



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

October 18, 2017

Estate of Walter and Thelma Mayer
c/o John Minutoli
6139 White Marble Court
Clarksville, MD 21029

RE: WP-18-029 Rockburn Meadows

Dear Sir/Madam:

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 16.127(c)(4)(i), Section 16.127(c)(4)(ii) and Section 16.1205(a)(7)**.

Approval is subject to the following conditions:

1. Lots 2-7 will be required to utilize a use-in-common driveway (Lot 2 is denied a separate driveway entrance onto Bellanca Drive). The existing driveway for Lot 1 will be permitted to remain.
2. The front setback for Lot 2 shall be established as 50' minimum from the Bellanca Drive right-of-way in accordance with the 'R-20' Zoning Regulations. The front setback for Lot 7 shall be established in accordance with Section 16.127(c)(4)(ii).
3. The approval of this alternative compliance request applies only to the five (5) specimen trees as shown to be removed on the plan exhibit. The removal of any other specimen tree on the subject property is not permitted under this request unless it can be sufficiently demonstrated by the applicant to be justified.
4. The developer shall plant ten (10) 2-1/2" minimum-caliper native shade trees in addition to the required perimeter landscaping to mitigate the removal of the five specimen trees. Include the additional trees on SP-17-012 and all subsequent plans. These trees will be bonded along with the required perimeter landscaping as part of the final subdivision plan.

The Planning Director **denied** your request for alternative compliance of **Section 16.132(a)(2)(i), Section 16.134(a)(1) and Section 16.136**.

Denial was based on the following reasons:

1. The developer will be required to construct road improvements along the Montgomery Road and Bellanca Drive frontages in accordance with Section 16.132 of the Subdivision and Land Development Regulations, the Design Manual and the attached Development Engineering Division comments dated September 19, 2017.
2. The developer will be required to construct sidewalk on Bellanca Drive along the frontage of proposed Lot 2 northward to the intersection at Montgomery Road. Ramps shall be constructed to provide access

to existing sidewalk located on Montgomery Road and Gardenview Drive. The continuation of the sidewalk is necessary to provide safe pedestrian travel and to complete a sidewalk system leading to the Rockburn Elementary School located directly across Montgomery Road from this resubdivision. Refer to the attached comments from the Development Engineering Division and Office of Transportation.

3. The developer will be required to provide street trees in accordance with Section 16.136 of the Subdivision and Land Development Regulations. Street lighting will be evaluated for compliance with Section 16.135 as part of the final subdivision plan.

Justification for Approval of Section 16.127(c)(4)(i), Section 16.127(c)(4)(ii) and Section 16.1205(a)(7):

Extraordinary Hardships or Practical Difficulties:

Lot 1 contains an existing house and driveway. If the driveway for Lot 1 were to be connected to the proposed use-in-common driveway, it would result in an uncharacteristic look for the neighborhood. This would also create considerably more impervious surface. Also, the Design Manual prohibits more than 6 users on a shared driveway. Providing a single shared driveway for all proposed lots is not practical.

The adjacent house on Lot 5, which is set back 81' from Bellanca Drive, skews the average front setbacks in the block face. The average of the other houses in the block face results in a setback of 58.7'. Allowing the developer to utilize a 50' front setback for Lot 2 will preserve the character of the neighborhood while still providing space for a usable rear yard.

Three of the five specimen trees proposed to be removed are in poor condition. The other two trees are located in areas where their avoidance is not practical. Specimen Tree #3 is located within the proposed use-in-common driveway, which has been set back away from the property line to preserve existing vegetation. This will help to buffer the proposed development from existing houses. Specimen Tree #14 is located in the area of the proposed house on Lot 5, which has been situated to avoid two other specimen trees in the area.

Not Detrimental to the Public Interest:

The retention of the existing driveway on Lot 1 will not be detrimental to the public interest. Connecting it to the proposed use-in-common driveway would result in a driveway running parallel to Bellanca Drive, which would be out of character with the neighborhood. Bellanca Drive is a local road with minimal traffic and the existing driveway provides adequate sight distance.

Since the existing houses immediately adjacent to the proposed subdivision have front setbacks ranging from 52' to 66', allowing the house on Lot 2 to utilize a minimum 50' front setback will not be detrimental to the public interest. This will also allow the future property owner to have a usable rear yard.

The property contains 14 specimen trees, nine of which are proposed to be retained. Other existing vegetation along the property lines will also be retained to buffer the proposed development from adjacent homes. Three of the five specimen trees proposed to be removed are in poor condition. The developer will plant 10 native shade trees to mitigate the removal of the five specimen trees.

Will not nullify the intent or purpose of the regulations:

Allowing the retention of the existing driveway on Lot 1 will not nullify the intent or purpose of the regulations. The amount of impervious surface will be reduced and a more standard and uniform look will be achieved for the proposed infill subdivision. The Design Manual limits shared driveways to 6 users. Since the developer is proposing 7 lots, two driveways will be required.

By allowing Lot 2 to utilize a 50' front setback, the intent of the Zoning Regulations will be met. The Zoning Regulations require a 50' front setback for lots fronting on a public street constructed after October 1993. The intent of the infill regulations is to promote compatibility with the existing neighborhood. Since the average front setback along the block face is 58.7', excluding adjacent Lot 5, allowing the developer to utilize the setback required by the Zoning Regulations will retain the character of the neighborhood while allowing a usable rear yard on Lot 2.

The 14 specimen trees are scattered throughout the property. This makes it difficult to design a development that preserves the trees while meeting all of the other regulations. The majority of the specimen trees will be protected with the proposed design and new native shade trees will be planted to mitigate the removal of the others. Since three of the five specimen trees to be removed are in poor condition, their removal will not nullify the intent of the regulations.

Indicate this alternative compliance petition file number, request, section of the regulations, action, conditions of approval and date on all related plats, 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.

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

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/eb

cc: Research
DED
Real Estate Services
FCC
Marian Honeczy- DNR