

HOWARD COUNTY COUNCIL  
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4/95

PETITION TO AMEND THE ZONING REGULATIONS OF HOWARD COUNTY  
2008 AUG 29 P 4: 03 (19 copies of this petition must be submitted  
to the County Council office)  
(attach additional pages if necessary)

FOR OFFICE USE ONLY:

Case No. ZBA 109 Date Filed \_\_\_\_\_

Date Accepted for Scheduling \_\_\_\_\_

Planning Board Meeting Date \_\_\_\_\_

County Council Prefile Date \_\_\_\_\_

Fee Collected: \$ \_\_\_\_\_ Receipt No. \_\_\_\_\_

(Make Checks Payable to "Director of Finance")

1. I (we), the undersigned, hereby petition the County Council of Howard County to amend the Zoning Regulations of Howard County as follows:

See attached Supplemental Statement.

2. Petitioner's Name: SK King George, LLC

Address: 1401 West Joppa Road, Baltimore, Maryland 21204

Phone No.: (W) (443) 271-5646 (H) \_\_\_\_\_

3. Counsel for Petitioner: Richard B. Talkin, Talkin & Oh, LLP

Counsel's Address: 5100 Dorsey Hall Drive, Ellicott City, Maryland 21042

Counsel's Phone No.: (410) 964-0300

4. The text of proposed amendment(s) to the regulations together with the text of the present regulations showing the proposed amendment(s):

See attached Supplemental Statement.

5. The reason(s) for the requested amendment(s) to the Zoning Regulations:

To update the zoning regulations so as to account for and accomodate the now prevalent extended periods of time required to achieve plan approval.

6. A statement as to whether or not such amendment will be in harmony with the General Plan for Howard County:

The amendment will be in harmony with the General Plan for Howard County.

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7. Any other factors which the petitioner desires the Council to consider including copies of any written reports intended to be introduced at the hearing and a written summary of verbal evidence of any expert which will be proffered at the hearing (if such hearing is necessary):

See attached Supplemental Statement.

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8. FEES:

The Petitioner agrees to pay all fees pursuant to County Council Resolution No. 60, effective July 1, 1995, as follows:

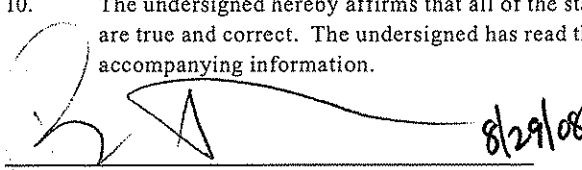
- a. Filing fee including first hearing ..... \$695.00\*  
Each additional hearing night ..... \$510.00\*

- b. In addition, if the petition is approved, the following fees will be assessed:  
Per every 200 words of text, or fraction thereof,  
for each separate textually continuous amendment  
to the Zoning Regulations ..... \$ 40.00\*  
Minimum Zoning Regulations revision fee ..... \$ 40.00\*  
Maximum Zoning Regulations revision fee ..... \$ 85.00\*

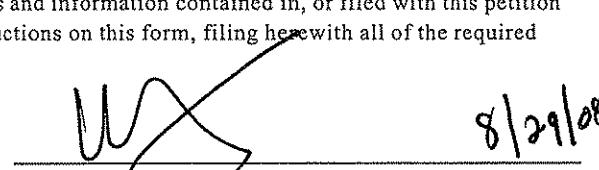
- \*1. The County Council may refund or waive all or part of the filing fee where the petitioner demonstrates to the satisfaction of the County Council that the payment of the fee would work an extraordinary hardship on the petitioner.  
2. The County Council may refund part of the filing fee for withdrawn petitions.  
3. The County Council shall waive all fees for petitions filed in the performance of governmental duties by an official, board or agency of the Howard County government.

9. The Petitioner agrees to furnish such data as may be required by the County Council and/or the Department of Planning and Zoning.

10. The undersigned hereby affirms that all of the statements and information contained in, or filed with this petition are true and correct. The undersigned has read the instructions on this form, filing herewith all of the required accompanying information.

  
\_\_\_\_\_  
Attorney's Signature  
Richard B. Talkin

8/29/08  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Petitioner's Signature  
SK King George, LLC

8/29/08  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Attorney's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Petitioner's Signature

\_\_\_\_\_  
Date

### AFFIDAVIT

Affidavit made pursuant to the pertinent provisions of Title 22 of the Howard County Code as amended.

THE UNDERSIGNED DOES HEREBY DECLARE THAT NO OFFICER OR EMPLOYEE OF HOWARD COUNTY, WHETHER ELECTED OR APPOINTED, HAS RECEIVED PRIOR HERETO OR WILL RECEIVE SUBSEQUENT HERETO, ANY MONETARY OR MATERIAL CONSIDERATION, ANY SERVICE OR THING OF VALUE, DIRECTLY OR INDIRECTLY, UPON MORE FAVORABLE TERMS THAN THOSE GRANTED TO THE PUBLIC GENERALLY IN CONNECTION WITH THE SUBMISSION, PROCESSING, ISSUANCE, GRANT OR AWARD OF THE WITHIN APPLICATION OR PETITION IN CASE # \_\_\_\_\_ FOR A ZONING CHANGE AS REQUESTED.

I, WE, DO SOLEMNLY DECLARE AND AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE CONTENTS OF THE A FOREGOING AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY, OUR, KNOWLEDGE, INFORMATION AND BELIEF.

Kelly L. Wagner  
WITNESS

[Signature] 8/29/08  
SIGNATURE DATE

\_\_\_\_\_  
WITNESS

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

SUPPLEMENTAL STATEMENT TO PETITION TO AMEND THE  
ZONING REGULATIONS OF HOWARD COUNTY

SK King George, LLC

1. I (we), the undersigned, hereby petition the County Council of Howard County to amend the Zoning Regulations of Howard County as follows:

To amend Section 131.I.3. by adding a new subsection e., which is shown in bold, as follows:

3. Lapse of Decision Approving a Conditional Use

- a. Except as provided in Subsections b, c, and d **AND e.** below, a Decision and Order approving a conditional use shall become void unless a building permit conforming to the plans for which the approval was granted is obtained within two years, and substantial construction in accordance therewith is completed within three years from the date of the decision. A Decision and Order approving a conditional use for which a building permit is not necessary shall become void unless the use commences within two years from the date of the decision. If a decision is appealed, the time period for the use being appealed shall be measured from the date of the last decision.
- b. The Hearing Authority may approve a phasing plan, in which only the first phase of a conditional use plan is subject to the time limits given above. The approval for future phases shall become void unless such phases are completed within a time period specified in the Hearing Authority's Decision and Order.
- c. The Hearing Authority may grant as many as two extensions of the time limits given above. The extensions shall be for a period of time not to exceed three years each, and may be granted in accordance with the following procedures:
  - (1) A request for an extension shall be submitted by the property owner prior to the expiration of the conditional use approval, explaining in detail the steps that have been taken to establish the use.
  - (2) The property owner shall certify that a copy of the request for an extension has been sent by certified mail to adjoining property owners and to the addresses given in the official record of the conditional use case for all persons who testified at the public hearing on the petition.
  - (3) The Hearing Authority shall provide opportunity for oral argument on the request at a work session if requested by any person receiving notice of the request. If no response is

received within 15 days of the date of the written notification, a decision on the request may be made by the Hearing Authority without hearing oral argument.

- (4) The Hearing Authority may grant the request if it finds that establishment of the use in accordance with the approved conditional use plan has been diligently pursued. If oral argument is presented on the request, the Hearing Authority may deny the request if any of the oral arguments allege that changes have taken place in the circumstances which led to the original decision to approve the conditional use.

d. Notwithstanding that approval for a conditional use may have become void under Subsection c above, the Hearing Authority may grant a third extension of not more than two years from the date of lapse provided that:

- (1) The property owner submits a request for an extension that explains the steps taken to obtain a building permit and cause of delay;
- (2) Procedures in Subsections 131.I.3.c(2) and (3) are followed; and
- (3) The Hearing Authority finds that obtaining the building permit in accordance with the approved conditional use has been diligently pursued and has been delayed by a change in Federal, State, or local law or policy or by the delay of any State or Federal agencies in issuance of any permits or approvals required for the conditional use.

e. **SUBSECTIONS a. AND c. ABOVE SHALL NOT APPLY TO ANY PROJECT FOR WHICH PLANS ARE BEING ACTIVELY PROCESSED WITH HOWARD COUNTY OR WERE BEING ACTIVELY PROCESSED ON THE DATE SET FORTH ABOVE FOR TIME LIMITS.**

- f.(e) If a condition of a previously granted special exception or conditional use is or has been previously modified, a petitioner may request and be granted one extension of time to obtain a building permit and complete substantial construction in addition to the two extensions, that may be requested and granted pursuant to Section 131.I.3.c. above. Any extension of time granted pursuant to this subsection shall extend the deadline for obtaining a building permit by an additional two years and for completing substantial construction by an additional three years, and shall be measured from the date of the existing deadline. The Hearing Authority's consideration of a condition modification-related extension request pursuant to this subsection shall be governed by the procedures in Section 131.I.3.c.(1) through (4) above.

LAW OFFICES OF  
TALKIN & OH, LLP  
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HOWARD COUNTY COUNCIL  
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2008 SEP 15 P 1:15

September 8, 2008

Ms. Robin Regner, Administrative Assistant  
Howard County Zoning Board and  
Board of Appeals  
3430 Courthouse Drive  
Ellicott City, Maryland 21043

Re: SK King George, LLC, Petitioner **ZRA 109**

Dear Ms. Regner:

Please accept the following information as a supplement to the above-referenced Petition to Amend the Zoning Regulations of Howard County, which was filed on August 29, 2008:

Response to Section 8.

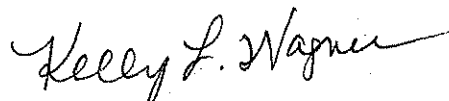
Yes. The number of properties impacted by this amendment will be greater than 12. The impact will be that a longer time frame for obtaining a building permit for approved conditional uses will be allowed.

We were not aware that a new form was being utilized for the filing of ZRA's. We apologize for any inconvenience that this oversight has caused and request that the information above be appended to our Petition.

Thank you.

Very truly yours,

TALKIN & OH, LLP



By: Kelly L. Wagner  
Paralegal