



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 21, 2023

The Estate of Ruth L. Harbin
c/o Mark Bobotek, Esq.
P.O. Box 66
Ellicott City MD 21042

RE: WP-23-086 Bethany Glen – ARAH (F-22-033)

Dear Mr. Bobotek:

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 March 20, 2023, 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 **Section 16.144(r)(3)** of the Subdivision and Land Development Regulations to extend the 45-day deadline of March 10, 2023, to resubmit a final plan (F-22-033) for the Bethany Glen subdivision.

The Department of Planning and Zoning hereby determines that you have demonstrated to its satisfaction that strict enforcement of Section 16.144(r)(3) 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):

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

Unreasonable hardship and practical difficulties may result from strict compliance with the regulations.

The applicant has indicated that the 45-day extension to the March 10 resubmission deadline date is a result of continued discussions with DPZ's Development Engineering Division (DED) and the Soils Conservation District regarding the stormwater management approach and the floodplain analysis.

Upon the completion of the conceptual layout of the revised stormwater management approach which was the focus of the prior alternative compliance time extension, it was determined that the new layout is not feasible due mainly to construction constraints. There are significant plan and computational updates needed to execute this design change and, thus, the applicant is seeking additional time to complete.

Granting the Alternative Compliance request does not relax any technical requirements but allows the developer additional time to finalize the new design. If the final plan was to expire, a new submission matching the existing plan and without any resolution to the outstanding comments, would be required which would be an unreasonable hardship.

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

1. The applicant must provide the additional information within 45 days of the March 10, 2023 deadline date (on or before **April 24, 2023**).
2. Include this alternative compliance petition decision as a general note on the final plan (F-22-033). This note shall include the petition's file number, the regulatory sections, the decision date, and the condition of approval.

Indicate this alternative compliance petition file number, request, section of the regulations, action, conditions of approval, and date on the final plan (F-22-033). This alternative compliance approval will remain valid for the time-period specified in the conditions of approval.

If you have any questions, please contact Derrick Jones at (410) 313-2350 or email at djones@howardcountymd.gov.

Sincerely,

DocuSigned by:



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Anthony Cataldo, AICP, Chief
Division of Land Development

AC/dj

cc: Research
DLD - Julia Sauer
Bohler Engineering
Elm Street Development



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 *WP-23-086*

ALTERNATIVE COMPLIANCE APPLICATION

Site Description: 9891 Old Frederick Road - Route 99
Subdivision Name/Property Identification: Bethany Glen -ARAH, F-22-033
Location of property: 9891 Old Frederick Road - Route 99
Existing Use: Residential **Proposed Use:** Age Restricted - Attached & Detached Dwellings
Tax Map: 17 **Grid:** 15 **Parcel No:** 34 **Election District:** 5th
Zoning District: R-20 **Total site area:** 68.57

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:

BA-17-018C, SP-21-002, ECP-21-017, SDP-22-021, F-22-033

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
16.144(r)(3)	Additional Information: Requesting approval for a 45-day extension to the revised plan submission deadline to adequately analyze the requests received by the County and ultimately make the necessary plan and computational updates to resubmit +

Signature of Property Owner: [Redacted] **Date:** [Redacted]

Signature of Petitioner Preparer:  **Date:** 3/9/2023

Name of Property Owner: The Estate of Ruth L. Harbin
C/O Mark BoboTek, Esq. **Name of Petition Preparer:** Elm Street Development - Jason Van Kirk

Address: P.O. Box 66 **Address:** 5074 Dorsey Hall Drive, Suite 205

City, State, Zip: Ellicott City, MD 21042 **City, State, Zip:** Ellicott City, MD 21042

E-Mail: [Redacted] **E-Mail:** jvankirk@elmstreetdev.com

Phone No.: 410-964-9700 **Phone No.:** 410-720-3021

Contact Person: H. Mark BoboTek, Esq. **Contact Person:** Jason Van Kirk

Owner's Authorization Attached