



Howard County Department Of Planning And Zoning

3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Marsha S. McLaughlin, Director

www.howardcountymd.gov

FAX 410-313-3467

TDD 410-313-2323

June 21, 2012

J. Chris Pippen
4291 Montgomery Road
Ellicott City, MD 21043

RE: WP-12-168 Montgomery Road Townhomes

Dear Mr. Pippen:

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 the following sections of the Subdivision and Land Development Regulations:

Section 16.120(c)(4) of the Amended Fifth Edition – Requires single-family attached lots to have a minimum of 15-feet of frontage on a public road, or front on a commonly owned area containing a parking area or private road not exceeding 200 feet in length measured from the edge of the public right-of-way. Proposed Private Road A is about 550' in length and Private Road B is about 700' in length from the Montgomery Road right-of-way.

Section 16.144 and **Section 16.145** of the Amended Fifth Edition – Requires the submission of a sketch plan and/or preliminary equivalent sketch plan. The applicant is proposing 44 single-family attached in fee simple lots which is considered a major subdivision rather than proposing condominium units on one parcel of land.

Approval is subject to the following six (6) conditions:

- 1) All of the planned residential lots shall front on and obtain access from the proposed, private roads within the project area. The applicant shall be responsible for establishing safe vehicular access to all residential lots, maintenance of the private road system including for snow removal and plowing services on the private road.
- 2) The proposed private roads within the project area shall be located on properties owned by a homeowners association (HOA) and be maintained by the same HOA. A note must be added to the plat and site development plan that the private roads will be owned and maintained by the HOA.
- 3) The proposed private roads within the project area shall be designed and constructed in accordance with the requirements and plan review comments provided by the Development Engineering Division, the Department of Fire and Rescue Services and the Department of Public Works.

- 4) The petitioner shall reach out to the leaders of Bethel Baptist Church to discuss the possibility of doing a land exchange between the two properties, for the purpose of aligning the proposed private road with the existing signalized intersection that is opposite of the Long Gate Shopping Center.
- 5) The applicant must submit a final plan to DPZ for processing to establish the proposed new in-fee simple single-family attached (SFA) lot lines for units 1-44 (or the total number of lots that are approved for the development).
- 6) On the final plat and the site development plan, provide a brief description of waiver petition, WP-12-168, as a general note that includes the waiver requests, sections of the regulations, action and date of waiver approval.

The decision of this waiver petition is based on the following justification:

Extraordinary Hardship:

Please see the justification provided on the waiver petition application. In addition, regarding Section 16.120(c)(4), a private road system would be adequate and safe for this type of development which is similar to other SFA unit development located within Howard County. Secondly, the nature of the proposed site 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. And lastly, road connections to adjacent properties will not be necessary, since all of the abutting properties have direct access to public roads.

In regard to Section 16.144 and 16.145, since it has been determined that a private road system would be adequate and be constructed at County road design standards, the submission of a sketch plan or preliminary equivalent sketch plan will not be necessary, since the road design will be provided with the Site Development Plan. Site layout, boundary line survey, easements, and all other related subdivision information will be provided on the plat.

Alternative:

The applicant will submit a final plan (plat) that will feature all of the necessary elements required for County and State Highway review for land subdivision. Furthermore, the SDP will include the proposed private road design, sidewalk improvements, stormwater management, drainage systems, public water/sewer service and other associated infrastructure improvements.

Not detrimental to 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 residential and institutional use properties. The subject properties were granted R-SA-8 zoning for "attached" dwelling units during the comprehensive rezoning process and all subdivision and site plan requirements will be fulfilled with a plat and SDP. The proposed use (townhomes) is appropriate for the land. A waiver to public road frontage will not be detrimental to the public since the roads will all be privately maintained and will only serve those who reside in the community. In addition, these private roads will be required to meet County standards.

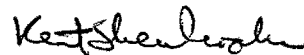
Not nullify the intent or purpose of the regulations:

Approval of this waiver request will not nullify the intent or purpose of the regulations since the overall purpose of the project is to assemble four separate tax parcels into a subdivision of fee-simple lots in order to construct single-family attached residential dwellings. The proposed improvements are detailed on a SDP (waiver petition plan exhibit), which clearly demonstrates how all site improvements are planned. The proposed private roads will meet County standards and the fee-simple lots and open space will be recorded on a plat.

Indicate this waiver petition file number, request, section of the regulations, action, conditions of approval, and date on all future DPZ plans and building permits. **This requested waiver will remain valid for one year from the date of this letter or as long as the plat and/or SDP remain in active processing.**

If you have any questions, please contact Derrick Jones at (410) 313-2350.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/dj
Enc: DLD, DED
cc: Research
DED
Vogel Engineering
SDP-12-058