



# HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Court House Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Voice/Relay

Amy Gowan, Director

FAX 410-313-3467

March 20, 2023

Jacob Hikmat  
Cadogon LLC  
5550 Sterrett Place Suite 103  
Columbia MD, 21044

RE: WP-23-004, St. Charles Woods  
Alternative Compliance Approved  
**Reconsideration of Deadlines Granted**

Dear Mr. Hikmat:

This letter is to inform you that your request for reconsideration of conditions in the approved alternative compliance to the Howard County Subdivision and Land Development Regulations for the subject project was reviewed.

The Planning Director hereby **approves your reconsideration request** and determined that you have satisfactorily demonstrated that strict enforcement of Sections 16.144(p)(1), 16.144(r)(5), and 16.144(q) would result in an unreasonable hardship or practical difficulty and additional time requested for the extension is warranted.

Reconsideration Approval of this Alternative Compliance is subject to the following conditions:

1. The Developer's Agreement and payment of fees must be submitted within 120 days of the approval of this alternative compliance (**on or before July 18, 2023**).
2. The final plat originals must be submitted within 180 days of approval of this alternative compliance (**on or before September 16, 2023**).

The Planning Director's decision was based on the following:

- On September 21, 2022, and pursuant to Section 16.104, the Director of the Department of Planning and Zoning, considered and **approved** your request for alternative compliance with respect to sections 16.144(r)(5), 16.144(p)(1), and 16.144(q) of the Subdivision and Land Development Regulations.
- A letter was sent to the applicant on September 28, 2022 informing that the alternative compliance was approved but the requested extended deadlines of one year from the original deadlines issued with the technically complete letter was reduced to 60 days from the date of the letter to complete Developer's Agreements and 120 days from the date of the letter to submit the original plat for recordation.

- On October 28, 2022, DPZ received a request to reconsider the approval conditions, updated justifications and a request to restore the requested one-year extension. DPZ deferred the decision on the request for reconsideration on November 16, 2022, and requested additional information from the applicant to support the request. This additional information was received December 30, 2022.

The Planning Director hereby determines that you have demonstrated to its satisfaction that strict enforcement of Sections 16.144(p)(1), 16.144(r)(5), and 16.144(q) would result in an unreasonable hardship or practical difficulty and the additional time requested for the extension is warranted. This determination is made with consideration of your alternative compliance application and the one (1) item you were required to address, pursuant to Section 16.104(a)(1):

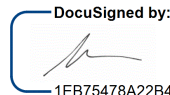
**1. Unreasonable hardship or practical difficulties may result from strict compliance with the regulations.**

The developer has investigated multiple options to complete the development project in its entirety. Due to flood concerns to the proposed public road and some of the lots in the original configuration, the developer investigated opportunities to access a portion of the subdivision from Route 40 and reconfigure lots to avoid flood hazards. SHA confirmed access restrictions from Baltimore National Pike, which required the developer to consider other road alignments and other design decisions. The developer is currently in negotiation with the owner of the adjacent pond to complete the necessary improvements to mitigate the flood hazards and coordinating with MDE determine the level of flood risk. This information may change important design details including the location of the proposed road, and whether it will be public or private. This also could impact ultimate cost estimates included with the Developer's Agreement and the final layout on the plat. Additional information provided to the department in the reconsideration request warranted additional time for coordination of plans. For this reason, the Department of Planning and Zoning has determined that unreasonable hardship or practical difficulties would result if adequate time was not provided to coordinate with the multiple parties. Since the original one-year extension dates have passed at the time of this reconsideration decision, the Department of Planning and Zoning is issuing deadlines from the date of this letter using standard timeframes issued for the Developer's Agreement, fees, and plat.

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.

If you have any questions, please contact Jill Manion at (410) 313-2350 or email at [jmanion@howardcountymd.gov](mailto:jmanion@howardcountymd.gov).

Sincerely,

DocuSigned by:  
  
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Anthony Cataldo, AICP, Chief  
Division of Land Development

AC/jam

cc: Research  
DED  
DLD - Julia Sauer  
Real Estate Services  
MBA



# HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Court House Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Voice/Relay

Amy Gowan, Director

FAX 410-313-3467

September 28, 2022

Jacob Hikmat  
Cadogon LLC  
5550 Sterrett Place Suite 103  
Columbia MD, 21044

RE: WP-23-004, St. Charles Woods

Dear Mr. Hikmat:

This letter is to inform you that your request for alternative compliance to the Howard County Subdivision and Land Development Regulations for the subject project was reviewed.

On September 21, 2022 and pursuant to Section 16.104, the Director of the Department of Planning and Zoning, considered and **approved** your request for alternative compliance with respect to the following sections of the Subdivision and Land Development Regulations:

- **Section 16.144(r)(5)**, which states, "Except where delay is caused by government action, failure to pay fees, post monies, sign developer agreements and major facilities agreement, and provide appropriate surety within 180 days of final plan approval shall void previous approvals and the application shall be considered withdrawn;"
- **Section 16.144(p)(1)**, which states, "Within 120 days of receiving approval of the final plan the developer shall pay all required fees to the County;" and,
- **Section 16.144(q)**, which states, "Within 180 days of final plan approval, the developer shall submit the final subdivision plat to the Department of Planning and Zoning for signatures and recordation."

The Department of Planning and Zoning hereby determines that you have demonstrated to its satisfaction that strict enforcement of Section 16.144(r)(5), Section 16.144(p)(1) and Section 16.144(q) would result in an unreasonable hardship or practical difficulty. This determination is made with consideration of your alternative compliance application and the one (1) item you were required to address, pursuant to Section 16.104(a)(1):

1. *Unreasonable hardship or practical difficulties may result from strict compliance with the regulations*

The developer has investigated multiple options to complete the development project in its entirety. Due to access restrictions from Baltimore National Pike, and the length of time to review the changes to the road construction drawings, the project encountered obstacles and delays. The developer is currently in negotiation with the owner of the adjacent pond to complete the necessary improvements to mitigate the flood hazards, and is requesting the reactivation of the plan and a one-year extension from the original deadlines stipulated in the technically complete letter dated September 13, 2021 in order to have both the lots still proposed on F-18-115, and the remaining lots proposed in the second phase (submitted as F-22-043), to be approved in quick succession and proceed with the development. However, per the request

of the applicant, the project was divided into two phases in order to alleviate some of the timing concerns and an elongated delay to complete the first phase has not been justified. As such, since the developers agreements and preparation of the final plat mylars would have already been in process when the previous extension deadlines of June 10, 2022 and August 9, 2022, respectively, were established, DLD is recommending that the reactivated plan establish a 60 day and 120 day milestone date from the approval of the alternative compliance action to complete the developers agreements and submit the final plat mylars. Approval of the alternative compliance promotes efficiency of the plan review process.

Approval of this Alternative Compliance is subject to the following conditions:

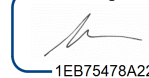
1. The Developer's Agreement and payment of fees must be submitted within 60 days of the approval of this alternative compliance (**on or before November 20, 2022**).
2. The final plat originals must be submitted within 120 days of approval of this alternative compliance (**on or before January 19, 2023**).

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 the time period specified in the conditions of approval].

If you have any questions, please contact Jill Manion at (410) 313-2350 or email at [jmanion@howardcountymd.gov](mailto:jmanion@howardcountymd.gov).

Sincerely,

DocuSigned by:



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Anthony Cataldo, AICP, Chief  
Division of Land Development

AC/jam

cc: Research  
DLD - Julia Sauer  
Real Estate Services  
Mildenberg Boender and Associates



**Howard County Maryland**  
**Department of Planning and Zoning**  
 3430 Courthouse Drive, Ellicott City, MD 21043

(410) 313-2350

DPZ Office Use only:

File No.

Date Filed

## ALTERNATIVE COMPLIANCE APPLICATION

**Site Description:** 10611 BALTIMORE NATIONAL PIKE, ELLICOTT CITY, MD 21042

**Subdivision Name/Property Identification:** St. Charles Woods PROPERTY

**Location of property:** ADC MAP: 39, GRID F-4

**Existing Use:** RESIDENTIAL      **Proposed Use:** RESIDENTIAL

**Tax Map:** 16      **Grid:** 23      **Parcel No:** 248      **Election District:** THIRD

**Zoning District:** R-ED      **Total site area:** 17.26 ACRES

**Please list all previously submitted or currently active plans on file with the County (subdivision plans, Board of Appeals petitions, alternative compliance petitions, etc.). If no previous plans have been submitted, please provide a brief history of the site and related information to the request:**

ECP-15-006      AA-14-019  
 SP-15-010      WP-15-077  
 WP-16-049      WP-17-075  
 PB-430      F-18-115  
 F-22-043

**In the area below, the petitioner shall enumerate the specific numerical section(s) from the Subdivision and Land Development Regulations for which an alternative compliance is being requested and provide a brief summary of the request.**

Section Reference No.	Brief Summary of Request
Section 16.144(r)(5)	Seeking approval to extend submission of plat and execution of DA deadlines
Section 16.144(p)(1)	Seeking approval to allow for a 1 year extension to pay the fees.
Section 16.144(q)	Seeking approval to allow for a 1 year extension to submit the original record plat.



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**Signature of Property Owner:**

**Date:**

7.9.22

**Signature of Petitioner Preparer:**

**Date:**

7.9.22

**Name of Property Owner:** CADOGON LLC

**Name of Petition Preparer:** Mildenberg Boender & Assoc.

**Address:** 5550 Sterrett Place, Suite 103

**Address:** 8313 FORREST STREET - SUITE 300

**City, State, Zip:** 5550 Sterrett Place, Suite 103

**City, State, Zip:** ELLICOTT CITY, MD 21043

**E-Mail:** jhikmat@hotmail.com

**E-Mail:** salomer@mba-eng.com

**Phone No.:** (443) 538-9547

**Phone No.:** 410-997-0296

**Contact Person:** JACOB HIKMAT

**Contact Person:** Sam Alomer

**Owner's Authorization Attached**