



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
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Marsha S. McLaughlin, Director

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July 25, 2011

Dr. Bruce Taylor
Historic Ellicott Properties, Incorporated
4100 College Avenue
Ellicott City, MD 21043

Dear Dr. Taylor:

RE: WP-11-206, Autumn River, Phase IV
(ECP-11-054)

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 16.120(c) (4)** – which requires single-family attached lots to have a minimum of 15' 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. The proposed private road will be 247 feet in length. **Section 16.1205(a)(7) and (10)** – which outlines the forest retention priorities when adhering to the Forest Conservation Act, including areas of floodplain, stream buffers, wetlands and buffers, steep slopes, trees of 30" in diameter or larger, and many other provisions. Per State Senate Bill 666, State Champion trees or trees 30" diameter or larger cannot be disturbed without a waiver. The proposed development will require the removal of one (1) specimen tree.

Approval is subject to the following conditions:

1. On the Preliminary Equivalent Sketch Plan and all future subdivision plans and site development plans, provide a brief description of waiver petition, WP-11-206, as a general note to include requests, sections of the regulations, action and date.
2. The private road must be constructed to public road standards in accordance with the attached comments from the Development Engineering Division dated July 8, 2011.
3. Provide a Type C buffer along the College Avenue (Scenic Road) property boundary. These trees must be a minimum 2-1/2" to 3" caliper shade trees and 6'-8' in height evergreens.
4. Waiver approval is limited to the removal of the one 32" silver maple tree as shown on the waiver exhibit.
5. The developer shall design this subdivision proposal to be in accordance with the Scenic Road protection requirements of Section 16.125 of the Subdivision Regulations.

Our decision was made based on the following:

Extraordinary hardship or practical difficulties which may result from strict compliance with the Regulations -

The waiver petition requires that the applicant demonstrate that extraordinary hardships or practical difficulties may result from strict compliance with the regulations or that the regulations may be served to a greater extent by an alternative proposal. The applicant has demonstrated that through the waiver petition exhibit that the construction of the t-turnaround will impact the long term stability of the specimen tree because of the tree's close proximity to the t-turnaround. Also, the proposed grading required to accommodate the private road will impact the future health of the specimen tree.

The nature of the design does not require a public road because the private road can be maintained by the Homeowners Association and such maintenance would be burdensome to the County. The private road, as proposed, is safe and more than adequate for this type of development. The only individuals who will use this road for 7 lots will be the residents and their guests. The general public will have no reason to travel on this isolated short, private road.

Not Detrimental to the Public Interest - Approval of the waiver request will not alter the essential character of the neighborhood and will not substantially impair the appropriate use or development of the surrounding properties. The granting of the waiver petition for the removal of the specimen tree will not be detrimental to the public's interest. The tree to be removed is located within the internal boundaries of the parcel and is not in public view.

The applicant proposes to create fee-simple lots which require a public road. Allowing the fee-simple lots to be served by the private road will not be detrimental to the public interest because the private road will be maintained by the Homeowners Association instead of the County. The private road and the access location meet minimum sight distance requirements.

Will Not Nullify the Intent or Purpose of the Regulations - Approval of this waiver request will not nullify the intent or purpose of the regulations since the landscaping proposed will be provided as an alternative for the removal of the specimen tree.

The intent of the regulations is to provide safe access to the property. The private road to serve the fee-simple lots will be designed to public road standards but will not be maintained by the County. The creation of the fee simple lots will have no impact on the safety or adequacy of the road system and the private road exceeds the 200-foot length requirement by 47 feet.

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 remains in active processing.

If you have any questions, please contact Brenda Lubber at (410) 313-2350 or email at BLubber@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/BL

cc: Research
DED
ECP-11-054
Robert H. Vogel Engineering, Inc.
Marion Honeczy, DNR
Brenda Lubber