public Works, Real Estate Services requires a minimum of three (3) weeks to execute the Developer's Agreement. Therefore, this should be anticipated by the applicant in scheduling submittal of the site development plan originals.
2. A one year extension is approved from the previous deadline date of February 25, 2015, by which to submit the site development plan originals for SDP-12-006. The new deadline date is on or before **February 25, 2016**, to submit the site development plan originals.
3. Compliance with the Conditions of Approval and Phasing as required under the Decision and order for BA Case-09-011C. The Conditional Use under BA Case-09-011C will remain valid only as long as SDP-12-006 remains in active processing.

JUSTIFICATION FOR APPROVAL:

1. Extraordinary hardships or practical difficulties will result from strict compliance with the Regulations. The owner has received approval of a Conditional Use under BA 09-011C to enlarge an existing religious facility. This enlargement is Phase 3 of development so as to construct Building C which will be used as a day care/nursery school and day treatment/care facility. Additionally, road improvements will be made along MD Rt. 108 as required by the MD State Highway Administration. The construction of Building C will require the removal of specimen trees and upgrades to the access drive intersection. A waiver petition, WP-11-084 has been processed and approved for the removal of the applicable specimen trees. The owner has also processed and received approval of an Erosion Control Plan for development of Building C and has received a Technically Complete letter for SDP-12-006. Completion of development on this site has been years in the processing and the owner is diligently moving forward with compliance of all regulations and requirements. To deny extensions to the deadline dates would void this site plan and cause extreme hardship to the property owner. Previous waiver petitions for reactivation and extension of time was approved under WP-14-014 and a one year extension was approved under WP-14-095.
2. The intent of the Regulations will still be served to a greater extent through implementation of an alternative proposal and approval of the waiver request(s) will not nullify the intent of the Regulations. The site development plan has been reviewed by all agencies and has received a TC Letter on August 29, 2012. The owner is not changing any proposed development but only requires a one year extension of time to process the Developer's Agreement and submit the site development plan originals. This process has taken longer than anticipated due to organizational changes that have occurred within the Church. The church has now selected a contractor for construction and is currently waiting for bonding to be approved. Once the Developer's Agreement has been executed the site development plan originals can be processed.
3. Approval of the waivers will not be detrimental to the interests of the public. The owner is not circumventing the intent of the regulations, but is attempting to move forward with proposed Phase 3 development on the site approved under the Board of Appeals Case-09-011C and the site development plan. Consideration of the extensions of time is in the best interests of the community by allowing the final phase of construction to take place in a safe and orderly manner and will provide better on-site amenities for the mosque members.

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. The requested waivers will remain valid for the time periods as specified and for as long as the associated development plans remain in process. Should you have any questions regarding this matter, please contact Brenda Barth at (410) 313-2350 or email: bbarth@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development



:btb
cc: Research/DED/RES
Benchmark Engineering
SDP-12-006