



# HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Courthouse Drive

Ellicott City, Maryland 21043

410-313-2350

Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

September 6, 2017

Waverly Woods Development Corp.  
PO Box 30  
Glenelg, MD 21737

Aldo M. Vitucci, P.E.  
Fisher, Collins and Carter, Inc.  
10272 Baltimore National Pike  
Ellicott City, MD 21042

RE: WP-18-013, Waverly Corporate Center (SDP-07-082)

Dear Mr. Vitucci:

The Director of the Department of Planning and Zoning considered your request for an alternative compliance from the Howard County Subdivision and Land Development Regulations.

On September 5, 2017, the Planning Director **approved** your request for an alternative compliance of Subdivision Section 16.156(o)(1), "Within one year of signature approval of the site development plan original, the developer shall apply to the Department of Inspections, Licenses and Permits for building permits to initiate construction on the site." and: Section 16.156(o)(2) "If the developer does not apply for building permits as required by paragraph (1) of this 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 Petitioner shall apply for a building permit for construction of building number 2 within one (1) year from the date of the approval letter (on or before September 5, 2018) for this application, or site development plan, SDP-07-082 will expire, and a new site development plan submission will be required.
2. The Petitioner shall obtain an amendment to extend the obligation date on the Developers Agreement associated with SDP-07-082 from DPW, the Real Estate Services Division.
3. Indicate this Alternate Compliance file number (WP-18-013), sections of the regulations, request, action, and conditions on sheet 1 of site development plan, SDP-07-082.

Our decision was made based on the following:

### **Extraordinary Hardships or Practical Difficulties:**

Extraordinary hardship would result if the applicant is required to process a new site development plan for the subject property. The applicant has a site development plan on file, which has been through the review process and approved. Bank financing requires the builder to have a contract on 80% of the rental space.

This requirement conflicts with the previous deadlines and places extraordinary hardship on the builder/developer.

**Will not nullify the intent or purpose of the regulations:**

Approval will not nullify the intent and purpose of the regulations as it does not waive the regulations but merely reactivates a previously approved SDP that meets all current, applicable regulations and allows additional time to comply. Also, the site is near completion according to the current SDP, including: road improvements, storm water management, water and sewer and drainage infrastructure, and building 1 is constructed. Only building number 2 remains uncompleted.

Indicate this alternative compliance 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 alternative compliance approval will remain valid for one year from the date of this letter or as long as a subdivision or site development plan is being actively processed in accordance with the processing provisions of the Regulations.

If you have any questions, please contact Donna Despres at (410) 313-3429 or email at [ddepres@howardcountymd.gov](mailto:ddepres@howardcountymd.gov).

Sincerely,



Kent Sheubrooks, Chief  
Division of Land Development

KS/  
cc: Research  
DED  
Real Estate Services  
SDP-07-082