



Howard County Department Of Planning And Zoning

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Valdis Lazdins, Director

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June 13, 2018

S. Bruce Jaffe
8600 Snowden River Parkway #207
Columbia MD 21045

RE: **WP-18-121 High Point** (SDP-16-045)

Dear Mr. Jaffe:

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 16.156(l) and 16.156(m) of the Amended Fifth Edition – Within 180 days of receiving approval of the site development plan (SDP) the developer shall pay all required fees and if subject to a developer agreement, post all monies and/or file appropriate surety covering the developer's financial obligations for the required improvements. Within 180 days of approval of the site development plan, the developer shall submit the original mylar plans corrected to meet the requirements of the various State and County agencies; the Department of Planning and Zoning shall coordinate the signature process associated with approval of the site development plan. If the corrected originals are not submitted within 180 days of approval of the SDP, the approval will expire and a new site development plan submission will be required.

Approval is subject to the following two (2) conditions:

- 1) The filing of the DPW Developer Agreement, the payment of fees and the submittal of the SDP originals must be made within 180 days from the date of the approval letter (on or before **December 10, 2018**).
- 2) Provide as a general note on SDP-16-045 this alternative compliance petition file number, request, approval date, and conditions of approval.

The decision of this alternative compliance petition is based on the following justification:

The petitioner failed to file the DPW developer agreement, the payment of fees and the submittal of the SDP originals within the 180-day deadline set forth by an alternative compliance petition (WP-18-031) that was approved on October 12, 2017. The SDP for the redevelopment of a 0.69-acre parcel had met all preliminary site development review requirements and an administrative adjustment (AA-16-019) was approved to reduce the 30-foot setback to 24 feet for a retaining wall and deck. The petitioner has stated that there were "temporary difficulties" preventing the completion of the developer agreement. The petitioner was aware of the deadline date to file the developer agreement, payment of fees and the submittal of the SDP originals, but was not able to meet those dates due to financial difficulties preventing the completion of the developer agreement. Furthermore, the petitioner has documented that he is in process of selling the property and the new property owner will complete the developer agreement.

By granting this alternative compliance petition, it will not have any detrimental impacts to the public interests, will not alter the essential character of the area and will not impair the use or development of the surrounding properties, because the SDP is approved with no further plan review comments or outstanding site issues to resolve.

The approval of this alternative compliance request will not nullify the intent of the Regulations which requires the developer, within 180 days of receiving SDP approval, to satisfy the developer's agreements and to submit the SDP mylar originals. Since the filing of this petition, there has not been changes to the SDP and the plan remains in compliance with all regulations. The petitioner understands that the approved SDP must remain compliant with regulations and procedures.

No SRC agency objected to this request.

* Indicate this alternative compliance petition file number, request, section of the regulations, action, conditions of approval, and date of approval on the site development plan. **This requested alternative compliance petition will remain valid for the time period specified in the approval conditions or as long as the site development plan remains in active processing.**

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 Estate Services

File: SDP-16-045

Vogel + Timmons