



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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July 28, 2011

Harmony Builders  
4228 Columbia Road  
Ellicott City, MD 21042

RE: WP-11-207, Koerber Property, Lots 11-13,  
(F-11-089)

Dear Sir or Madam:

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 **Sections:**

- **Section 16.132(a)(2)(i)** – Requiring construction of road improvements on one side of a local road fronting the proposed subdivision to current standards.
- **Section 16.134(a)(1)(i)** - In residential subdivisions and site developments, the developer shall construct sidewalks on both sides of all streets in the project and along the project frontage except that: Sidewalks are required on only one side of cul-de-sacs and local streets of single-family detached subdivisions;
- **Section 16.135(a)** - Unless the Department of Planning and Zoning, after consultation with the Director of Public Works, determines that adequate street lighting already exists, the developer of subdivisions and site developments shall provide street lighting in accordance with the Design Manual;
- **Section 16.136** - The developer shall provide street trees and landscaping in accordance with Section 16.124 and the Landscape Manual;

Approval is subject to the following conditions:

1. The developer shall provide a fee-in-lieu for the required road improvements for the street lights, street trees, sidewalks and paving section for the public road frontage of the subject property along Chatham Road. Payment of the fee-in-lieu shall be provided and placed in an appropriate account designated by the Development Engineering Division with the processing of F-11-089.
2. Compliance with comments issued for the final plat, F-11-089.

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.

Our decision was made based on the following:

## JUSTIFICATION FOR RECOMMENDATIONS

### Extraordinary hardship 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 Chatham Road, 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 roadway improvements for this project.

### Alternative Proposal

The alternative proposal would require the applicant to provide sidewalks, street lights and street trees along the property frontage during the subdivision process. Requiring the developer to provide these features would create an impractical and unattractive discontinuity of the existing, well-established streetscape for an open section of the road. 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 sidewalks, street lights or street trees existing on Chatham Road, 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 open road section condition containing no curbs, gutter and sidewalks.

### Will not nullify intent or purpose of the regulations

Approval of this waiver request will not nullify the Intent or Purpose of the Regulations 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 the required road improvements. 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.

If you have any questions, please contact Jennifer Wellen at (410) 313-2350 or email at [jwellen@howardcountymd.gov](mailto:jwellen@howardcountymd.gov).

Sincerely,



Kent Sheubrooks, Chief  
Division of Land Development

KS/jw

cc: Research  
DED  
F-11-089  
MBA