

February 3, 2020

Acting Chief  
Division of Land Development  
Howard County Department of Planning and Zoning  
3430 Court House Drive  
Ellicott City, MD 21043

**RE: Harbin Property, Lot 5  
SDP-19-018  
Alternative Compliance Request  
Reactivation of Plans (Section 16.156.(o)(i))**

Dear Acting Chief:

In accordance with Section 16.104 of Howard County's Subdivision and Land Development Regulations, we are requesting an alternative compliance approval to the requirements stipulated within the following section:

- 1) Section 16.156(o)(i), which states that a site development plan be shall expire if a building permit is not applied for within 1 year of SDP approval. SDP-19-018 obtained signature approval on January 11, 2019. **We are seeking an alternative compliance to Section 16.156(o)(i) to reactivate SDP-19-018.**

Enclosed please find the following package for your review and approval:

1. Nineteen (19) copies of the Waiver Petition Application with attached justification.
2. Nineteen (19) copies of the voided SDP-19-018.
3. One (1) check made payable to the Director of Finance.

Thank you for your time and effort. Should you have any questions or comments concerning this matter, please do not hesitate to contact this office.

Very truly yours,  
**MILDENBERG, BOENDER & ASSOCIATES, INC.**

  
Maya M. Mildenberg  
Vice President

## **HARBIN PROPERTY, LOT 5**

### **SECTION 16.156.(o)(i) Alternative Compliance Justification:**

#### **SUMMARY:**

Site Development Plan (SDP) approval for this project was granted on January 11, 2019. The site plan encompasses approximately .64 acres of R-20 zoned property.

Section 16.156.(o)(i) requires that building permits be applied for within 1 year after receiving SDP approval. Our client was not able to apply for the building permit within the specified time limit stipulated in the regulations. As a result, the project was voided by the county.

We believe that our request should be approved based on the following:

- a. Our client has been in negotiations with potential buyers. Strict compliance with the regulations (i.e. having to go through the entire SDP process again) will result in a substantial delay in the start of construction and loss of potential buyers. This will result in extraordinary hardship for the owner.
- b. The intent of the regulation is to guarantee that the project meets the county regulations at the time of construction. HSCD approvals are still valid and no change in design manual or subdivision regulations impacting this project is proposed. This project meets all the county's current regulations. Granting this request will better serve the intent of the regulation by proving more efficient review resulting from continuity of review.
- c. This project does not involve any public properties or community areas. It will not have any adverse APFO impact on Howard County or its citizens. Approval of the request will not be detrimental to the public interest.
- d. There are no environmentally sensitive areas within the site. The intent of the regulations will not be nullified by granting of this request.

Howard County Department of Planning and Zoning  
 Division of Land Development  
**ALTERNATIVE COMPLIANCE APPLICATION**  
*[Alternative Compliance from Subdivision and Land Development Regulations]*

Date Submitted/Accepted \_\_\_\_\_ DPZ File Number DP-20-075

**I. Site Description**

Subdivision Name/Property Identification: \_\_\_\_\_

Location of property: \_\_\_\_\_  
 (Street Address and/or Road Name)

VACANT LOT  
 (Existing Use)

SFD  
 (Proposed Use)

17  
 (Tax Map No.)

8  
 (Grid/Block No.)

27  
 (Parcel No.)

2nd  
 (Election District)

R-20  
 (Zoning District)

0.64 Ac±  
 (Total Site Area)

Provide a brief site history including reference to all previously submitted or currently active plans on file with the County (subdivision plans, Board of Appeals petitions, alternative compliance petitions, etc.)

SDP-19-018, ECP-17-035, F-06-002, F-17-024, SDP-17-053

**II. Alternative Compliance Request**

In accordance with Section 16.104 of the Howard County Subdivision and Land Development Regulations, the Department of Planning and Zoning, in conjunction with the Subdivision Review Committee **may grant alternative compliances or modifications to the minimum requirements stipulated within the Regulations if it is determined that extraordinary hardships or practical difficulties may result from strict compliance with the regulations, or if it is determined that the regulations may be served to a greater extent by an alternative proposal.**

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 summary of the regulation. Attach a separate sheet if additional information is appropriate.

<u>Section Reference No.</u>	<u>Summary of Regulation</u>
1. <u>16.156(0)(i)</u>	<u>within one year of an approved SDP, builder must obtain a building permit.</u>
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____

### III. *Justification*

**All alternative compliance requests must be fully justified by the petitioner. Incomplete or inadequate justification may result in rejection of the application at the time of submission.** Justification must be specific to the subject property. The justification provided by the petitioner should include all factors which rationalize or substantiate the request in accordance with the following criteria:

- a. Summarize any extraordinary hardships or practical difficulties which may result from strict compliance with the Regulations.
- b. Verify that the intent of the Regulations will be served through the implementation of the alternative proposal.
- c. Substantiate that approval of the alternative compliance will not be detrimental to the public interests.
- d. Confirm that approval of the alternative compliance will not nullify the intent of the Regulations.

**PLEASE ATTACH A SEPARATE LETTER OF JUSTIFICATION TO SUPPORT THE ALTERNATIVE COMPLIANCE REQUESTS.**

### IV. *Pre-Submission Meeting Requirements*

- a. **Community Meeting Requirement, if applicable** - If no previous subdivision plans and/or zoning or conditional use petitions were processed, a pre-submission community meeting is required for the initial plan submittal of all new residential development and for all new non-residential development or an existing non-residential development which is proposed for a floor area expansion of more than 25%, except County Capital Projects which hold a community outreach meeting, in accordance with Sections 16.156(a) and 16.128 of the Subdivision and Land Development Regulations for alternative compliance of the site development plan requirement. The property owner/developer must provide **3 weeks** advance notice regarding the community meeting's date, time and location to all adjoining property owners identified in the records of the State Department of Assessments and Taxation and any community association that represents the geographic area of the subject property by first class mail; and sent electronically to any community association registered with the County for projects in a certain geographic area; the Howard County Council; and DPZ, which will place the meeting notice on the DPZ's website. The developer shall send a copy of the minutes and written responses to the meeting attendees and DPZ, either electronically or by first class mail.

**Certification that the meeting notices were mailed to all adjoining property owners and any community association that represents the geographic area, and the principal and Parent-Teacher Association (PTA) president for each school with an attendance area that includes the subject property. Projects in Downtown Columbia must also notify each Village Board, the Columbia Association and each property owner located within the same Downtown Columbia Plan neighborhood.**

**Verification that the meeting notices were emailed to any citizen and community association registered online with Howard County. List of meeting attendees. Copy of the meeting minutes and written responses to the meeting attendees' questions. Verification that the meeting minutes and responses were sent within 30 days to all meeting attendees either by mail or email.**

**\*\*Please contact the Division of Land Development regarding the applicability of this requirement.**

- b. **HPC Meeting Requirement, if applicable** - A pre-submission advisory meeting with the Historic Preservation Commission is required for new development located within a Historic District or if the site contains a historic structure (50 years or older) in accordance with Section 16.603A of the Howard County Code. Verify this requirement by checking the Historic Sites Inventory list and maps available at the DPZ public service desk or checking with the Resource Conservation Division. The property owner/developer must contact the DPZ, Resource Conservation Division for the HPC scheduling process and procedures. **The property owner/developer must submit a copy of the minutes from the HPC Advisory Meeting to DPZ along with the initial subdivision or site development plan application.**

- c. **MAA Meeting Requirement, if applicable** - For all proposed subdivisions or developments located within the BWI Airport Noise Zone or the Airport Zoning District (4-mile radius from the center of the

airport), the review and approval by the Maryland Aviation Administration is required prior to signature approval of final plan road and SWM construction drawings, and/or site development plans, or alternative compliance approval of SDP. Please contact the MAA at P.O. Box 8766, BWI Airport, Maryland, 21240-0766, or (410) 859-7100. A copy of the MAA approval letter must accompany the submission of the final road/SWM construction plan original drawings, and/or site development plan original, or alternative compliance application.

- d. **Design Advisory Panel (DAP), if applicable** – A pre-submission advisory meeting with the Design Advisory Panel is required for all new site development plans submitted for new development or redevelopment projects on parcels located in the U.S. Route 1 corridor that are zoned 'CE', 'CAC' or 'TOD' or that adjoin the Route 1 right-of-way and that are subject to the Route 1 Design Manual in accordance with Sections 16.1501 and 16.1504 of the Howard County Code, and for new development or redevelopment projects on parcels located within the U.S. Route 40 corridor that are zoned 'TNC' or that are subject to the Route 40 Design Manual in accordance with Section 16.1501 of the Howard County Code, and for all new SDP's for new developments or redevelopment projects located within the Downtown Columbia Revitalization area in accordance with Section 125.0 of the Zoning Regulations. Additionally, a DAP meeting is required for the 'R-H-ED', 'R-APT', 'BRX', 'CEF' and 'CR' zoning districts in accordance with the 10/6/13 Comprehensive Zoning Regulations. The property owner/developer must contact the DPZ, Division of Comprehensive and Community Planning to verify this requirement and for information concerning the DAP meeting scheduling process and procedures. The property owner/developer must submit a copy of the DAP project design recommendation to DPZ along with the development plan application submission, if applicable.

## V. Plan Exhibit

### A. Number of Copies Required

The alternative compliance application must be accompanied by copies of a detailed plot plan, subdivision plat or site development plan (**15 sets of the completed alternative compliance application and plan exhibit if the subject property adjoins a County road; 19 sets for properties adjoining a State road**).

In instances where the alternative compliance request concerns an approval extension or if an associated plan is in active processing, only 2 sets of plans are required along with 15 or 19 copies of the application form. **Plans must be folded to a size no larger than 7-1/2" x 12". The pre-packaging of plans and supplemental reports by SRC agency will be permitted by DPZ provided that each package contains a cover letter which itemizes all plans, reports and documents included in the package.**

**Please be advised that all plan application submissions are ACCEPTED BY APPOINTMENT ONLY. All plan submission appointments must be scheduled with the Division of Land Development at (410) 313-2350.**

Plan applications are available on the DPZ website at <https://howardcountymd.gov/Departments/Planning-and-Zoning/Land-Development>.

### B. Plan Requirement Checklist

The detailed alternative compliance exhibit, plot plan, subdivision plan or site development plan must indicate the following required information relevant to the alternative compliance request to ensure acceptance of the alternative compliance application for processing.

Legend:	<input checked="" type="checkbox"/> NA	Information Provided Not Applicable	<input checked="" type="checkbox"/> Information Not Provided, Justification Attached
---------	--	--	---

1. Vicinity map scale 1" = 2,000' indicating and identifying the total boundary of the property, exact site location, vicinity roads and north arrow.
2. Bearings and distances of property boundary lines for the entire tract and size of tract area.
3. North arrow and scale of plan.
4. Location, extent, boundary lines and area of any proposed lots.
5. Any existing or proposed building(s), structures, points of access, driveways, topography, natural

features and other objects and/or uses on the subject and adjacent properties which may be relevant to the petition; i.e. historic structures, cemeteries or environmentally sensitive areas.

- ✓ 6. Delineation of building setback lines.
- ✓ 7. Delineation of all existing public road and/or proposed street systems.
- ✓ 8. Identification and location of all easements.
- ✓ 9. Approximate delineation of floodplain, streams, wetland and forested areas, if applicable, and/or provide a professional certification that environmental features do not exist on the property.
- n/a 10. Road profile to evaluate sight distance, if the application includes a request for direct access to a major collector or more restrictive roadway classification.
- n/a 11. Any additional information to allow proper evaluation (e.g. for alternative compliance to wetland buffers an alternative analysis and mitigation proposal are needed; for alternative compliance to SDP requirements where there is no subdivision of land, an APFO Roads Test evaluation may be needed, for alternative compliance of final plat or SDP, a copy of property deeds to confirm legal creation or status of property is needed).
- n/a 12. Photographs, perspective sketches or cross-sections as necessary to adequately portray the alternative compliance request.
- n/a 13. The exhibit plans should be highlighted to accurately illustrate the requested alternative compliance(s) to allow proper evaluation (i.e. proposed grading, tree clearing or other disturbances within environmentally sensitive areas or buffers).
- n/a 14. Submit 2 sets of photographs for all existing on-site structures.
- n/a 15. Identify the location of any existing wells and/or private septic systems.
- n/a 16. **Route 1 Manual**  
Compliance with the Route 1 Manual is required for new development and some alterations or enlargements located in the CE, TOD and CAC zoning districts and for other zoning districts located within the Route 1 corridor. All plan submissions, beginning with the initial subdivision or site development plan, shall show all applicable streetscape, site and building designs responding to the Route 1 Manual's requirements and recommendations. All plan submissions shall provide a written summary of how the proposed design achieves the objectives of the Route 1 Manual. Also, building design and schematic architectural elevation details must be included with the initial subdivision or site development plan submission.
- n/a 17. **Route 40 Design Manual**  
Compliance with the Route 40 Design Manual is required for new development and redevelopment projects located in the Traditional Neighborhood Center (TNC) zoning districts and on parcels located within the Route 40 Corridor as defined in the Route 40 Design Manual. All plan submissions within the Route 40 corridor, beginning with the initial subdivision or site development plan, shall show all applicable streetscape, site and building designs responding to the Route 40 Design Manual's requirements and recommendations. All plan submissions within the Route 40 corridor shall provide a written summary of how the proposed design achieves the objectives of the Route 40 Design Manual. Also, building design and schematic architectural elevation details must be included with the initial subdivision or site development plan submission.
- n/a 18. **Property Deeds** – Information to confirm the legal creation or status of the property to be improved. (Copy of deeds from Howard County Land Records Office or record plat name and recording reference number). **A complete chronological deed history is required for all deeded residential properties. Provide 2 copies of the recorded deeds for the subject property tracing its history back to 1960.**
- n/a 19. Please complete the following:

A pre-submission meeting was held with DPZ on \_\_\_\_\_ with  
[date], if applicable.  
\_\_\_\_\_  
[DPZ, Director, DLD Division Chief or other SRC representatives]

VI. Fees

The Alternative Compliance application fee shall be in accordance with the adopted fee schedule. All checks shall be made payable to the *Director of Finance*. **The petition will not be accepted for processing until the fee has been paid. Incomplete, incorrect or missing information may result in the rejection of the application** and could cause additional time to be required to revise the application for resubmittal and re-review. For more information or questions, contact DPZ at (410) 313-2350.

VII. Owner's/Petitioner's Certification

**I/WE** the undersigned fee simple owner(s) hereby make application to the Howard County Department of Planning and Zoning to provide an alternative compliance request of the minimum requirements of the Howard County Subdivision and Land Development Regulations. The undersigned hereby certifies the information supplied herewith is correct and complete, confirms that the regulations and policies as referred to in the attached are understood, and authorizes periodic on-site inspections by the Howard County Subdivision Review Committee agencies. **\*If the applicant is the owner's agent, written documentation from owner granting that authority is required at the time of the submission.**

Owner's authorization attached \*

[Signature]  
(Signature of Property Owner)  
(Fee Simple Owner Only)

1/29/20  
(Date)

[Signature] 02/03/20  
(Signature of Petition Preparer) (Date)

Burkhard Homes  
(Name of Property Owner)

Maya Mildenberg  
(Name of Petition Preparer, Surveyor/Engineering/Architect or Agent/Developer)

1511 Ritchie Highway Ste 305  
(Address)

17350 B Grace Dr  
(Address)

Arnold, MD 21012  
(City, State, Zip Code)

Columbia MD 21044  
(City, State, Zip Code)

E-Mail Tim@burkhardhomes.com

E-Mail maya@mba-eng.com

240 375 1052  
(Telephone) (Fax)

410 997 0296 0298  
(Telephone) (Fax)

Contact Person: Tim Burkhard

Contact Person: Maya Mildenberg

HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
Division of Land Development

DATE: February 4, 2020

DPZ File No. WP-20-075

Department of Planning and Zoning

- 1 Research
1 Resource Conservation (Historic/Ag Pres)
Public Service and Zoning Administration
Address Coordinator

- 1 Comprehensive & Community Planning
2 Development Engineering Division
Other
1 File

SDP-19-018

Agencies

- 1 Soil Conservation District
1 Department of Inspections, Licenses & Permits
1 Department of Fire and Rescue Services
5 State Highway Administration
Health Department
1 Public School System
1 Recreation and Parks
1 Office of Transportation
MD Aviation Administration
WSSC (Non-Residential Only)

- Tax Assessment
Verizon
BGE
Cable TV
Police
MTA
Finance
1 DPW, Real Estate Services
DPW, Construction and Inspection
DPW, Bureau of Utilities

RE: Harbin Property - Lot 5

ENCLOSED FOR YOUR = Signature Approval [checked] Review & Comments Files
THE ENCLOSED = Original Pre-Packaged Plan Set

Table with 2 columns: Plans, # of Plans. Lists various plan types like Sketch Plan, Prel Equiv Sketch Plan, etc.

Table with 2 columns: Supplemental Documents. Lists documents like Wetlands Report, Soils/Topo Map/Drain Area Map, etc.

Table with 2 columns: Applications. Lists application types like Alternative Compliance Application, Planning Board Application, etc.

WAS: [checked] Received Tentatively Approved Recorded
Received and Revised Approved On February 4, 2020

COMMENTS: Due- 17 Working Days, 2/27/20

Check, initial and return to the Department of Planning and Zoning if plan is approved with no comments.

DPZ STAFF INITIALS: JS