



# 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

March 30, 2017

Greenberry Inc.  
7350-B Grace Drive  
Columbia, MD 21044

RE: WP-17-086, Percival Property  
(F-16-088)

Dear Applicant:

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 16.144(q) Final Subdivision Plat** which states that 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 conditions:

1. The Developers Agreement and payment of fees must be completed on or before (6 months from the original submission deadline date of January 17, 2016) **on or before July 17, 2017**.
2. The original final plat must be submitted (6 months from the original submission deadline date of March 18, 2017) **on or before September 18, 2017**.
3. Include the alternative compliance request number, description, and decision on all associated and future plans.

Our decision was made based on the following:

### **Self-Created Hardship:**

The applicant would have experienced hardship and practical difficulty with the development of the property through strict compliance with the regulations. The subject minor subdivision was approved and tentative allocations were provided by letter dated September 19, 2016. The property owner has been working toward completion of the developer's agreement and paying the necessary fees. The owner has been working to acquire a recorded release of the Deed of Trust from the previous lender to submit to Real Estate Services. Once Real Estate Services acquires this document the Developers Agreement can then be prepared. This would put the owner about 60 days beyond the March 18<sup>th</sup> submission date. The owner is requesting the additional time in order to complete the developers agreement process and for the owner to execute the documents and provide the required surety.

### **Implementation of Alternative Proposal:**

The intent of the regulations is to keep the project submissions on a schedule for the timely and efficient submission of documents and information. A new final plan submission could be submitted to the County. However the submission of a new plan would require a new review of the same proposed layout that has already been reviewed by County personnel. Alternatively an extension could be granted allowing final plan F-16-088 to continue processing for continuity of file records, which would allow the owner to progress forward with the development.

**Detrimental to the Public Interests:**

Allowing the Percival Property Final Plan, F-16-088 to continue processing would not be detrimental to the public interest as the plan extension would only allow the project to proceed forward with the processing of the developers agreement and the original plat submission.

**Nullifies the Intent or Purpose of the Regulations:**

The intent of the regulations is to keep the project submissions on a schedule for the timely and efficient submission of documents and information. Approval of this alternative compliance request for an extension would not nullify the intent of the regulations as the plat can continue to move forward with its submission.

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 subdivision or site development plan is being actively processed in accordance with the processing provisions of the Regulations.

If you have any questions, please contact Nicholas Haines at (410) 313-4333 or email at [nhaines@howardcountymd.gov](mailto:nhaines@howardcountymd.gov).

Sincerely,

  
Kent Sheubrooks, Chief  
Division of Land Development

KS/NH

cc: Research  
DED  
Real Estate Services  
Mildenberg, Boender & Assoc., Inc.

F-16-088