



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

August 3, 2017

Stacey Carol Wallace, PR of the Estate of Ruth Dosh Keim
7600 Ridge Road
Marriottsville, MD 21104

RE: WP-17-134, Keim Property, Lot 4

Dear Ms. Wallace:

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 16.147** Final Subdivision Plan and Final Plat, subject to the following conditions:

1. The Alternative Compliance request approval from the final subdivision plat requirements in this case is only a mechanism for Department of Planning & Zoning to recognize the present property configuration for Parcel No. 752, Lot 4 0.341 acres as a separate building lot.
2. A Site Development Plan will be required for building a Single-Family Dwelling.

The Planning Director's decision was made based on the following:

Extraordinary Hardships or Practical Difficulties - Strict compliance with the Subdivision Regulations in this case will result in extraordinary hardship and practical difficulties for the present property owner if required to prepare and process a subdivision plat the lot would be unbuildable and therefore have no value. The expense of employing an engineering firm to prepare the plat and handle the acquisition of the necessary approval to correct a problem created years ago is an extraordinary hardship for the Owners of which they did not realize the deed history and illegal creation.

Alternative Proposal - The intent of the Regulations will be served through the implementation of the alternative proposal to recognize the existing recorded deeds for the subject property. The Owners are not attempting to circumvent the Regulations by the approval of this waiver request, but are requesting relief from a set of circumstances out of their control. Therefore, the processing of this waiver should be viewed as a reasonable alternative to processing a subdivision plat.

Not Detrimental to the Public Interest - Approval of the waiver will not be detrimental to the public welfare. According to the State Department of Tax Assessments is a legal lot they have been paying taxes on since 1974. The parcel cannot be re-subdivided under the current R-20 Zoning District regulations. Therefore, it will allow no impact on the traffic patterns or increase in the school enrollment for the area. Approval of this waiver will permit fairness and consistency in the application of the Regulations.

Will not nullify the intent or purpose of the regulations -The subject property follows the minimum lot size requirements of the "R-20" zoning district. In this case, substantial justice is done and the public's interest secured for recognition of the existing recorded deeded parcel based on all the above justifications.

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 Jennifer Wellen at (410) 313-2350 or email at jwellen@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief for
Division of Land Development

KS/jw

cc: Research
DED
Real Estate Services
Annette Merson, DPS&ZA
Thomas Meachum



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August 3, 2017

2800 Nixons Farm Lane LLC
17500 Frederick Road
Mt. Airy, MD. 21771

Bith Energy (Coretta Bennett)
113 West Monument St.
Baltimore, MD. 21201

RE: **WP-18-010: Nixon Solar Phase II**
(associated with SDP-14-014: Nixon Solar Phase II)

To Whom It May Concern:

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 16.156(o)(1)(ii)** which requires that with all apartment and nonresidential developments involving multiple buildings or staged construction, the developer shall apply for building permits for all construction approved under the site development plan within 2 years of signature approval and an alternative compliance request to **Section 16.156(o)(2)** which states that if the developer does not apply for building permits as required, the site development plan shall expire and a new site development plan submission will be required.

Approval is subject to the following conditions:

1. Approval of SDP-14-014 ("**Nixon Solar-Phase II**") is hereby reactivated and extended for one year from the date of the approval of the Alternative Compliance letter (**to August 3, 2018**) to allow for application of building permit for all remaining construction authorized under SDP-14-014.
2. All remaining building permits in relation to Site Development Plan, **SDP-14-014 ("Nixon Solar-Phase II")** shall be applied for **within 1 year of alternative compliance approval (on or before August 3, 2018)**.

The Planning Director's decision was made based on the following:

Extraordinary hardships or practical difficulties:

An undue hardship would result Should the alternative compliance not be granted. A new Site Development Plan (SDP) would need to be submitted and reviewed and the expense of processing a new SDP would be extraordinarily burdensome. The County and other review agencies have reviewed the proposed development and have previously approved the plan and no changes to the plan are proposed. The plans as submitted were already approved and the developer will comply with all applicable codes.

Detrimental to the Public Interest and/or Nullifies the Intent or Purpose of the Regulations:

The granting of the alternative compliance will not be detrimental to the public interest nor will it nullify the intent or purpose of the regulations because the proposal has undergone a complete review at the Site Development Plan stage and most the solar panels have already been installed. Not granting the alternative compliance request would result in the required resubmittal of the same Site Development Plan to be reviewed by County and State agencies, resulting in additional delays but with no change to the overall project.

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 Tanya Krista-Maenhardt, AICP at (410) 313-2350 or email at tmaenhardt@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief *for*
Division of Land Development

KS/TKM/WP-18-010/Nixon Farm Solar Phase II approval 8-3-17

cc: Research
DED
Real Estate Services
DILP
Annette Merson
Pennoni Associates
SDP-14-014