



# 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

May 28, 2019

Mr. James King  
6549 Freetown Road  
Columbia, MD 21044

RE: WP-19-098, Atholton Overlook Approved

Dear Mr. King:

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(b)** – submission of a Preliminary Equivalent Sketch Plan of the Subdivision and Land Development Regulations.

Approval is subject to the following conditions:

1. Add a General Note to F-19-062 to reference this Alternative Compliance application (WP-19-098). Include date of decision, Section, and conditions of approval.

Our decision was made based on the following:

**Extraordinary Hardships or Practical Difficulties:**

A four lot subdivision is considered a minor subdivision and is exempt from the Sketch and Preliminary plan submissions per **Section 16.102.(c)** of the Subdivision and Land Development Regulation. Re-subdivisions that do not require public roads are also exempt. This project will create 5 lots and will not require the construction of any new roads. Minor road frontage improvements including curb and gutter and sidewalk will be provided. No widening is required because the existing road width meets county standards.

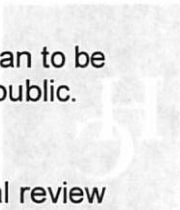
Processing a Sketch or Preliminary Equivalent Sketch Plan creates practical difficulties because additional submittals and review time will not offer opportunities for improvement. The project must comply with all the County regulations. Requiring additional plan submittals because the proposal is one lot over the definition of a minor subdivision creates unnecessary work for the applicant and the County review agencies with no added benefit.

**Alternative Proposal:**

All of the information and materials required for the Preliminary Equivalent Sketch Plan and the Final Plan are being submitted with the Final Plan. The request is not to waive any of the requirements, just to combine the process as allowed for a minor subdivision. The alternative, to require an intermittent plan submittal, does not provide new information or added benefit.

**Not Detrimental to the Public Interest:**

The purpose of the Sketch Plan or Preliminary Equivalent Sketch Plan is to indicate the intent, scope and timing of the subdivision and to familiarize the developer with the County and State requirements. The project consists of 5 lots with a straight forward design that does not propose any new public roads. All the regulations will be



et including storm water management, road frontage improvements and APFO testing. Allowing the plan to be processed with the same plan submittals required for a minor subdivision will not be detrimental to the public.


**Will Not Nullify the Intent or Purpose of the Regulations:**


The intent of additional plan submissions is to facilitate review of large complex projects. The additional review of large projects benefits the applicant and the County review agencies. However, this 5-lot subdivision is not complex and would not benefit from additional review. Approval of this Alternative Compliance request will not nullify the intent of the regulations nor will it grant relief of any subdivision requirements.

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 alternative compliance approval will remain valid for one year from the date of this letter or as long as a subdivision or site development plan is being actively processed in accordance with the processing provisions of the Regulations.

If you have any questions, please contact Donna Despres at (410) 313-3429 or email at [despres@howardcountymd.gov](mailto:despres@howardcountymd.gov).

Sincerely,

  
Kent Sheubrooks, Chief  
Division of Land Development

  
S/JM/DD  
Research  
DED  
Real Estate Services  
Mildenberg, Boender & associate, Inc.