



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

December 16, 2015

Richard Hayward
Horse Farm LLC
9200 Rumsey Road, Suite 200
Columbia, Maryland 21045

RE: WP-16-061, Trotter's Knoll

Dear Mr. Hayward:

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 16.134(a)(1)** of the Subdivision and Land Development Regulations, which requires the developer to construct sidewalks along the project frontage, and **Section 16.134(c)** of the Subdivision and Land Development Regulations, which requires, at the County's sole option, the developer to extend the sidewalk construction up to 250 feet beyond the proposed development to the nearest public sidewalk or pathway or pay the cost of such construction.

Approval is subject to the following conditions:

1. As shown on the waiver petition exhibit, the Developer shall construct a portion of the sidewalk along the property frontage as necessary to provide a connection to the existing sidewalk at the intersection of Old Montgomery Road and Brightfield Road.
2. The developer shall pay a fee-in-lieu of sidewalk, road frontage and street lights improvements for the unimproved portion of the property frontage in compliance with the attached Development Engineering Division comments dated December 7, 2015. A cost estimate for the additional improvements shall be forwarded to the Department of Planning and Zoning, Development Engineering Division. The fee-in-lieu must be paid prior to the subdivision plat recordation.
3. Approval of this waiver petition is subject to the review and approval SP-16-002 and all subsequent development plans.

Our decision was made based on the following:

Extraordinary Hardship or Practical Difficulty

A practical hardship is based on the following. There are no existing sidewalks along the western side of Old Montgomery Road from Montgomery Road (MD 103) to Waterloo Road (MD 108). If the developer were to construct sidewalks along the entire subdivision frontage, and 250 feet beyond, the sidewalks would terminate at dead ends. This would not serve or provide a connection between existing communities or destinations. Furthermore, a County Capital Project (J-4246) has been introduced for intersection improvements at Old Montgomery Road and Brightfield Road. There is a possibility that the requested sidewalks would be demolished during the construction of the intersection improvements.

Not Detrimental to the Public Interest

Approval of this waiver petition will not be detrimental to the public interest because the developer is proposing to provide a pedestrian connection to the existing sidewalk system at the intersection of Old Montgomery Road and Brightfield Road. The future Capital Project has been created to address the increased capacity at Old Montgomery Road and Brightfield Road. The proposed realignment will provide a safer intersection with the necessary required road improvements.

Will Not Nullify the Intent or Purpose of the Regulations

The intent of Section 16.134(a)(1) is to provide sidewalks in residential subdivisions and the intent of Section 16.134(c) is to require extension of sidewalks beyond the development in order to provide connection to existing sidewalks or a destination. Approval of this waiver will not nullify the intent of the Regulations because the developer is providing sidewalks internal to the subdivision and along a portion of the property frontage that will provide connection to the existing sidewalk system on Brightfield Road. Since there are no existing sidewalks along the west side of Old Montgomery Road the extension of sidewalks would not provide the continuation or complete a sidewalk system.

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 Julia Boone at (410) 313-2350 or email at jboone@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/jb

cc: Research
DED
Real Estate Services
MRA