



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 28, 2018

Howard County Government - DPW
3430 Courthouse Drive
Ellicott City, MD 21043

RE: WP-19-021, Whiskey Bottom Road Water Pumping
Station, Capital Project W8320 – SDP-16-036

Dear Sir or Madam:

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)** subject to the following conditions:

1. Approval of SDP-16-036 is hereby reactivated and extended for 90-day extension from the date of the alternative compliance approval letter to apply for all building permits for Whiskey Bottom Pumping Station on or before December 27, 2018. The applicant shall comply with all building permit application requirements of the Department of Inspections, Licenses and Permits.

Approval is subject to the following conditions:

Extraordinary Hardships or Practical Difficulties: It would be an extraordinary hardship on the County if the construction of this Capital Project was forced to process a new SDP. The contractor is currently under contract with the County to include the work in this SDP and Contract Plans 44-4947. If the County is forced to restart the process the contractor will not be able to complete his obligations under his contract and will request to be compensated which would result in significant costs to the County. Sediment controls are in place, the LOD has been cleared and site construction is underway. Additionally, the water mains under Contract No. 44-4947 associated with the pumping station are currently under construction and any delays in the water pumping station manufacturing and installation could affect the potable water quality in these new mains.

Alternative Proposal: Submission of a new site development plan will create an extraordinary hardship as the plan would have to be resubmitted with new fees and re-circulated through the County for review even though the overall site development plan has not been altered, thereby wasting County resources and County funding creating an unnecessary additional time delay. By granting an extension to the SDP approval and allowing the Building Permits to be applied for now will eliminate any future delays caused by having to restart the SDP process.

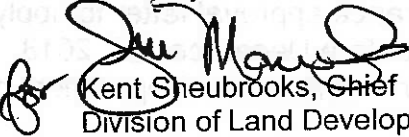
Not Detrimental to the Public Interest: If this project was delayed to re-start the SDP process, the adjacent owners would be subject to an extended construction timeline. Additionally, significant change orders from the Contractor to address any delay in being able to move forward with the building

manufacturing and delivery on-site and completing the remaining improvements as shown on the SDP. And finally, the existing water pumping station which this pumping station is replacing currently must be accessed by County employees through the adjacent secure property. A delayed construction of this Capital Project would prolong the amount of time. There will be no adverse impact to neighboring properties. The site development plan for this project has been reviewed by the SRC agencies for compliance of the County and State regulations and was approved. Therefore, the requested extension of SDP approval to file for building permits will not have any adverse effect on the surrounding properties where the project is located.

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 since the site development plan is in compliance with the County and State regulations and received signature approval. Therefore, approval of this alternative compliance request will satisfy the intent of the Regulations by permitting fairness and consistency in the application of the plan processing procedures. All SRC agencies have recommended approval of this alternative compliance request to extend plan approval for SDP-16-036. The Contractor has the complete building permit application package and is ready to submit.

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

If you have any questions, please contact Jennifer Wellen at (410) 313-2350 or email at jwellen@howardcountymd.gov.

Sincerely,

Kent Sheubrooks, Chief
Division of Land Development

KS/jw

cc: Research
DED
Real Estate Services
Annette Merson, DP&SA