



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Marsha S. McLaughlin, Director

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April 29, 2011

Sam Brown
10805 Hunting Lane
Columbia, MD 21044

RE: WP-11-158, Holiday Hills,
Section 4, Lots 71 & 72 (F-11-056),
Waiver Petition Approval

Dear Mr. Brown:

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

As of the date of this letter, the Planning Director **approved** your request to waive **Section 16.134(a)(1)(i)** to allow the applicant to pay a fee-in-lieu of sidewalk construction. The Planning Director also **approved** your request to waive **Section 16.135(a)** which requires the applicant to install street lighting. Finally, the Planning Director **approved** your request to waive **Section 16.136** which requires the applicant to plant street trees with the proposed development. The preceding approval is subject to the following conditions:

1. The developer must pay a fee-in-lieu of sidewalk construction and road improvements and submit a cost estimate to the Development Engineering Division for these improvements.
2. Add general notes to the Final Plan and Site Development Plan that references this waiver petition number and summarizes the sections waived.
3. Compliance with the attached comments from the Development Engineering Division is required.

Our decision was made based on the following:

Extraordinary Hardships or Practical Difficulties:

Strict compliance with the above regulations would create practical difficulty, as the provision of sidewalks, street lights and street trees would create an impractical and unattractive discontinuity of the existing, well-established streetscape. Additionally, since there are no street lights or street trees existing on Hunting Lane, the installation of these features would be inconsistent with the character of the neighborhood, and may serve to disturb vicinal residents who are accustomed to the existing condition. The owner/developer proposes to pay a fee-in-lieu of sidewalk construction for this project.

Alternative Proposal

The alternative proposal would require the applicant to provide sidewalks, street lights and street trees. Requiring the developer to provide these features would create an impractical and unattractive discontinuity of the existing, well-established streetscape. Therefore, this Division does not recommend the installation of sidewalks, street lights and street trees in this situation.

Not Detrimental to the Public Interest

The waiver request will not be detrimental to the public interest since there are no street lights or street trees existing on Hunting Lane, the installation of these features would be inconsistent with the character of the neighborhood, and may serve to disturb vicinal residents who are accustomed to the existing condition.

Will not nullify the intent or purpose of the regulations

Approval of this waiver request will not nullify the Intent or Purpose of the Regulation because not requiring the applicant to provide sidewalks, street lights and street trees will help preserve the existing character of the neighborhood. Additionally, the developer proposes providing a fee-in-lieu of sidewalk construction to help mitigate the absence of sidewalks in front of this property. Finally, approval of this waiver request will satisfy the intent of the Regulations by permitting fairness and consistency in the application of plan processing procedures.

Indicate this waiver 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 requested waiver will remain valid for one year from the date of this letter or as long as this subdivision plan remains in active processing.

If you have any questions, please contact J.J. Hartner at (410) 313-2350 or email at jehartner@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/JH

cc: Research
DED
Mildenberg, Boender, and Associates, Inc.