



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
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Marsha S. McLaughlin, Director

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May 14, 2013

Jason Van Kirk
Elm Street Development
5074 Dorsey Hall Road, Suite 205
Ellicott City, Maryland 21042

Re: Walden Woods
Waiver Petition WP-13-093
Related Plans: F-13-032, SDP-13-023

Dear Mr. Van Kirk:

The Director of the Department of Planning and Zoning considered your request for a waiver of Subsections 16.134(a)(1) and 16.1205(a)(10) of the Howard County Subdivision and Land Development Regulations as they apply to the plans referenced. Waiver approval would 1) relieve Elm Street Development of the requirement to construct sidewalks on both sides of all streets in the Walden Woods project and along the project frontage and 2) allow Elm Street Development to remove two specimen trees as part of Walden Woods site development.

As of the date of this letter, the Planning Director approved your request to waive Subsections 16.134(a)(1) and 16.1205(a)(10) as they apply to F-13-032 and SDP-13-023, subject to the following conditions:

1. The petitioner shall provide a pathway connection from the northwestern portion of the Walden Woods development to the pathway proposed in this area as part of the future Wincopia Farms subdivision.
2. The petitioner shall provide a pathway connection from the eastern portion of the Walden Woods development to the existing trail located on Emerson, Section 1, Area 1, Open Space Lot 36.
3. The petitioner shall mitigate impacts resulting from the removal of each specimen tree by the onsite planting of two new native shade trees (for a total of four trees) with a minimum 2-1/2" caliper.

The decision to approve the waiver was made based on the following justification:

Extraordinary hardship or practical difficulty may result from strict compliance with the regulations.

The petitioner has adequately demonstrated that extraordinary hardship and practical difficulty would be encountered by designing the site to preserve the two specimen trees. The trees are located in the west-central portion of the site in an area that, due to existing elevations, will need to be excavated four to five feet to achieve the proposed design. Avoidance of impacts to the specimen trees is infeasible since it would result in the need for radical changes to the grading plan, potential use of retaining walls, and loss of units.

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The purposes of the regulations may be served to a greater extent by an alternative proposal.

The petitioner has adequately demonstrated that the proposed Walden Woods pedestrian sidewalk and trail network will serve the purposes of the regulations to a greater extent. Elimination of sidewalk and closed section roadway from the design along the Gorman Road frontage helps preserve its "Scenic Road" designation. A pathway connection to that proposed as part of the Wincopia Farms subdivision will provide alternative access to points north and west of Walden Woods. Additionally, a pathway is proposed to connect the development to the Emerson development to the south and east, providing access to points east and south of Walden Woods. The internal sidewalk on one side of the street will be sufficient for the development as the road providing access to the development is not a thru street, the horizontal road geometry is not conducive to high speeds and, being an age-restricted adult housing community, it is expected that drivers will be less prone to speed, making it safer for residents to cross from the side of the street lacking sidewalk to that having the sidewalk.

Waiver approval is not detrimental to the public interest.

The petitioner has adequately demonstrated that approval of this waiver based on the information submitted, in conjunction with adherence to the conditions enclosed, will not be detrimental to the public interest. It will have no adverse effect on adjacent properties, the surrounding community, or Howard County as a whole.

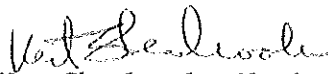
Waiver approval shall not have the effect of nullifying the intent and purpose of the regulations.

The petitioner has adequately demonstrated that waiver approval will not nullify the intent and purpose of the regulations, and in the case of Subsection 16.134(a)(1) the regulation will be served to a greater extent.

Indicate this waiver petition file number, section of the regulations, action, conditions of approval, and date on all related plats and road construction drawings and site development plans. This waiver will remain valid for one year from the date of this letter or as long as the subdivision and site development plans remain in active processing.

Should you have any questions please contact Dave Boellner by telephone at 410-313-3956 or by email at dboellner@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
DPZ, Division of Land Development

KS/DBB:dbb

CC: DPZ, Research Ben Pickar – DPZ, DTP Bohler Engineering
DPZ, DED Paul Walsky – DR&P
DPZ, Forest Con Coordinator Marian Honecny - DNR