



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

July 19, 2017

Mr. Tim Feaga
Bethany Lane, LLC
P.O. Box 482
Lisbon, MD 21765

Dear Mr. Feaga:

RE: WP-17-129, German Property, Lots 27-31, A
Resubdivision of Lot 22

The Director of the Department of Planning and Zoning considered your request for an alternative compliance from the Howard County Subdivision and Land Development Regulations.

As of the date of this letter, the Planning Director **approved** your request for an alternative compliance of Section 16.119(f)(1) requiring a residential subdivision which fronts a major collector to access the subdivision by a lower classification public road; Section 16.1205(a) (7) and (10) which prohibits removal of 5 specimen trees. The Planning Director **denied** your request for an alternative compliance of Section 16.132(a) requiring the construction of sidewalks and Section 16.132(a)(3)(ii)(c)(1) requiring road improvements on up to one-half of the minimum usable pavement width for the subdivision road.

Approval is subject to the following conditions:

1. Compliance with all Subdivision Review Committee comments.
2. The subdivision plan must comply with Section 16.127 (Residential Infill Development) of the Subdivision and Land Development Regulations.
3. The alternative compliance application number (WP-17-129) and its conditions of approval must be added to all subdivision plans and final plat.
4. The developer shall plant ten (10) 3" minimum caliper native shade trees in addition to the required perimeter landscaping to mitigate the removal of the specimen trees. Include the additional trees on the Final Plan and all subsequent plans. These trees will be bonded with the Developer's Agreement under the Final subdivision plan.
5. The alternative compliance application approval applies only to the 5 specimen trees to be removed as shown on the alternative compliance application plan exhibit. The removal of any other specimen trees on the property is not permitted unless it can be sufficiently demonstrated by the applicant to be justified.

Denial was based on the following reasons:

1. There is an existing sidewalk within 150' of the subdivision. The continuation of the existing sidewalk will provide a pedestrian connection to the existing church and Patuxent Overlook Court, thus providing complete pedestrian access to 35 homes.
2. The required right-of-way exists to provide public road improvements.
3. In accordance with Development Engineering Division comments dated July 10, 2017 and Office of Transportation comments dated July 17, 2017.

4. It is the goal of Howard County to promote safe and accessible pedestrian connectivity between new developments and surrounding land uses.
5. The sidewalk and road improvement requirement is consistent with the legislative intent of the Regulations for the orderly, efficient and integrated development of land which requires the owner/developer to construct the minimum required infrastructure improvements at the time of a major subdivision to facilitate safe pedestrian travel or the extension of a sidewalk system along public roads as a means to separate vehicular and pedestrian traffic.

Our decision was made based on the following:

JUSTIFICATION FOR APPROVAL RECOMMENDATION:

Extraordinary Hardship or Practical Difficulty -

A practical difficulty exists in retaining 5 specimen trees because the trees are in poor condition and may pose a hazard to the future property owners. Given the extensive root system of the Silver Maple, the construction could cause significant impact to the root system and further result in decline of the already unhealthy trees.

During the presubmission community meeting, the residents residing on Barn Hill Court requested that the proposed lots access their property via Bethany Lane. The existing lot (Lot 22) has 25 feet of road frontage on Barn Hill Court and over 117 feet of frontage along Bethany Lane. Although Bethany Lane is a minor arterial highway, the applicant has demonstrated that safe sight distance can be provided. In addition, with the adoption of the Residential Infill Development regulations, access onto Bethany Lane will allow the applicant to better comply with these regulations, especially by providing adequate screening to the surrounding properties. Also, the rear of the proposed dwellings will be located adjacent to existing rear yards.

Not Detrimental to the Public Interest - Approval of the alternative compliance request will not alter the essential character of the neighborhood and will not substantially impair the appropriate use or development of the surrounding residential properties. Although the developer is proposing the removal of 5 specimen trees, these trees are in fair or poor health. The developer will provide on-site mitigation for the removal of the specimen trees.

Allowing the proposed lots to access the property via Bethany Lane will provide a site design that can better meet the requirements of the Infill Regulations. In addition, since adequate sight distance can be provided on Bethany Lane, the residents along Barn Hill Court will not be impacted by the additional traffic from the proposed subdivision.

Will Not Nullify the Intent or Purpose of the Regulations - Approval of this alternative compliance request will not nullify the intent or purpose of the regulations. The developer will provide on-site mitigation for the removal of the 5 specimen trees.

Since adequate sight distance along Bethany Lane is being provided and the proposed subdivision will comply with the Residential Infill requirements, the intent and purpose of the Regulations can be better provided by the accessing the subdivision from Bethany Lane because of its' larger road frontage. This larger road frontage will allow the developer to better screen the proposed shared driveway from the adjacent properties instead of trying to provide the required screening within the 25 feet wide pipestem on Barn Hill Court.

Indicate this alternative compliance 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 alternative compliance approval will remain valid for one year from the date of this letter or as long as a subdivision or site development plan is being actively processed in accordance with the processing provisions of the Regulations.

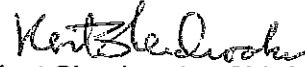
Mr. Feaga

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July 18, 2017

If you have any questions, please contact Brenda Luber at (410) 313-2350 or email at BLuber@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/bi

cc: Research
DED
Real Estate Services
FCC
Marion Honeczy, DNR