



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

September 6, 2018

Mr. Billy Seay
Evergreen Stables Farm, LLC
8250 Old Columbia Road
Fulton, MD 20759

Dear Mr. Seay:

RE: WP-19-013, Preserve at Evergreen Farms
(F-18-047)

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(m)** which requires the resubmission of the final plan within 45-days from the decision letter. The applicant is requesting a 6-month extension from the August 30, 2018 deadline date for the resubmission of the final plan.

Approval is subject to the following conditions:

1. The density sending plat and the forest mitigation bank plan must be submitted with the resubmission of the revised final plan (F-18-047). The final plan, F-18-047 must be resubmitted on or before - February 28, 2019.
2. On the final plan (F-18-047) and all subsequent plans and/or plats, provide a brief description of alternative compliance, WP-19-013 as a general note to include requests, sections of the regulations, action and date.

Our decision was made based on the following:

JUSTIFICATION FOR RECOMMENDATION: The extraordinary hardship or practical difficulty involved with this alternative compliance request would require the developer to submit a new preliminary equivalent sketch plan which would not provide a different design, but would allow the developer additional time to process and record the plats for the off-site easements. The developer attributes the delay to obtaining signatures on the mylars from the St. Francis of Assisi Catholic Church. The Development Engineering Division cannot approve the subdivision until the plats for the adjacent properties have been recorded. These plats will provide public off-site drainage and tree easements needed for the Preservation at Evergreen Farm subdivision. In addition, the developer has experienced some delays in obtaining the required density units. Based on the developer's communication with the seller of the development rights, it was the developer's understanding that the seller had the 5 required units available for purchase. However, the seller is currently resolving the consolidation of the parcel for 2 of the needed units.

Not Detrimental to the Public Interest - Approval of the alternative compliance request will not alter the essential character of the neighborhood since the design of the subdivision will not change. The extension of time will allow the property owner additional time to obtain signatures on the plats from the neighboring properties. The Development Engineering Division has determined that the plans for the Preserve at Evergreen Farms cannot be approved until the off-site easements have been recorded. The developers indicated that additional time is needed to obtain signatures from the St. Francis of Assisi Catholic Church, and to obtain the required density sending units. Based on the developer's communication with the seller of the development rights, it was his understanding that the seller had the 5 needed density units readily available. However, the seller is currently working on consolidating parcels where 2 of the needed density units will be purchased.

Will Not Nullify the Intent or Purpose of the Regulations - Approval of this alternative compliance request will not nullify the intent or purpose of the Regulations. The granting of the requested 6-month extension to February 28, 2019 will allow the property owner to continue with the subdivision process instead of requiring the submission of a new preliminary equivalent sketch plan. The extension of time is needed for the developer to obtain signatures on the plats for the neighboring properties which provide drainage and tree easements, and to obtain the required 5 density units.

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 Brenda Luber at (410) 313-2350 or email at BLuber@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/BL

cc: Research
DED
Real Estate Services
Benchmark Engineering
F-18-047