



Howard County Department Of Planning And Zoning  
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Marsha S. McLaughlin, Director

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March 23, 2011

Summer Haven Development Company, Inc.  
8333 Main Street  
Ellicott City, Maryland 21043  
ATT: James L. Newburn

RE: WP-11-140/Summer Haven (F-06-008)

Dear Mr. Newburn:

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

As of the date of this letter, the Planning Director **approved** your request for waiver to Section 16.121(a)(4)(ii) requiring recreational open space be regular in shape; (iii) requiring recreational open space not include SWM credit areas; (iv) requiring 20' of road frontage, and (vi) requiring 200 sq.ft. of recreational open space per lot, subject to the following conditions.

1. A plat of revision to F-06-008 may be submitted so as to revise notes and details and to convert Recreational Open Space Lot 24 into a buildable lot. The developer is advised that conversion of the open space lot into a buildable lot will require one housing unit allocation above those as granted under F-06-008, and that the final plat of revision shall also be required to take the APFO open/closed schools test. Please contact Jeff Bronow (410) 313-2350 regarding the status of housing unit allocations and open/closed schools testing for the new building lot.
2. Once the revised final plat has been recorded, a red line revision to the approved road construction drawings for F-06-008 and to the approved site development plan, SDP-10-047, may be processed to reflect the conversion of Open Space Lot 24 to a building lot, and to show the recreational pathway and amenities. A note shall be added to all development plans regarding this waiver petition file number, action taken and date.
3. The developer shall provide all the recreational amenities (gazebo, picnic tables, bench and 5' wide mulched pathway) as shown and approved under this waiver petition located within HOA Open Space Lot 13 and County owned Open Space Lot 14. The 5' wide mulched path shall be constructed of materials that are desirable and resistant to storm drainage run-off.
4. The 5' wide mulched pathway located across Open Space Lots 13 and 14 and the gazebo, bench and picnic tables located on Open Space Lot 13 shall be maintained by the Homeowner's Association for the Summer Haven Subdivision. A note shall be added to the plat of revision and all other associated development plans that Howard County will not be responsible for the upkeep and maintenance of the 5' wide mulched recreational open space pathway and the other recreational amenities as approved under this waiver petition.

JUSTIFICATION FOR APPROVAL:

1. Extraordinary hardships or practical difficulties will result from strict compliance with the Regulations. The developer has recorded a final plat, F-06-008/Summer Haven, Phases I and II, creating 33 building lots and four open space lots. The required minimum area of recreational open space for this subdivision is 6,600 sq. ft. (33 lots X 200 sq.ft.). The amount of recreational open space provided is 7,505 sq.ft. and will be located on Open Space Lot 24. Open Space Lot 24 was created solely to accommodate the required recreational open space area. Recreational open space could not be placed on Open Space Lot 13 because the entire lot is encumbered with storm water management easement nor could it be placed on either Open Space Lots 14 or 15 since neither lot has necessary public road frontage. Open Space Lot 24 is triangular in shape, has sufficient public road frontage and is easily accessible by all residents of the subdivision. However, the developer now feels that the intent of the recreational area can not be met due to the irregular shape and small size of the lot, as well as, to its exposure on a public roadway. The developer has provided justification that the lot is too small to suitably accommodate any recreational ball fields or courts and that placement of amenities would be further restricted due to a front setback from Summer Haven Lane. Additionally, Open Space Lot 24 abuts a 24' wide private access place servicing eight lots to the northwest and a 24' wide private access place servicing nine lots to the east. Because of this unusual roadway exposure on three sides, the developer also has concerns for the safety of children due to anticipated vehicular traffic surrounding the area. These factors have caused practical difficulties and a strong conviction of worry to the developer in moving forward with the recreational area on Open Space Lot 24. The developer has considered creating recreational open space at different locations, but a suitable area could not be provided without the loss of a buildable lot and redesign of the subdivision. Open Space Lot 24 was initially shown as a proposed building lot under S-03-14 but was later revised during the subdivision review process.

2. The intent of the Regulations will still be served to a greater extent through implementation of an alternative proposal and approval of the waiver request(s) will not nullify the intent of the Regulations. The developer is proposing to substitute a centrally located unimproved recreational area by providing a 5' wide mulch path with other recreational amenities to safely and better serve the Summer Haven residents. The mulched path will begin at Summer Haven Road and cross along the southeastern portion of Open Space Lot 13, continuing northward across Open Space Lot 14. The mulched pathway will overlay an existing 20' storm water management, access, sewer and utility easement and will be situated in between two areas of forest conservation retention easements, ending approximately at the center of Open Space Lot 14. Open Space Lot 14 adjoins an open space lot of the Williams Knoll subdivision located to the north which also aides in providing continuous recreational land for the neighborhood. The pathway will be approximately 2,675 sq.ft. in size, and although smaller than the requirement of 6,600 sq.ft., will accommodate recreational area suitable for walking, jogging and biking. The land through which the path leads is a peaceful, serene environment, meandering through wooded land. The proposed amenities of a gazebo, benches and picnic tables will encourage community residents to make passive recreational use for gatherings and family outings. The pathway and amenities are centrally located, easily accessible and are suitable substitutions for a centralized recreational area. Open Space Lot 24 will be converted back to a buildable lot as originally intended under S-03-14.

3. Approval of the waiver request(s) will not be detrimental to the interests of the public. The developer is not circumventing the intent of the regulations, but will be providing acceptable alternatives to the requirements. These alternatives are consistent with permitted optional solutions for recreational open space in the R-MH Zoning District. Although the pathway will overlay the storm water management easement situated on O.S. Lot 13, access to or maintenance of the storm water management facility will not be impeded. The pathway will be located approximately 20' from the private access place to the south

and will begin at existing SWM entrance bollards positioned along Summer Haven Lane. The gazebo will be aesthetically suited for the neighborhood and the picnic tables and bench will be easily seen and accessible from the pathway. The amenities will be located on Open Space Lot 13, owned and maintained by the HOA. The developer has presented written approvals from the Department of Public Works and the Department of Recreation and Parks to allow the pathway to cross over a storm water management, drainage, utility and access easement located on O.S. Lot 13 and to continue onto Open Space Lot 14 which is owned by Howard County. A note shall be added to all plans indicating Howard County will not be responsible for maintenance or upkeep of the pathway or the other recreational amenities. In addition, the developer must process a plat of revision to update, notes and details regarding relocation of the recreational open space area and conversion of Open Space Lot 24 to a buildable lot. The plat of revision for one additional building lot in the Summer Haven Subdivision shall be subject to the granting of a housing unit allocation and the APFO open/closed school testing as applicable. Once the plat of revision is recorded, the developer may process red-line revisions to the approved road construction drawings for F-06-008 and to the approved site development plan, SDP-10-47, to show updated information regarding the recreational open space area, the proposed recreational amenities and the additional building lot.

Indicate this waiver petition file number, request, section of the regulations, action taken, date and conditions of approval on all related plats, site development plans and building permits. This requested waiver will remain valid for one year from the date of this letter. Should you have any questions regarding this matter, please contact Brenda Barth at (410) 313-2350 or email: [bbarth@howardcountymd.gov](mailto:bbarth@howardcountymd.gov).

Sincerely,



Kent Sheubrooks, Chief  
Division of Land Development



cc: Research/DED  
F-06-008/SDP-10-047  
Sang Oh  
Benchmark Engineering