



# HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Courthouse Drive

Ellicott City, Maryland 21043

410-313-2350

Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

September 24, 2015

Dae Lee  
10717 Hunting Lane  
Columbia, MD 21044

RE: WP-16-028 Holiday Hills- Section 4- Lots 119 & 120  
Associated with F-15-097

Dear Sir/Madam:

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 **Section 16.132(a)(2)**- Road Improvements, **Section 16.134(a)**- Sidewalks, **Section 16.135**- Street Lighting and **Section 16.136**- Street Trees.

Approval is subject to the following conditions:

1. Approval is subject to the payment of a fee-in-lieu of construction of sidewalks, curb and gutter and street lights per the attached Development Engineering Division comments dated 9/17/15. Submit a detailed cost estimate for review that includes all costs necessary to construct the improvements including mobilization, maintenance of traffic, sediment control, etc. The fee-in-lieu must be paid prior to recordation of F-15-097.
2. A note shall be placed on F-15-097 and all subsequent plans referencing this waiver petition and the payment of a fee-in-lieu of construction of sidewalks, curb and gutter and street lighting.

Our decision was made based on the following:

### Extraordinary Hardships or Practical Difficulties:

Strict compliance with Section 16.132 would result in Hunting Lane being widened approximately 2 feet with concrete curb & gutter along the frontage of the site, and in Newberry Drive being widened approximately 0.5 to 2.5 feet with concrete curb & gutter along the frontage. This would create a section of concrete curb & gutter set back a few feet from the existing edge of the road at each end of the site. The costs of engineering design, permitting, traffic control, etc. would represent a practical hardship for the developer with little benefit to the public or to eventual homeowners of Lots 119 and 120.

Strict compliance with Section 16.134 would result in a disconnected segment of sidewalk along Hunting Lane and Newberry Drive. The costs of sediment control, grading and sidewalk installation represent a practical hardship for the developer with little benefit to the public. If the developer were required to comply with Section 16.135, it would result in the construction of several street lights in an area that already has adequate street lighting provided by existing lighting on private residential lots. Strict compliance with Section 16.136 would result in trees being planted along two existing roads in an older established neighborhood with numerous

overhead and buried utility lines. This would make it difficult to find suitable locations for the trees without interfering with the existing utilities.

**Alternative Proposal to Serve the Regulations to a Greater Extent**

The alternative to providing sidewalks and road improvements would be to contribute to the County the funds necessary to do such construction. This would better serve the public interest than does actual curb and gutter construction, sidewalk construction and road widening along the site. The costs of such construction would be borne by the developer by payment of the fee, and would be used by Howard County for improving roads in areas of the County more in need of road improvements.

An alternative to the street tree requirement would be to simply allow the current existing vegetation to serve as the required landscaping along the property frontage. Existing trees along the frontage of Newberry Drive already provide some canopy and a "treed" appearance. Existing young dogwood trees within the property but outside of the right-of-way line of Hunting Lane will become a row of mature trees over time. This will give more of a "street tree" appearance to the property without disturbing the existing overhead utility lines.

**Not Detrimental to the Public Interest**

Payment of a fee-in-lieu of road construction and other improvements would be beneficial to the public interest. Developer contributions of fees-in-lieu reduce taxpayer burden by allowing the County to allocate construction funds where needed more than on a small, particular developer project such as this. Preserving the existing trees to fulfill the street tree requirement will be beneficial to the public interest because it will maintain the current character of the neighborhood.

**Will not nullify the intent or purpose of the regulations**

Payment of a fee-in-lieu of road construction and other improvements supports the intentions of the Subdivision and Land Development Regulations by providing the necessary funds to construct the improvements in the future with a capital project or in other areas of the County that are in greater need of such improvements. A waiver to the street tree requirement would still allow for the preservation of existing vegetation along the road frontage. This would meet the intent of the regulations while maintaining the character and aesthetics of the existing 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 remains in active processing.

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

Sincerely,



Kent Sheubrooks, Chief  
Division of Land Development

KS/eb

cc: Research  
DED  
Real Estate Services  
G. Scott Shanaberger