



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

Tom and Kellie Keehn
13509 Paternal Gift Drive
Highland, MD 20777

RE: WP-16-129, Keehn Estates, Lots 54-55
(F-07-171)

Dear Mr. & Mrs. Keehn:

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)(i)** - In residential subdivisions and site developments, the developer shall construct sidewalks along the project frontage except that: Sidewalks are required on only one side of cul-de-sacs and local streets of single-family detached subdivisions

Approval is subject to the following conditions:

1. The developer shall provide a fee-in-lieu payment for the required sidewalk construction to eliminate the sidewalks shown on approved F-07-171 and SDP-10-035. Payment of the fee-in-lieu shall be provided and placed in an appropriate DPW Capital Project account designated by the Department of Public Works. The applicant shall prepare sidewalk construction cost estimate to be submitted to DPZ, Development Engineering Division and receive approval prior to submission of a "Red-Line Revision" for F-07-171 and SDP-10-035. (See attached Development Engineering Division Comments.)
2. The developer shall complete the required landscaping that is approved per F-07-171 and SDP-10-035. Once the landscape planting has been completed and approved the surety amount of \$6,150.00 will be released.
3. The forest conservation easement must be in compliance with F-07-171 or a Plat of Revision must be prepared and submitted to the Department of Planning and Zoning to abate the forest easement encroachments to abandon the affected forest easement area and a fee-in-lieu for forest easement abandonment shall be paid to complete the obligation.

Our decision was made based on the following:

Extraordinary hardship or practical difficulties

Strict compliance with the above regulations would create practical difficulty, as the provision of sidewalks would create an impractical and unattractive discontinuity of the existing, well-established streetscape. Additionally, since there are no street lights or street trees existing on Newberry Drive, the installation of these features and the sidewalk on an open section road would be inconsistent with the character of the neighborhood, and may serve to disturb vicinal residents who are accustomed to the existing condition.

Alternative Proposal

The alternative proposal would require the applicant to provide sidewalks, along the property frontage of an already established neighborhood. Requiring the developer to provide these features would create an impractical and unattractive discontinuity of the existing, well-established streetscape for an open section of the road.

Not Detrimental to the public interest

The waiver request will not be detrimental to the public interest since there are no sidewalks, existing on Newberry Drive, the installation of these features would be inconsistent with the character of the neighborhood, and may serve to disturb vicinal residents who are accustomed to the existing open road section condition containing no curbs, gutter and sidewalks.

Will not nullify intent or purpose of the regulations

Approval of this waiver request will not nullify the Intent or Purpose of the Regulations because not requiring the applicant to provide sidewalks will help preserve the existing character of the neighborhood. Additionally, the developer would be required to provide a fee-in-lieu of the required sidewalks. Finally, approval of this waiver request will satisfy the intent of the Regulations by permitting fairness and consistency in the application of plan processing procedures.

This requested waiver will remain valid for one year from the date of this letter (**May 10, 2017**).

If you have any questions, please contact Jennifer Wellen at (410) 313-2350 or email at jwellen@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/JW
cc. 

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