



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

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May 26, 2015

B S Land Acquisition LLC
8600 Snowden River Parkway, Suite 207
Columbia, MD 21045
Attn: Bruce Jaffe

RE: B S Land Acquisition, LLC and Beth Shalom
Congregation Properties – Age Restricted
Adult Housing Units and Religious Facility
Parking Expansion (SDP-08-083)
WP-15-137

Dear Mr. Jaffe:

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 **Sections 16.156.(o).(1).(i) & (ii)** of the Subdivision and Land Development Regulations for a one(1) year time extension of the extended deadline date of May 2, 2015 to apply for building permits to initiate construction at this site; and, a one(1) year extension to the extended deadline date of May 2, 2016, to apply for building permits for all construction at this site as authorized by SDP-08-083. Approval is subject to the following conditions:

1. The developer shall apply to the Department of Inspections, Licenses and Permits for building permit to initiate construction on the site within one(1)-year of the extended deadline date of May 2, 2015 (**on or before May 2, 2016**).
2. The developer shall apply to the Department of Inspections, Licenses and Permits for building permits for all construction authorized by SDP-08-083 within one(1)-year of the extended deadline date of May 2, 2016 (**on or before May 2, 2017**).
3. The signed original mylars for this site, SDP-08-083, have been on-hold in this office awaiting the completion of the liber and folio recording references for all easements; the completion of the liber and folio recording references for the road right-of-way dedication; and, the addition of a general note which references all related waivers for time extensions. The Department of Inspections, Licenses and Permits cannot formally accept your building permit application until you have submitted two(2) complete sets of signed / approved site development plans. These outstanding issues must be resolved prior to the developer applying for building permits.
4. In accordance with e-mail correspondence from Kent Sheubrooks and Bob Lalush dated April 23 & 24, 2015, it was determined that the Conditional Use BA-07-008c **will be kept active through this waiver extension approval** in accordance with the provisions of Section 131.0.I.3.e of the Zoning Regulations. The Conditional Use BA-07-008c will not expire on June 8, 2015, since through this waiver approval the SDP-08-083 will remain being actively processed in compliance with the procedures in Title 16, Subtitles 1 and 11 of the Howard County Code.

Justification for our decision was made based on the following:

- Extraordinary hardships or practical difficulties – Strict compliance with the Regulations would result in extraordinary hardships and practical difficulties for the Petitioners. According to the Petitioner, the market for age-restricted adult housing was greatly affected during the economic recession, resulting in hesitancy from lending institutions to finance age-restricted developments. Prior to commencing construction, the Petitioners needed to make certain that the development would proceed in an orderly and efficient manner, which required sufficient financing to cover the total costs of construction. In order to ensure that the development would be completed in a timely manner following commencement of construction, the Petitioners requested additional time to apply for building permits.

Subsequently, Parcel 153 was rezoned during the County's 2013 Comprehensive Rezoning process from R-20 district to the R-SA-8 district. The Petitioner is currently pursuing processing a new site development plan in accordance with the zoning change to R-SA-8. The Environmental Concept Plan (ECP-15-037) was recently processed and approved and developer can proceed with the processing of the new site development plan for 24 SFA dwelling units as allowed by the R-SA-8 zoning.

Extending the deadline dates and keeping SDP-08-083 in "active processing" provides the Petitioner flexibility in the event that the new site design is not feasible, then the Petitioner would move forward with the currently approved site development plan, SDP-08-083 and the approved Conditional Use (BA-07-008c).

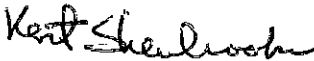
If this waiver request for time extensions was not granted, the current site development would be voided, the allocations would be relinquished and the Conditional Use would no longer be valid. This would be a significant hardship to the Petitioner considering the time, effort and financial resources that have been required to obtain Site Development Plan approval. All applicable fees have been paid and Developer Agreements have been executed with the County for SDP-08-083. It is the Petitioner's proposal that once a new SFA site design is approved, the Petitioner will request that DPZ void the approvals for the 20 multi-plex units proposed under SDP-08-083 and Conditional Use BA-07-008c. Additionally they will request that the housing allocations be applied to the new site design, the executed developer agreements will be amended, bonds will be reassigned, and additional review fees will be paid. Strict compliance with the Regulations would result in extraordinary hardships and practical difficulties for the Petitioner. The Petitioner would lose the allotted housing allocations for this site and would have to begin the developer agreement process anew which be unnecessary and would create repetitive work the consultant and for County staff.

- Will not nullify the intent or purpose of the regulations – Approval of this waiver request will not contravene any of the Regulations' policy goals. The requested approval of this Waiver Petition does not request relaxation of any technical requirements and it will serve the intent of the Regulations to a greater extent. Section 16.101.(a).(1) provides that one purpose of the Regulations is to promote the health, safety and welfare of county residents by assisting orderly, efficient and timely land development. The Regulations will be better served by allowing the Petitioners additional time for the Petitioner to investigate and pursue development of this site to be in accordance with the recent Comprehensive Zoning change to the R-SA-8 zoning district.
- Will not be detrimental to the public interests – The requested extension of time to apply for building permits will not have a detrimental effect on the public interests. The public interest will be better protected by ensuring that the completion of construction occurs within a reasonable amount of time following its commencement.

Indicate this waiver petition file number, request, section of the regulations, action, conditions of approval, and date on all related plats, 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 Ms. Pat Britt-Fendlay at (410) 313-3371 or via e-mail at pfendlay@howardcountymd.gov.

Sincerely,


Kent Sheubrooks, Chief
Division of Land Development

KS/MPB *MB*
cc: Research
DED
Real Estate Services
Richard Talkin, Esq.
Robert H. Vogel Engineering, Inc.