



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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November 23, 2011

Brian Boy  
Boyhink LLC  
11807 Wollingford Court  
Clarksville, MD 21029

RE: WP-12-077, Trotters Run

Dear Mr. Boy:

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 16.121(a)(4)(vi)**, which states that 200 square feet of recreation open space is required for each Single-Family Detached dwelling unit in subdivisions with 10 dwelling units or more in the R-20 and R-12 zoning districts.

Approval is subject to the following conditions:

1. Please provide a 5' park bench, a picnic table, gazebo, or similar improvement to the existing recreation open space to increase its use opportunity for existing and new residents. The ultimate improvement should be agreed upon by the community.
2. Confirmation of the installation of the improvement through photo documentation must be provided prior to the recordation of the plat. Confirmation of collaboration with the Homeowners Association should also be provided at that time.
3. Please notate the credit for the recreation open space on F-12-006 and SDP-12-019.

Our decision was made based on the following:

**Extraordinary Hardship or Practical Difficulty** –Trotters Run, Lots 1-12 and Open Space Lots 13-15 was recorded as Plat #18049-18052 on February 16, 2006 with all of the required recreation open space and more than the required open space. However, the remainder of the open space is encumbered with forest conservation easement and a stormwater management and utility access easement. While only an additional 200 square feet of recreation is needed, the developer is constrained in the ability to expand the existing recreation open space since due to limitations on all of its borders.

The applicant wishes to obtain credit for recreation open space by the acknowledgement of the use of the stormwater management access easement by homeowners to walk their dogs and enjoy nature. However, the Department of Planning and Zoning, Division of Land Development believes the intent of the regulation will be better served through the installation of a permanent improvement that is not within an area granted for County use.

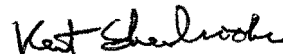
**Implementation of an Alternative Proposal** – By the developer providing improvements through the installation of a bench, picnic table or similar improvement, the intent of the regulations will be served by a greater extent because a structured use for the recreation area will be provided. The alternative would be to provide an additional 200 square foot of land, which may likely be underutilized.

**Not Detrimental to the Public Interest and Will Not Nullify the Intent or Purpose of the Regulations** – Per a policy memo signed by the Director of the Planning and Zoning on November 8, 1994, facilities that are provided for active recreation may be used for credit towards the acreage requirements for recreation open space. The installation of facilities is recognized as an addition of an amenity not normally required by code and an increase in community value. Therefore, the granting of this waiver with the required conditions is not detrimental to the public interest and will not nullify the intent or purpose of the regulations.

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 Jill Manion-Farrar at (410) 313-2350 or email at [jfarrar@howardcountymd.gov](mailto:jfarrar@howardcountymd.gov).

Sincerely,



Kent Sheubrooks, Chief  
Division of Land Development

KS/JMF 

cc: Research  
DED  
John Carney, Benchmark Engineering  
F-12-006  
SDP-12-019