



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

April 13, 2018

Stephanie Chamberlain
10826 Hunting Lane
Columbia, MD 21044

RE: WP-18-094 Chamberlain Property – Lots 1 & 2

Dear Ms. Chamberlain:

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 16.132(a)(2)**- Road Improvements, **Section 16.134(a)**- Sidewalks, **Section 16.135**- Street Lighting and **Section 16.136**- Street Trees subject to the following conditions:

1. Approval is subject to the payment of a fee-in-lieu in the amount of \$4,100.00 of construction of sidewalks, curb and gutter and street lights per the attached Development Engineering Division comments dated April 9, 2018. Submit a detailed cost estimate for review that includes all cost necessary to construct the improvements including mobilization, maintenance of traffic, sediment control, etc. The fee-in-lieu must be paid prior to recordation of F-18-048.
2. The existing trees within the front yards of new Lots 1 & 2 shall be retained as substitutes for new street trees along Hunting Lane.

Our decision was made based on the following:

Extraordinary Hardships or Practical Difficulties:

Strict compliance with Section 16.132 would result in a concrete curb and gutter along the frontage of the site which would not provide a connection to any existing improvements. The costs of engineering design, permitting, traffic control, etc. would represent a practical hardship for the developer with little benefit to the public or to eventual homeowners of Lots 1 & 2. Strict compliance with Section 16.134 would result in a disconnected segment of sidewalk along Hunting Lane. The costs of sediment control, grading and sidewalk installation represent a practical hardship for the developer with little benefit to the public.

If the developer were required to comply with Section 16.135, it would result in the construction of street lights in an area that already has adequate street lighting provided by existing lighting on private residential lots. Strict compliance with Section 16.136 would result in trees being planted along an existing road in an older established neighborhood with numerous overhead and buried utility lines. This would make it difficult to find suitable locations for the trees without interfering with the existing utilities.

Alternative Proposal to Serve the Regulations to a Greater Extent:

The alternative to providing sidewalks and road improvements would be to contribute to the County the funds necessary to do such construction. This would better serve the public interest than does actual sidewalk construction and curb and gutter construction along the frontage of the site. The costs of such construction would

be borne by the developer by payment of fee, and would be used by Howard County for improving roads in areas of the County more in need of road improvements.

An alternative to the street-tree requirement would be to simply allow the existing vegetation to serve as the required landscaping along the property frontage. Existing trees along the frontage of Hunting Lane already provide some canopy and a "treed" appearance.

Not Detrimental to the Public Interest:

Payment of a fee-in-lieu of curb and gutter and other improvements would be beneficial to the public interest. Developer contributions of fees-in-lieu reduce taxpayer burden by allowing the County to allocate construction funds where needed more than on a small, particular developer project such as this. Preserving the existing trees to fulfill the street tree requirement will be beneficial to the public interest because it will maintain the current character of the neighborhood.

Will not nullify the intent or purpose of the regulations:

Payment of a fee-in-lieu of curb and gutter and other improvements supports the intentions of the Subdivision and Land Development Regulations by providing the necessary funds to construct the improvements in the future with a capital project or in other areas of the County that are in greater need of such improvements. Alternative compliance to the street tree requirement would still allow for the preservation of existing vegetation along the road frontage. This would meet the intent of the regulations while maintaining the character and aesthetics of the existing neighborhood.

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.

If you have any questions, please contact Justin Schleicher at (410) 313-2350 or email at jschleicher@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/JS

cc: Research
DED
Real Estate Services
MBA
File