



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

January 17, 2019

Arnold Sagner
PO Box 416
Ellicott City, MD 21041

RE: WP-19-057 Potters Place
Alternative Compliance Application Approved

Dear Mr. Sagner:

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(d)(2)** "...the developer shall provide the information within 45 days of receiving such indication."

Approval is subject to the following conditions:

1. The deadline for resubmission of S-18-008 is extended 120 days as requested. The new deadline is April 16, 2019. Please provide a copy of the action letter establishing the deadline when re-submitting the Sketch Plan.
2. In the event the Administrative Adjustment (AA-18-018) to the structure setbacks is DENIED, the applicant will have until April 16, 2019 to re-submit plans with an alternative design that meets the regulations. If the plans are not resubmitted by April 16, 2019, S-18-008, Potters Place will be void.
3. Add to the General Notes on Sheet 1 of S-18-008, the file number WP-19-057, date of the decision, and the conditions of approval.
4. Add to the General Notes, case number AA-18-018, the decision date, and conditions of approval.

Our decision was made based on the following:

Extraordinary Hardships or Practical Difficulties:

The purpose of this Alternative Compliance petition is to request a 120-day extension to resubmit Sketch Plan S-18-008. This additional time is necessary to facilitate the time required to accommodate the scheduling of an Administrative Adjustment hearing. The Administrative Adjustment is required to reduce certain building setbacks. On behalf of the petitioner, we are requesting 120-days to provide the Department of Planning and Zoning adequate time to process the application and schedule the hearing.

The Sketch and Preliminary Public Water and Sewer Main Extension Plans have been generated and processed. The developer has made a substantial financial investment in creating the plans, including all supporting reports, studies and fees. The County agencies have reviewed the plans accordingly.

If this Alternative Compliance petition were not granted, the Sketch Plan will be provided an opportunity to redesign within 45 days, or SP-18-008 would be void.

It is anticipated that Potter's Place will be constructed concurrent with latter units in the Delacour project. If the timing of this project is further delayed the builder will not be able to maintain the intended schedule and the viability to develop Potter's Place independently is questionable.

The intent of the requested extension is to provide adequate time to process the Administrative Adjustment. The Sketch Plan was initially filed and processed so that any adjustments could be incorporated into the design prior to the Administrative Adjustment request.

Alternative Proposal:

The only alternative for not granting the requested deadline extension is to require the submission of a new Sketch Plan. Since the Sketch Plan has been through the review cycle several times and has an established file history, the alternative for requiring a new Sketch Plan is not in the petitioner's or County's best interest.

In the event the Administrative Adjustment is granted, the layout will not change significantly and additional review by the agencies that have granted approval thus far would be a waste of County resources.

Not Detrimental to the Public Interest:

The requested deadline extension will not be detrimental to the Public's interest since the Sketch Plan has been processed and will continue to process. The requested deadline extension will not have any adverse effect on the surrounding properties and the community where the property is located. The extension will provide the time necessary to process and Administrative Adjustment in accordance with the Regulations. Therefore, the approval of this Alternative Compliance petition would not be detrimental to the Public's interest.

Will not nullify the intent or purpose of the regulations:

The Sketch Plan is currently in process and will continue to process subject to the Administrative Adjustment approval. The time extension will not result in the relaxation of any technical policy or Regulation requirements. The granting of this extension permits the time necessary to process the Administrative Adjustment, satisfying the intent of the Regulations.

The resubmission extension will provide the time necessary to process and complete the Administrative Adjustment process in accordance with the Regulations. The granting of this Alternative Compliance request does not result in any deleterious impacts in regards to the public or vicinal properties.

The petitioner is not requesting the relaxation of any technical requirements as part of this petition. This Alternative Compliance does not nullify the intent of the Regulations, but it does provide the time required to complete other processes contemplated in the Regulations.

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 Donna Despres at (410) 313-3429 or email at ddespres@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/DD

cc: Research
DED
Real Estate Services
Vogel Engineering
S-18-008 Potters Place