



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

April 25, 2017

Joe Rutter
Land Design and Development
8318 Forrest Street, Suite 200
Ellicott City, MD 21043

RE: WP-17-088, Honeysuckle Ridge (F-16-041)

Dear Mr. Rutter:

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 **Sections 16.144(p)&(q) and Section 16.147**.

Approval is subject to the following conditions:

1. The Developer's Agreement and corresponding fees and sureties shall be paid within 120 days of the currently extended March 7, 2017 deadline, **or on or before July 5, 2017**;
2. The Final Plat shall be submitted for recordation within 120 days of the currently extended May 6, 2017, **or on or before September 3, 2017**.
3. This alternative compliance must be referenced on the final plat and any subsequent plans.
4. The "Adjoinder Deed" shall be recorded in the Land Records of Howard County, MD within 60 days of this alternative compliance petition approval (**on or before June 23, 2017**).
5. Recorded copies of the "Adjoinder Deed" shall be submitted to this Department for file retention purposes within 30 days of their recording.
6. The "Adjoinder Deeds" shall reference this alternative compliance petition file number and the final plan file number, F-16-041.
7. Approval of this alternative compliance petition is only to allow for the reconfiguration of Parcel 474 to adjoin portions of Parcels 361 and 362 prior to recordation of F-16-041.
8. The final plat, F-16-041, shall reference the recorded Adjoinder Deed liber/folio reference.

Our decision was made based on the following:

Extraordinary Hardships or Practical Difficulties: Regarding alternative compliance to Sections 16.144(p) and (q), Real Estate Services has provided a request to the Developer to provide the information sheet and updated title reports for the five separately owned parcels of land comprising the 12.74 acre subdivision. The owners through the Developer have been working diligently to secure bank financing. This process has been lengthened due to the added complexity that each of the five properties have mortgages and home equity loans with different banking /mortgage institutions. The Developer has also been working with a builder to secure a contract of sale as a

prerequisite of the lending institution requirements. To compound the financial entanglement, the proposed Honeysuckle Ridge subdivision requires the McDonald house at 9150 River Hill Road to be demolished prior to plat recordation. The Developer is working with the bank and Mr. McDonald to integrate this release from the Mortgage Company and due to Mr. McDonald's health issues, it is taking additional time to complete this effort. Therefore additional time is needed to complete the Developer's Agreements tasks.

The extenuating circumstances necessitating alternative compliance to Section 16.147 by allowing an adjoinder deed for a portion of the subject property is that the developer is unable to obtain bank financing for the land purchase unless there is a clear ability to control enough property to assure the subdivision plat can be recorded. Currently, the land comprising the subdivision is owned by 5 separate owners. The adjoinder deed combining parcels will allow the developer to purchase a majority of the land to be redeveloped, mitigating the financial risks.

Alternative Proposal: Approval of this alternative compliance to Sections 16.144(p) and (q) avoids a reprocessing of this subdivision at preliminary equivalent sketch plan phase if this final plat was to become void. Since the road construction drawings are already approved and the owners are working with the financial institutions, granting an extension of time is the most sensible solution. Approval of this alternative compliance for Section 16.147 allows the developer to reconfigure the land for purchasing the land to be redeveloped without purchasing land under homes to remain in plan and under the ownership of the existing property owners.

Not Detrimental to the Public Interest: Approval of the alternative compliance request for Section 16.144(p) and (q) 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. Approval of the alternative compliance for Section 16.147 is not detrimental to the public interest as a subdivision plat will still be processed and the adjoinder deed does not create any additional lots.

Will not nullify the intent or purpose of the regulations: Approval of this alternative compliance for Sections 16.144(p) and (q) will not nullify the intent or purpose of the regulations since the overall proposal of the project is to subdivide five (5) abutting tax parcels into a subdivision of 29 buildable residential lots, which remains unchanged. The owners are requesting additional time to submit the necessary documents to complete their developer obligations for stormwater management and maintenance. Approval of the alternative compliance for Section 16.147 will not nulling the intent of the regulations as a subdivision plat will still be processed and the adjoinder deed does not create any additional lots.

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 requested alternative compliance will remain valid for the time periods specified in the conditions of approval.

If you have any questions, please contact Jill Manion-Farrar at (410) 313-2350 or email at jfarrar@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/JMF



- cc: Research
- DED
- Real Estate Services
- Fisher Collins and Carter
- Thomas and Deborah Kuckuda
- Timothy McDonald
- David and Terrie Ashby
- Patrick and Sara Peplowski
- Kathleen Woodward