



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 25, 2017

Howard County Housing Commission
9770 Patuxent Woods Drive
Suite 100
Columbia, MD 21046

Dear Sir or Madam:

RE: WP-18-034, Old Roger Carter Recreational Center
Grading and Sediment Control Plan

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.

As of the date of this letter, the Planning Director **approved** your request for an alternative compliance of **Section 16.155(a)(1)(i)** of the Subdivision and Land Development Regulations, which states that a site development plan is required for expanded nonresidential development, including public facilities, and **Section 16.1202(a)** of the Subdivision and Land Development Regulations, which states that a forest conservation plan is required for development plans. The purpose of the Alternative Compliance Petition is to request relief from the site development plan requirement to perform grading on the subject property.

Approval is subject to the following conditions:

1. Approval of this alternative compliance is for the removal of the existing structures, grading of the site, and transferring of fill dirt from the Burgess Mill II site. No additional structures or uses, or enlargement to the proposed limit of disturbance is permitted under this request.
2. Compliance with all applicable County and State Regulations and obtain all necessary permits from the Department of Inspections, Licenses and Permits prior to initiating development on-site.
3. Approval of Section 16.1202(a) is only to allow temporary deferral to the forest conservation plan obligation and requirement until the site development plan for the future development of the site is submitted to the Department of Planning and Zoning.
4. Approval of alternative compliance pertains only to the limit of disturbance as shown on the alternative compliance exhibit.

Our decision was made based on the following:

Extraordinary Hardship or Practical Difficulty – If the alternative compliance petition is not granted, the applicant will be required to submit a new site development plan for the sole purpose of constructing a grading the site and importing fill dirt from a nearby development. The additional time that it shall take to prepare such plans would constitute extraordinary hardship to the property owner. The alternative compliance plan exhibit is a reasonable alternative to a site development plan showing all required site information to properly evaluate this request. In addition, this Department will require that this project comply with all required permits issued by DILP as well as any other state/local requirements.

Alternative Proposal –The alternate proposal to waive Section 16.155(a)(1) would be to submit a new site development plan application under the standard review process. The detailed plan exhibit submitted with this alternative compliance petition is a suitable substitute for SDP requirement showing information necessary to evaluate this request for compliance with the Regulations. The applicant is still required to comply with all permits as well as other state/local requirements.

Not Detrimental to the Public Interest – Approval of the alternative compliance request will not alter the essential character of the neighborhood and will not substantially impair the appropriate use or development of the surrounding properties. DPZ and various SRC agencies have reviewed the alternative compliance exhibit in accordance with the current requirements, including the Howard County Code.

Will not Nullify the Intent or Purpose of the Regulations –The alternative compliance request will not nullify the intent or purpose of the regulations since the site plan requirements are being met with a plan exhibit which defines the limit of disturbance. The Subdivision Review Committee has reviewed the alternative compliance request for compliance with the Regulations and has no objection to the request.

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 grading plan is being actively processed in accordance with the processing provisions of the Regulations.

If you have any questions, please contact Brenda Luber at (410) 313-2350 or email at BLuber@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/BL

cc: Research
DED
Real Estate Services
Vogel Engineering, Inc.
Annette Merson, Zoning
DILP
Tom Butler, DPW