



Howard County Department Of Planning And Zoning
3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Valdis Lazdins, Director

www.howardcountymd.gov

FAX 410-313-3467

TDD 410-313-2323

February 16, 2017

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

RE: **WP-17-074 Brighton Estates** (F-16-019)

Dear Mr. Eppi and Ms. Grabowski:

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 90 days from the March 9, 2017 deadline date (on or before **June 7, 2017**).
- 2) The petitioner must submit the final plat originals for signatures and recordation to the Division of Land Development within 90 days from the March 9, 2017 due date (on or before **June 7, 2017**).
- 3) Include this waiver 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 DPW Developer Agreement process for the Declaration of Covenants, Maintenance for the Private Stormwater Facilities and the payment of fees associated for such. The petitioner has stated that their lender (a bank) will not sign a partial release associated with the DPW Developer Agreement documents. Therefore, the petitioner is now in process of refinancing a loan through a different banking company to finalize the necessary signatures on the Developer Agreement documents. This process cannot be completed prior to the March 9, 2017 deadline date.

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 90 day period requested.

Not detrimental to public interest:

Approval of the alternative compliance request will not alter the essential character of the area and will not impair the use or development of the surrounding 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 their property into 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 will remain valid for the time period stated in the 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 Estates Services

File: F-16-019

FCC