



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Court House Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Voice/Relay

Amy Gowan, Director

FAX 410-313-3467

February 27, 2023

James C. Foster
1834 S Charles Street
Baltimore MD 21703

RE: WP-23-057, Badart Subdivision (F-22-070)

Dear Applicant:

This letter is to inform you that your request for alternative compliance to the Howard County Subdivision and Land Development Regulations for the subject project was reviewed.

The Department of Planning and Zoning hereby determines that you have demonstrated to its satisfaction that strict enforcement of Section 16.144(m) would result in an unreasonable hardship or practical difficulty. This determination is made with consideration of your alternative compliance application and the one (1) item you were required to address, pursuant to Section 16.104(a)(1):

1. Unreasonable hardship or practical difficulties may result from strict compliance with the regulations.

Strict compliance with the regulations would require the applicant to resubmit a formal Final Plan for the proposed project. The submitted Final Plan F-22-070 was in for review by SRC with revised plans being requested on November 4, 2022 with a resubmission date of December 19, 2022. In order to address all of the comments generated with the plan review, a geotechnical report was required for the proposed subdivision. Plan comments were received by the applicant during the holidays and extenuating existing workload conflicts would not allow the time required for the geotechnical engineer to produce the necessary study and issue the report by the resubmission deadline. The request to extend the submission deadline will allow the milestone to be extended such that the required geotechnical report can complete and submitted with the next plan submission. Approval of the alternative compliance promotes efficiency of the plan review process.

Approval of this Alternative Compliance is subject to the following conditions:

1. F-22-070 shall be resubmitted to the Department of Planning & Zoning within 60 days from the date of the alternative compliance approval (on or before April 28, 2023).
2. Compliance with all comments generated with the review of the subdivision plat, F-20-070.
3. Add a general note on the final plat and all subsequent plans describing this alternative compliance petition and the conditions of its decision.

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 the time period specified in the conditions of approval.

If you have any questions, please contact Nicholas Haines at (410) 313-2350 or email at nhaines@howardcountymd.gov.

Sincerely,

DocuSigned by:
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Anthony Cataldo, AICP, Chief
Division of Land Development

AC/NH

cc: Research
DLD - Julia Sauer
Real Estate Services
Kimley Horn

ALTERNATIVE COMPLIANCE
DEPARTMENT OF PLANNING AND ZONING
Division of Land Development
Staff Recommendation

To: Amy Gowan, Director
Department of Planning and Zoning

Thru: Anthony M. Cataldo, AICP, Chief
Division of Land Development

From: Nicholas Haines, Division of Land Development
nhaines@howardcountymd.gov

RE: **WP-23-057, Badart Subdivision (F-22-070)**

Applicant: **James C. Foster**
1834 S Charles Street
Baltimore MD, 21230

Alternative Compliance Request(s):

The applicant is requesting alternative compliance to the following section of the Subdivision and Land Development Regulations:

- **Section 16.144(m) Report of Review Committee; Additional Information** which states that The Department of Planning and Zoning shall provide the developer with a written report of the findings of the review committee, including the comments of the review committee and its recommendations. If the Department of Planning and Zoning or the review committee indicates that additional information is needed in order to decide whether to approve the final plan, the developer shall provide the information within 45 days of receiving such indication.

The applicant proposes to continue with the processing of Final plat F-22-070. A time extension is being requested to allow time to prepare a required geotechnical report requested by the SRC for the proposed Badart Subdivision.

Site Description: The subject property known as the Badart Subdivision, is 0.757 acres in size and is Zoned R-SC (Residential: Single Cluster). The site is located at 6507 Waterloo Road, Tax Map 37, Grid 14, Parcel 122, and contains one multifamily dwelling, the site has direct frontage along Waterloo Road and access is provided to a small parking area on the southern side of the property via a small driveway. Most of the property is covered in lawn with one specimen tree located on the northwest corner.

Brief Plan/Site History Relevant to Alternative Compliance Request:

- ECP-18-056 – An Environmental Concept Plan for the proposed 3 lot subdivision was approved with comments on 6/29/20.
- F-22-070 – A Final Plat for the proposed 3 lot subdivision. Revised plans were requested on November 4th which included a geotechnical report.

Alternative Compliance Action:

The Division of Land Development recommends **APPROVAL** for alternative compliance of **Section 16.144(m)** of the Subdivision and Land Development Regulations subject to the following conditions:

1. F-22-070 shall be resubmitted to the Department of Planning & Zoning within 60 days from the date of the alternative compliance approval (on or before _____).
2. Compliance with all comments generated with the review of the subdivision plat, F-20-070.
3. Add a general note on the final plat and all subsequent plans describing this alternative compliance petition and the conditions of its decision.

Justification for Recommendation:

The Division of Land Development recommends **APPROVAL** of alternative compliance to **Section 16.144(m)** of the Subdivision and Land Development Regulations and find that strict enforcement of the above-cited regulations would result in an unreasonable hardship or practical difficulty. Pursuant to Section 16.104(a)(1), this determination was made considering the following:

1. **Unreasonable hardship or practical difficulties may result from strict compliance with the regulations.**

Strict compliance with the regulations would require the applicant to resubmit a formal Final Plan for the proposed project. The submitted Final Plan F-22-070 was in for review by SRC with revised plans being requested on November 4, 2022 with a resubmission date of December 19, 2022. In order to address all of the comments generated with the plan review, a geotechnical report was required for the proposed subdivision. Plan comments were received by the applicant during the holidays and extenuating existing workload conflicts would not allow the time required for the geotechnical engineer to produce the necessary study and issue the report by the resubmission deadline. The request to extend the submission deadline will allow the milestone to be extended such that the required geotechnical report can complete and submitted with the next plan submission. Approval of the alternative compliance promotes efficiency of the plan review process.

Nick Haines 2/14/23
 Prepared by Date

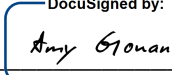
DocuSigned by:

Anthony M. Cataldo, AICP, Chief 2/27/2023
 Division of Land Development Date

ACTION OF THE PLANNING DIRECTOR

Approval subject to the conditions as outlined above and/or modified on this form.

Denial based on the above reasons.

DocuSigned by:

Amy Gowan, Director 2/27/2023
 Department of Planning and Zoning Date



ALTERNATIVE COMPLIANCE APPLICATION

Site Description: 6205 Waterloo Road - Badart Subdivision

Subdivision Name/Property Identification: Badart Subdivision

Location of property: 6205 Waterloo Road, Ellicott City, MD 21043

Existing Use: Residential **Proposed Use:** Residential

Tax Map: 37 **Grid:** 14 **Parcel No:** 122 **Election District:** 2

Zoning District: R-SC **Total site area:** 0.75 AC

Please list all previously submitted or currently active plans on file with the County (subdivision plans, Board of Appeals petitions, alternative compliance petitions, etc.). If no previous plans have been submitted, please provide a brief history of the site and related information to the request:

ECP-18-056 for the project was approved 8/19/2022.
F-22-070

In the area below, the petitioner shall enumerate the specific numerical section(s) from the Subdivision and Land Development Regulations for which an alternative compliance is being requested and provide a brief summary of the request. Please use the additional page if needed.

Section Reference No.	Brief Summary of Request
16.144(d)(2) (m)	Our office is requesting to waive the requirements of Section 16.144(d)(2) regarding resubmission of plans within 45 days of receiving County comments. In order to complete the next submission and provide all required information, our office is requesting a time extension for our next submission due to time constraints for the requested Geotechnical Report. Due to the upcoming holidays & workload conflicts, the Geotechnical engineer is unable to complete the report in time for our office's plan submission deadline.

Section Reference No.	Brief Summary of Request

Signature of Property Owner: [Redacted] Date: [Redacted]

Signature of Petitioner Preparer: [Redacted] Date: 12/2/2022

Name of Property Owner: James C. Foster Name of Petitioner Preparer: Kimley-Horn and Associates, Inc.

Address: 1834 S Charles St Address: 1801 Porter St, Suite 401

City, State, Zip: Baltimore, MD 21230 City, State, Zip: Baltimore, MD 21230

E-Mail: jamescfoster@gmail.com E-Mail: jeff.smith@kimley-horn.com

Phone No.: 443-668-2527 Phone No.: (443) 792-9587

Contact Person: James C. Foster Contact Person: Jeff Smith

Owner's Authorization Attached

Section Reference No.	Brief Summary of Request