



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING  
3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Marsha S. McLaughlin, Director

[www.howardcountymd.gov](http://www.howardcountymd.gov)  
FAX 410-313-3467  
TDD 410-313-2323

December 1, 2011

Kevin Geier  
3902 Chatham Road  
Ellicott City, MD 21042

RE: WP-12-062, Geier Subdivision, Lots 1 – 3

Dear Mr. Geier:

The Director of the Department of Planning and Zoning considered your request for a waiver from the Howard County Subdivision and Land Development Regulations.

As of the date of this letter, the Planning Director **approved** your request to waive the following sections of the Subdivision and Land Development Regulations.

- Section 16.132(a)(2)(i) – Construct road improvements up to one-half of the full designated pavement width for local or minor collector roads, or contribute to the County the funds necessary to do such construction.
- Section 16.134(a)(1)(ii) – Construct sidewalks along the portion of the development that fronts on a County road, or pay a fee-in-lieu of sidewalk construction.
- Section 16.135(a) – Provide street lighting in accordance with the Design Manual.

Approval is subject to the following conditions:

1. The applicant shall provide the required street trees along the property frontage in accordance with the enclosed Development Engineering Division's comments. Preservation of existing trees located along the road right-of-way can be taken as a street tree credit.
2. Compliance with the comments issued for the final plat, F-12-017.

As of the date of this letter, the Planning Director **denies** your request to waive Section 16.136 of the Subdivision and Land Development Regulations, which requires the developer to provide street trees in accordance with the Landscape Manual. Denial was based on comments received from the Development Engineering Division.

Our decision was made based on the following:

***Extraordinary Hardship or Practical Difficulty***

Strict compliance with the above mentioned regulations would create a practical difficulty as the provisions of curb and gutter, sidewalks, and street lights would create an impractical and unattractive discontinuity of the existing, well-established open section road streetscape.

***Not Detrimental to the Public Interest***

The proposed waiver petition will not be detrimental to the public interest because the existing community has been designed without the required improvements.

***Will not Nullify the Intent or Purpose of the Regulations***

Dunloggin Road is already developed as a closed section road with curb and gutter and a storm drain system. The property frontage along Chatham Road is developed as an open section with no storm drain system. Roads with open section provide water quality benefit through infiltration of stormwater runoff through grass swales edging the road. Addition of curb and gutter on Chatham Road may concentrate flows downstream of the site and create potential erosion problems on the neighboring properties.

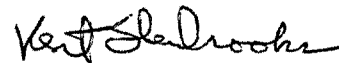
The construction of a sidewalk would not provide any public benefit as it would not provide any potential connection to existing sidewalk or pedestrian destinations. The neighborhood has been completed without sidewalks and there are no commercial or institutional uses, schools, parks, transit service, or other public facilities in the immediate vicinity to which pedestrian connections are needed. Also, the current Howard County Pedestrian Master Plan does not reflect any commitment or intention for introduction of sidewalks in this neighborhood.

Since there are no existing street lights on Chatham Road or Dunloggin Road, the installation of street lights would be inconsistent with the character of the neighborhood.

Indicate this waiver 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 waiver will remain valid for one year from the date of this letter or as long as this subdivision/site development plan/grading plan remains in active processing.

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

Sincerely,



Kent Sheubrooks, Chief  
Division of Land Development

enclosure

KS/JB:jb

cc: Research  
DED  
KCE Engineering