



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

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

Lynda D. Eisenberg, AICP, Director

FAX 410-313-3467

February 21, 2024

Diane Gupta
10620 Vista Road
Columbia MD 21044

RE: WP-24-041 Second Addition to Holiday Hills, Lot 36
Alternative Compliance Approved
Reconsideration of Site Development Plan Reactivation Granted

Dear Ms. Gupta:

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

The Planning Director hereby approves your reconsideration request and determined that you have satisfactorily demonstrated that strict enforcement of Sections 16.156(o)(1)(i) and (o)(2) would result in an unreasonable hardship or practical difficulty and the reactivation of the expired site development plan is warranted.

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

1. Submission of a redline revision for SDP-12-020 to the Development Engineering Division within **30 days** of the date of this letter (**on or before March 22, 2024**).
2. The new floodplain limits for Lot 36 must be shown on the SDP as a redline revision.
3. The house footprint for Lot 36 shall not negatively impact the floodplain or ability to perform ESD.
4. The applicant shall obtain all required authorizations and permits from Maryland Department of the Environment and U.S. Army Corps of Engineers for disturbances within the floodplain, wetland, wetland buffer or stream. Reference the applicable MDE or USACOE permits or tracking numbers on the SDP and County permits.

The Planning Director's decision was based on the following:

- On October 10, 2023, and pursuant to Section 16.104, the Director of Planning and Zoning, considered and denied your request for alternative compliance with respect to Sections 16.156(o)(1)(i) and (o)(2) of the Subdivision and Land Development Regulations.
- A letter was sent to the applicant on December 15, 2023 informing that the alternative compliance was denied.

- On January 10, 2024, and pursuant to Section 16.104, DPZ received a request to reconsider the denial decision. The request included a plan exhibit showing the flood plain limits, a floodplain report and addendum to the floodplain report/ study, a field run topography of the site, and photographs of the site.

The Planning Director hereby determines that you have demonstrated to its satisfaction that strict enforcement of Sections 16.156(o)(1)(i) and (o)(2) would result in an unreasonable hardship or practical difficulty and the reactivation of the expired site development plan is warranted. 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.

The applicant's request to reactivate an expired site development plan was previously denied due to changes of the Howard County Floodplain which restrict the developable area on this lot which may require site design changes that would warrant a standard review by the Subdivision Review Committee. As part of this reconsideration request, the applicant prepared an updated floodplain study that included a plan exhibit showing the flood plain limits. The result of the floodplain study determined that the floodplain elevations (per current requirements) of 8.51" of rainfall are slightly higher than the elevations presented on the approved site development plan of 7.2" of rainfall. The Development Engineering Division (DED) of DPZ reviewed the updated floodplain study and determined that the proposed site improvements designed on the site development plan are outside of the updated floodplain, thus there will be no change in the design of the stormwater facilities. As a result of these findings, DPZ finds that strict compliance with the regulations would be an unreasonable hardship to the applicant and the reactivation of the site development plan is justified.

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.

If you have any questions, please contact Derrick Jones at (410) 313-2350 or email at djones@howardcountymd.gov.

Sincerely,

DocuSigned by:

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Anthony Cataldo, AICP, Chief
Division of Land Development

AC/dj
cc: Research
DLD- Julia Sauer
Mildenberg and Boender
MDE – Kate Ansalvish
File: SDP-12-020



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

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

Lynda D. Eisenberg, AICP, Director

FAX 410-313-3467

December 15, 2023

Diana Gupta
10620 Vista Road
Columbia MD 21044

RE: WP-24-041 Second Addition to Holiday Hills, Lot 36 (SDP-12-020)

Dear Ms. Gupta:

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.

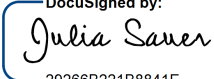
On December 14, 2023, and pursuant to Section 16.104, the Director of the Department of Planning and Zoning, considered and **denied** your request for alternative compliance with respect to **Sections 16.156(o)(1)(i) and 16.156(o)(2)** of the Subdivision and Land Development Regulations to reactivate a site development plan (SDP-12-020) that expired on November 8, 2014, because no building permits were applied for. The purpose of the SDP was to construct a single-family detached dwelling on Lot 36.

The Department of Planning and Zoning finds that strict enforcement of Sections 16.156(o)(1)(i) and 16.156(o)(2) would not result in an unreasonable hardship or practical difficulty. The following factors were considered in making this determination:

The regulations require the applicant to apply for a building permit to initiate construction on the site within one year of site development plan (SDP) signature approval for new residential development of single-family detached residential lots within the planned service area for both public water and sewer. The applicant has requested to reactivate an expired SDP (where no building permits were applied for) to construct a single-family detached dwelling. The applicant's reason for failing to apply for the building permit was based on financial hardship, which generally does not meet the standard of practical difficulty or unreasonable hardship. Additionally, since the SDP was approved, changes have been made to the Howard County Floodplain which further restrict the developable area on this lot and may require site design changes that warrant a standard review by the Subdivision Review Committee. Given the changes in the existing site conditions, DPZ staff believe the appropriate action is for the applicant to file a new SDP that complies with current County and State land use and development regulations. The SDP should include a new environmental study of existing site conditions, especially of the 100-year floodplain and the stream, and require a new application/approval to the MDE Water and Science Administration for the proposed floodplain and stream disturbances.

If you have any questions, please contact Derrick Jones at (410) 313-2350 or email at djones@howardcountymd.gov.

Sincerely,

DocuSigned by:

29266B221B8841E... for
Anthony Cataldo, AICP, Chief
Division of Land Development

AC/dj

cc: Research
DLD - Julia Sauer
Real Estate Services
MDE – Kate Ansalvish
Mildenberg and Boender - Sam Alomer
File: SDP-12-020



Howard County Maryland
Department of Planning and Zoning
 3430 Courthouse Drive, Ellicott City, MD 21043

(410) 313-2350

DPZ Office Use only:
 File No. WP-24-041
 Date Filed 10/10/23

ALTERNATIVE COMPLIANCE APPLICATION

Site Description: Vacant Lot

Subdivision Name/Property Identification: Second Addition to Holiday Hills Subdivision, Lot 36

Location of property: 10622 Vista Road Columbia, MD

Existing Use: Vacant Lot **Proposed Use:** SFD

Tax Map: 41 **Grid:** 6 **Parcel No:** Lot 36 **Election District:** 5th

Zoning District: R-20 **Total site area:** .99 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-12-023
- SDP-12-020
- WP-11-086
- WP-13-014
- WP-14-140

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
16.156(o)(1)(i)	which requires that a building permit be submitted within one year of the site development plan signature approval
16.156(o)(2)	which deems the SDP expired if conditions in Section 16.156(o)(1) are not met.

Section Reference No.	Brief Summary of Request

Signature of Property Owner: *Diana Gupta* Date: 9/28/23

Signature of Petitioner Preparer:  Date: 10.9.23

Name of Property Owner: Diana Gupta Name of Petitioner Preparer: Mildenberg, Boender & Assoc

Address: 10620 Vista Road Address: 8318 Forrest Street Suite 300

City, State, Zip: Columbia, MD 21044 City, State, Zip: Ellicott City, MD 21043

E-Mail: dlgupta99@gmail.com E-Mail: salomer@mba-eng.com

Phone No.: 410-531-0370 Phone No.: 410-997-0296

Contact Person: Diana Gupta Contact Person: Samer Alomer

Owner's Authorization Attached