



## Howard County Department Of Planning And Zoning

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

Valdis Lazdins, Director

[www.howardcountymd.gov](http://www.howardcountymd.gov)

FAX 410-313-3467

TDD 410-313-2323

November 9, 2016

Rene Eppi and Anetta Grabowska  
13000 Brighton Dam Road  
Clarksville MD 21029

RE: **WP-17-036 Brighton Estates (F-16-019)**

Dear Rene and Anetta:

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 to the following two sections of the Subdivision and Land Development Regulations:

**Section 16.144(p)** of the Amended Fifth Edition – Within 120 days of receiving approval of the final plan the developer shall pay all required fees to the County; and if subject to a developer agreement or major facility agreement, shall post all monies and file appropriate surety covering the developer's financial obligations for the required public or private improvements.

**Section 16.144(q)** of the Amended Fifth Edition – Within 180 days of final plan approval, the developer shall submit the final subdivision plat original to the Department of Planning and Zoning for signatures and recordation.

**Approval is subject** to the following three (3) conditions:

- 1) The petitioner must submit the required Declaration of Covenants, Maintenance for Private Stormwater Management and payment for fees to the Real Estate Services Division within 120 days from the date of this alternative compliance approval (**on or before March 9, 2017**). The above document and fees shall be submitted to DPW Real Estates Services a minimum of 3 weeks prior to submission of the final plat originals.
- 2) The petitioner must submit the final plat originals for signatures and recordation to the Division of Land Development within 120 days from the date of this alternative compliance approval (**on or before March 9, 2017**).
- 3) Include this alternative compliance decision as a general note on the final plat. This note shall include the alternative compliance petition file number, the sections waived, decision date and the conditions of approval.

**The decision of this alternative compliance petition is based on the following justification:**Hardship:

The purpose of this alternative compliance petition is to grant the applicant additional time to submit the required DPW documents to complete the Declaration of Covenants, Maintenance for the Private Stormwater Facilities and the payment of fees associated for such. The petitioner has stated that the documents from DPW were received on September 19, 2016 while the owner was out of town. On October 11, 2016, the petitioner met with their consultation team and discovered that the mortgage company referenced in the documents was no longer the holder of the mortgage – the mortgage was refinanced years ago and was transferred electronically rather than by a deed of trust. Therefore, new documents had to be issued by DPW Real Estate Services on October 19, 2016. And because the petitioner had to rectify the mortgage documents, additional time was necessary to make such corrections before the Real Estate Services Division could process the necessary paperwork.

Alternative:

Based on the hardship and practical difficulty stated above, the petitioner has no other alternative than to request alternative compliance to meet the intent of these Regulations. The Declaration of Covenants for stormwater management and the payment of fees are required conditions for signature approval of this subdivision plan and, therefore, by granting additional time to complete the DPW process, the petitioner shall be able to satisfy such obligations within the 120 day period requested.

Not detrimental to public interest:

Approval of the alternative compliance request will not alter the essential character of the neighborhood and will not impair the use or development of the surrounding residential properties. The plat has been granted an approval and the petitioner is not requesting to change the design or function of the subdivision.

Not nullify the intent or purpose of the regulations:

Approval of this alternative compliance request will not nullify the intent or purpose of the regulations since the overall proposal of the project is to subdivide two abutting tax parcels into a subdivision of three (3) residential lots. The petitioner is requesting additional time to submit the necessary documents to complete their developer obligations for stormwater management and maintenance.

**\* Indicate this alternative compliance petition file number, request, section of the regulations, action, conditions of approval, and date of approval on the final plat (F-16-019). This requested alternative compliance petition will remain valid for those time periods stated in the above conditions of approval.**

If you have any questions, please contact Derrick Jones at (410) 313-2350.

Sincerely,



Kent Sheubrooks, Chief  
Division of Land Development

KS/dj  
cc: Research  
DED  
Real Estate Services  
File: F-16-019 , FCC