



# 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

May 10, 2016

Will Devereux  
1859 SW Florence Road  
Mount Airy, MD 21771

RE: WP-16-119, Kogan Trust Lots 16-18 & Buildable Pres. Parcel A (F-08-103)

Dear Mr. Devereux:

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 **denied** your request to waive **Section 16.132(a)(1)(iv)**: Where a major subdivision occurs within the original tract or parcel of land upon which a minor subdivision has been recorded, the developer of the major subdivision shall provide road improvements or contribute funds in accordance with paragraphs (2) through (6) of this Subsection which would normally have been required for the original road frontage of the parcel of land existing prior to the recordation of the minor subdivision plan and **Section 16.132(a)(2)(i)(a)&(b)**: Where the property owner owns land on only one side of a local or minor collector road, the owner shall (a.) Construct one side of the road up to one-half of the full designated pavement width; or (at the County's sole option) (b.) contribute to the County the funds necessary to do such construction.

Through this waiver petition, the applicant seeks to reduce the limits of the road frontage improvements to only the section of road fronting the newly created lots, rather than along the entire frontage of the subdivision, which includes the preservation parcel that the existing home is located. Doing so would reduce the frontage improvement obligation by 493'. In addition, the applicant requests permission to revise the type of shoulder widening improvement from the currently proposed improvement, which would be a 4' paved shoulder with mill to pavement centerline and 1 1/2" pavement overlay, to a 4' GAB shoulder (4" thickness) and 4 foot wide grass shoulder SWM disconnection receiving area.

**DENIAL** for waiver of **Section 16.132(a)(1)(iv)** and **Section 16.132(a)(2)(i)(a)&(b)** of the Subdivision and Land Development Regulations was based on the following reasons:

1. The approved road plan associated with the Kogan Trust Property development (F-08-103) illustrates road widening and improvements in conformance with Howard County Design standards. A reduction of the required improvements, as proposed with the waiver petition, would not meet any current Howard County standard. See the attached DED comments.
2. Due to an increase of vehicular traffic and recreational bicyclists along Florence Road, the required improvements are warranted to reduce the likelihood of conflicts and/or accidents due to insufficient road widths, a lack of appropriate shoulder improvements, and narrow curvatures. The redline proposal for a 9 foot lane and 4-foot GAB shoulder would not be sufficient in addressing these concerns. Therefore, the improvements as shown on the approved plan (F-08-103) shall be required. See the attached DED comments.
3. The applicant has not adequately justified how providing the improvements as approved on the F-08-103 plan creates an extraordinary hardship or practical difficulty. The property is not located on a scenic road, and there are no space constraints or hardships on the property that limit the capacity to provide the required improvements.

4. The applicant did not provide adequate justification of how the intent of the regulations would be served to a greater extent with this alternative proposal. While there are circumstances where maintaining narrower road profiles are beneficial to other design considerations, there are conditions and usage on this section of Florence Road that indicate the wider road should be provided and the standard materials be used.
5. In determining if the alternative proposal is detrimental to the public interest, the applicant did not consider the application of this alternative on this specific section of road that is the subject of this waiver. This does not adequately demonstrate that there would be no implications detrimental to the public interest at this location. Further, inspection of the referenced improvements at Layton Knoll demonstrates that the alternative proposed treatment creates a substandard condition that is difficult to maintain, contributes to the breakdown of the adjoining road pavement, creates potential safety factors for bikers on the road, and is less aesthetically pleasing.
6. The intent of the regulations is to bring a road into compliance or closer compliance with the County road standards. Since there is no County standard that is met with this approval, the applicant has not adequately demonstrated that the proposal does not nullify the intent of the regulations.

Indicate this waiver petition file number, request, section of the regulations, action, and date on all related plats, and site development plans, and building permits.

If you have any questions, please contact Jill Manion-Farrar at (410) 313-2350 or email at [jfarrar@howardcountymd.gov](mailto:jfarrar@howardcountymd.gov).

Sincerely,



Kent Sheubrooks, Chief  
Division of Land Development

KS/T:dld/waivers/wp-16-119

cc: Research  
DED  
Real Estate Services  
Vanmar associates  
F-08-103