



June 24, 2020

NVR Inc.
Attn: Jim Duszynski
11700 Plaza America Drive, Suite 500
Reston VA 20169

RE: **WP-20-099 Wellington Farms (P-20-006)**

Dear Mr. Duszynski:

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 16.120(c)(4)** - single-family attached lots shall have a minimum of 15 feet of frontage on a public road. Single-family attached lots may be approved without public road frontage provided they front on a commonly owned area containing a parking area or private road not exceeding a length of 200 feet measured from the edge of the public right-of-way along the centerline of the private road.

This alternative compliance request includes the proposal of seven (7) private roads at the Wellington Farms subdivision that exceed 200 feet in length. These roads shall provide access to single-family attached lots. The seven roads are: Asher Court, Blackbriar Court, Hudson Court, Olive Branch Lane, Primrose Lane, Quail Rise Lane, Volpe Court.

Approval is subject to the following conditions:

1. The approval of this alternative compliance petition shall apply only to the seven private roads listed in this request.
2. The seven private roads must meet the design standards for public roads as required by DPW's Design Manual.
3. Include this alternative compliance petition decision as a general note on the preliminary plan, the final plan and site development plan(s). This note shall include the alternative compliance petition file number, the regulatory section, the decision date and the conditions of approval.

Pursuant to Section 16.104, this determination was made considering the following:

1. **Strict conformance with the requirements will deprive the applicant of rights commonly enjoyed by others in similar areas**

Section 16.120(c)(4) of the Regulations permit single family attached lots to be approved without public road frontage if they front on a community owned area containing a parking area or a private road not

exceeding 200 feet. In response to the designation and design of Public Road K (Genevieve Boulevard) as a minor collector street, the seven rows of single family attached lots subject to this request will front exclusively on private roads that exceed 200 feet. To comply with the regulation, the first section of the road would be public and terminate into a mid-block T-turnaround with the remaining portion of the road being private with access off the end of the public T-turnaround. These short segments of public roads would cause maintenance issues for DPW, including snow removal and trash pick-up, and safety concerns with mid-block vehicular turn around movements. The Chief of the Bureau of Highways met with the applicant's plan consultant about the road layout, and more specifically about the short road segments ending in T-turnarounds. As a result of that meeting, the Chief concurred with the plan consultant that the maintenance of short public road segments that end in T-turnarounds are not desirable and supports the applicant's proposal to make the seven subject roads fully private. A copy of the Chief's concurrence email is included in the file. The private roads will be built to public road standards and comply with the Design Manual requirements. Strict conformance with the requirements would result in a confusing organization of multiple T-turnarounds within each of the seven blocks. Since the private roads would be constructed to County standards, the appearance and function of the roads would match those commonly enjoyed by others in similar areas and eliminate the additional vehicular safety concerns resulting from misplaced midblock turn around locations.

2. Uniqueness of the property or topographical conditions would result in practical difficulty; other than economic, or unreasonable hardship from strict adherence to the regulations

The overall layout and organization of roadways within the Wellington Farms development has been designed to meet broad circulation patterns within the development and connect to the larger infrastructure system of streets. As such, the arrangement of Genevieve Boulevard, Aurora Way, Blackbriar Way have been designed to meet those needs and sets the buildable area left to infill with new home lots and associated access roads. Practical difficulties can be attributed to limited placement options for the townhomes given the fixed position of the collector streets and the property line to the south while accommodating the proposed sewer line and storm water management features in their most desired sit locations. To accomplished optimal placement of homes and ensure road safety and maintenance, a T-turnaround will be placed at the end of the proposed private streets that are longer than the required maximum of 200 feet. A design alternative to meet the regulations would feature shortened private roads off of an extension of public road from the collector streets. This would not be practical because a portion of each of these private roads would need to be established as a public road and at the termination of those public sections, a T-turnaround with public right-of-way would be required. This establishes where the public maintenance ends and provides a place for the maintenance vehicles to turn around and would create a "double tee" scenario on each road. This design would cause a number of practical difficulties and safety concerns based on this specific site. Other alternatives that require moving the townhome sticks, result in the need for design manual waivers or variances and increase the amount of impervious surface. Therefore, the preferred alternative is to allow the private roads with reduced impervious surface and larger green space areas, which is consistent with the determinations of DPW's Bureau of Highways for roadway design.

3. The variance will not confer to the applicant a special privilege that would be denied to other applicants

The granting of this variance will not confer a special privilege that would be denied to other applicants. The applicant has provided adequate justification for why the private roads should exceed 200 feet. The County's Bureau of Highways commonly requires standard road segments and T-turnarounds because short segment public roads ending as T-turnarounds are not desirable due to maintenance and safety concerns.

4. The modification is not detrimental to the public health, safety or welfare, or injurious to other properties.

The modification allows for safer roads and is therefore, not detrimental to the public health, safety or welfare, or injurious to other properties. The applicant has stated that the modification will provide the affected lots with a safe road that will be constructed to public road standards and will be maintained by one entity, with public utilities provided through an easement. In addition, this modification would provide for more open space within the affected area by eliminating the public road right-of-way and provide the opportunity for the SFA lots to be closer to the road and thus provide a larger green open area in the rear yards between the rows of townhomes.

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 Derrick Jones (410) 313-2350 or email at djones@howardcountymd.gov.

Sincerely,

DocuSigned by:

Anthony Cataldo

1EB7E47BA02B49A
Anthony Cataldo, Chief
Division of Land Development

AC/dj

cc: Research
DED
DLD - Julia Sauer
Real Estate Services
DPW - Highways
GLW - Dave Thompson



DPZ Office Use only:
 File No. *WP-20099*
 Date Filed *4/9/2020*

ALTERNATIVE COMPLIANCE APPLICATION

Site Description: [Redacted]

Subdivision Name/Property Identification: Wellington Farms

Location of property: southeast corner of Leishear an Gorman Roads

Existing Use: vacant field **Proposed Use:** residential development

Tax Map: 46 **Grid:** 6 **Parcel No:** 163 **Election District:** 6

Zoning District: R-20-MXD-3 and R-SC-MXD-3 **Total site area:** 121.47 acres

Please list all previously submitted or currently active plans on file with the County (subdivision plans, Board of Appeals petitions, alternative compliance petitions, etc.). If no previous plans have been submitted, please provide a brief history of the site and related information to the request:

S-18-003 signed on 5.29.2019
 ECP-18-042 signed on 6.20.2019
 P-20-006 active processing began on 1.22.2020
 WP-20-039 submitted on 10.28.2019,
 WP-20-039 resubmitted with new application on 3.4.2020

In the area below, the petitioner shall enumerate the specific numerical section(s) from the Subdivision and Land Development Regulations for which an alternative compliance is being requested and provide a brief summary of the request.

Section Reference No.	Brief Summary of Request
16.120.c.4	Request to allow for lots which front along a private road and exceed 200 feet from the edge of a public right-of-way, to not have 15 feet of frontage along a public road
[Redacted]	[Redacted]
[Redacted]	[Redacted]
[Redacted]	[Redacted]
[Redacted]	[Redacted]

Signature of Property Owner:



Date:

3/30/2020

Signature of Petitioner Preparer:



Date:

3/30/2020

Name of Property Owner: NVR Inc

Name of Petition Preparer:

Benchmark Engineering, Inc.

Address:

11700 Plaza America Drive, Suite 500

Address:

8480 Baltimore National Pike, Suite 315

City, State, Zip: Reston, VA 20169

City, State, Zip: Ellicott City, MD 21043

E-Mail: jduszyns@nvrinc.com

E-Mail:

bei@bei-civilengineering.com

Phone No.:

703-956-4080

Phone No.:

410-465-6105

Contact Person:

Jim Duszynski

Contact Person:

David Thompson

Owner's Authorization Attached