



Howard County And Zoning

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Marsha S. McLaughlin, Director

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May 18, 2015

Bethany Marketplace, LLC
8808-C Pear Tree Court
Alexandria, VA 22309
ATT: Charles Fairchild

RE: WP-15-134/Bethany Marketplace
Parcel B, 3240 Bethany Lane (SDP-14-089)

Dear Mr. Fairchild:

The Director of the Department of Planning and Zoning considered the request for waiver(s) from the Howard County Subdivision and Land Development Regulations.

As of the date of this letter, the Planning Director approved the waiver request to Section 16.156(k)(1) for a 60 day extension of time by which to execute the Developers Agreement, make payment of fees and posting of financial obligations and Section 16.156(m) submission of the site development plan originals and the Forest Conservation Plat of Easement for signature processing. Approval is subject to the following conditions:

1. Approval is granted for a **60 day** extension of time from the date of this waiver petition approval letter for execution of the Developers Agreement, payment of fees and posting of financial obligations for SDP-14-089/Bethany Marketplace. The new date is **on or before July 17, 2015**.
2. Approval is granted for a **60 day** extension of time from the date of this waiver petition approval letter for submission of the site development plan originals and Forest Conservation Plat of Easement original for SDP-14-089/Bethany Marketplace. The new date is **on or before July 17, 2015**.

Justification for Approval:

1. Extraordinary hardships or practical difficulties will result from strict compliance with the Regulations. The applicant proposes the development of the site with a one-story 15,000 sq.ft. retail building, parking areas and on-site forest conservation. The applicant has processed and received approval of ECP-14-021 and WP-15-040 for the removal of one specimen tree. A Technically Complete Letter was issued October 27, 2014. The applicant has continuously moved forward with development of this site and has submitted the Developers Agreement package for execution. It has been indicated by Real Estate Services that this process will take approximately three weeks to execute and will result in the applicant not meeting the deadline date to submit the plan originals. To deny the request at this time would cause extraordinary hardship to the owner by voiding the site plan. The better solution is to grant a 60 day extension of time and allow the owner to move forward with development plans.
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 owner has continuously moved forward with development of this site. An extension of time is now required to execute the Developers Agreement which has taken considerable more time than anticipated. The intent of the Regulations will still be served by granting a 60 day extension since the owner will be required to meet all steps of the Technically Complete Letter for SDP-14-089.

3. Approval of the waiver request(s) will not be detrimental to the interests of the public. The applicant is attempting to develop the site in a safe and orderly manner. The surrounding properties have been developed with commercial/office buildings and construction of the proposed building will serve to provide a continuous flow of retail uses. A sidewalk will be constructed along the site frontage connecting the neighborhood to the commercial uses and beyond southward to US Route 40. These improvements will be in the best interest of the public by providing a walkable neighborhood for residents to uses on site.

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 as indicated and as long as the applicable development plans are active. 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



cc: Research/DED/RES
Robert Vogel Engineering, Inc.
SDP-14-089