



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

July 24, 2017

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

RE: WP-17-130, 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 **Section 16.144(p)&(q)**, for the deadlines to submit developer's agreements, fees and the final plat original, and **Section 16.147**, for the preparation of a final plat (deed adjointer).

Approval is subject to the following conditions:

The Division of Land Development recommends APPROVAL for alternative compliance to Sections 16.144(p)&(q) and Section 16.147, subject to the following conditions:

1. The Developer's Agreement and corresponding fees and sureties shall be paid within 60 days of the currently extended July 5, 2017 deadline, or on or before September 3, 2017;
2. The Final Plat shall be submitted for recordation within 60 day of the approval of this alternative compliance (on or before September 22, 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 September 22, 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:

Subsequent to the April 25, 2017 approval of WP-17-088, Double R has been working with Wells Fargo Bank, that holds the mortgage on Peplowski, to gain approval for the partial release. While there are no apparent problems with the chain of events laid out in the April 25 approval letter, the bank process has been slow. Progress has been made but additional time is needed to bring the properties to settlement and to complete the DPZ process.

The extenuating circumstances necessitating alternative compliance to Section 16.147 by allowing an adjointer 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 adjointer 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 due to unique property settlement issues amongst 5 different owners. 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 adjointer 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 adjointer 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 period 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
Thomas and Deborah Kuckuda
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