



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

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November 26, 2014

US Home Corporation
10211 Wincopin Circle, Suite 180
Columbia, Maryland 21044

Re: Oxford Square
Waiver Petition WP-15-060
(Final Plan F-15-021, Site Development Plan SDP-14-071)

Dear Sir or Madam:

The Director of the Department of Planning and Zoning considered your request for a waiver of Subsections 16.120(c)(4) and 16.134(a)(1) of the Howard County Subdivision and Land Development Regulations. Waiver of these regulations would allow single-family attached lots within the related plans to not have the minimum frontage required on a public road and would allow the related plans to be designed so as not to include sidewalks on both sides of all streets in the project.

As of the date of this letter the Planning Director approved your request, subject to the following conditions:

1. The petitioner shall revise the related plans to identify private means of access currently identified as "alleys" to "private streets."
2. The private roads shall be constructed to the minimum public road standards as approved by the Development Engineering Division and Department of Public Works.
3. The following are conditions of approval by the Development Engineering Division:
 - a. The private roadway serving these lots will be privately owned and maintained by the HOA.
 - b. Access onto this private road shall be granted for all units developed under Parcel C (SDP-14-071).

Our decision to approve the waiver was made based on the following justification:

Extraordinary hardships or practical difficulties may result from strict compliance with the regulations.

The main justification for designing this plan with private roads is the bulk regulations of the TOD Zoning District with regard to setbacks from public road rights-of-way. The use of public roads in order to gain access to the various townhome lots with their associated setback dimensions prohibits the higher density from being achieved with this high density zone. The use of private roads allows for fee simple lots to be closer together while still maintaining adequate safe access. The site development plans and supporting documentation show that this concept can function safely.

The proposed sidewalk model for the Oxford Square TOD is unique and as a result there are some locations of private roadway that do not have sidewalk constructed directly along the length of the roadway, particularly the private alleys servicing the townhome lots. The proposed private alleys provide vehicular traffic to and from the rear of each townhome. The fronts of every townhome do have sidewalk connections that provide access to the public roads and the remaining amenity sites and schools. In addition, in accordance with the Green Neighborhood concept these sidewalks also connect to a main pedestrian pathway system surrounding the property. Construction of a sidewalk parallel to the private alleys would not be as safe as the proposed locations internal to the roads. The proposed sidewalk layout provides a safer pedestrian alternative.

The intent of the regulations will be served to a greater extent through the implementation of the alternative proposal.

Since there will be a large Homeowner's Association in place for this townhome development as well as an umbrella community HOA for Oxford Square, the maintenance of the private roads will be provided to a greater extent by these associations rather than by County funds. This maintenance will include snow removal and trash collection.

It is felt that the intent of the regulations will be served to a greater extent through the implementation of the alternative proposal in which the sidewalk model for the overall project has been better served by methods other than a location parallel to a private alley.

Waiver approval will not be detrimental to the public interest.

Approval of this waiver request will not alter the essential character of the TOD neighborhood nor will it impair the appropriate use or development of the surrounding properties. The proposed townhome use with private roads is appropriate for this zoning district and since the roads will be privately maintained by an adequately sized community association and will only serve those in the community. In addition, the private roads will be built in accordance with Howard County design standards and paving sections.

The waiver shall 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 safe vehicular access will be provided to each property. The private roads are being designed and constructed in accordance with County standards such that the fee simple lots will be served by the same road design standards as public roads. The exception is that the cost of maintenance will not be borne by the general public.

The intent of the regulations is to provide the public with safe pedestrian access within the community. The nature of this TOD phased project presents a sidewalk and pathway system that is safe and useful even though it may not include sidewalks parallel to every roadway.

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Indicate this waiver petition file number, section of the regulations, action, conditions of approval, and date on all related plats and site development plans. This waiver will remain valid for one year from the date of this letter or as long as the related plans remain in active processing.

Should you have any questions please contact Dave Boellner by telephone at 410-313-3956 or by email at dboellner@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
DPZ, Division of Land Development

KS/DBB:dbb

CC: DPZ, Research
DPZ, DED
Fisher, Collins and Carter, Inc.