



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Court House Drive

Ellicott City, Maryland 21043

410-313-2350

Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

December 13, 2018

Mujaba Yahya
4000 Dustin Road
Burtonsville, MD 20866

RE: WP-19-041, Kindler Court

Dear Mr. Yahya:

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) and Section 16.144(q) of the Subdivision and Land Development Regulations.**

Approval is subject to the following conditions:

1. The new milestone dates are **May 15, 2019** for completing step 2 and **July 14, 2019** for completing Step 3 of the Technically Complete (TC) letter issued July 18, 2015 and corrected September 14, 2018.
2. Failure to complete all steps as outlined in the TC Letter dated July 18, 2018 and corrected September 14, 2018 will result in F-18-041 being voided.

Our decision was made based on the following:

Extraordinary Hardships or Practical Difficulties:

From the applicant: The Developer/Owner has been working on the financing required to complete the fees/bonds associated with step 2 of the approval letter for F-18-074. In addition, the Developer is working with Second Chance, Inc., a Baltimore based non-profit about the deconstruction of the residential dwelling that exists on-site. This approach is to reduce the carbon footprint of the proposed development. This process is considerably longer than initially anticipated. This process will provide tax credits to allow funding to be concluded. We feel compliance with the milestone dates established in Step 2 and Step 3 will impose extraordinary hardship to our client without adequate financial support from lending institutions.

Alternative Proposal:

The alternative would be to void the plan for missing the deadlines. The applicant would then be required to resubmit the proposal and county resources would be wasted in reviewing plans that have already been evaluated by County agencies and approved. No improvement to the design would be accomplished.

From the applicant: The intent of the Regulations is to ensure that payment of fees; provision of bonding and recordation of the final subdivision plat will be provided in a timely manner. The milestone timelines are established to support the intent but should also consider that lending institution requirements vary from lending institution to lending institutions; especially for private land owners seeking financial support. In some cases, lending institutions require alternative documents which need to be prepared and returned. This request to extend the milestone date for Step 2 and Step 3 will continue establishing a submittal date to ensure completion of the Regulations.

Not Detrimental to the Public Interest:

Approval of this Alternative Compliance request will not be detrimental to the public interest. The proposed residential single-family home subdivision has been designed, reviewed, and approved by the various Howard County agencies to be in compliance with current Regulations. Approval of this request for an extension to Steps 2 and 3 will not affect any design conditions previously approved by the County, but only extend the deadline for completion of the requirements.

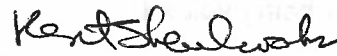
Will not nullify the intent or purpose of the regulations:

Extending the milestone date for Step 2: Payment of Fees and Posting Financial Obligations and Step 3: Final Subdivision Plat does not affect approvals obtained during the development process. There is no modification to plan approvals requested to be waived. The intent of the regulations to provide milestone dates for specific items remains unchanged with only the specific milestones date being revised. It should be noted that the APFO School Test performed to allow approval of the subdivision plan maintains an open school capacity at the time of this Alternative Compliance Application.

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

If you have any questions, please contact Donna Despres at (410) 313-3429 or email at ddepres@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/DD

cc: Research
DED
Real Estate Services
FCC