



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Courthouse Drive

Ellicott City, Maryland 21043

410-313-2350

Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

April 19, 2016

ANI Real Estate Investments, LLC
Attn: Vipin Motwani
301 Argosy Drive
Gaithersburg, MD 20878

RE: WP-16-113 Goldberg Property Lots 5&6

Dear Applicant:

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 16.132(a)(1)(iv), Section 16.134(a)(1)(i), Section 16.135 and Section 16.120(c)(2)(i)** of the Howard County Subdivision and Land Development Regulations. Section 16.132(a)(1)(iv) states that where a major subdivision occurs within the original tract or parcel of land upon which a minor subdivision has been recorded, the developer of the major subdivision shall provide road improvements or contribute funds. Section 16.134(a)(1) states the developer shall provide for the construction of sidewalks pursuant to this section and the Design Manual. Section 16.135 states 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 and in locations approved by the Director of Planning and Zoning. Section 16.120(c)(2)(i) states that twenty feet minimum public road frontage shall be provided for single pipestem and non-pipestem lots and preservation parcels which cannot be further divided under current zoning.

Approval is subject to the following conditions:

1. Submission of a final plat to DPZ is required for the resubdivision of Lot 1.
2. A new Use-In-Common Driveway Maintenance Agreement will be needed. This agreement should be provided and recorded for **all** existing users of the Use-In-Common Driveway. A final determination shall be made at the final plat stage concerning the recording of a new Use-In-Common Driveway Maintenance Agreement.
3. Subject to the submission and approval of a Design Manual Waiver will be required for Volume III Section 2.6 to allow more than 6 users on a Use-In-Common Driveway.
4. Compliance with the attached comments from Development Engineering Division dated April 8, 2016 regarding the payment of a Fee-In-Lieu for road improvements, sidewalks, and street lights to be determined at the final plat stage.
5. Add a general note to all future plans that will be submitted to DPZ regarding WP-16-113, with the approval date, and conditions, and payment of a Fee-In-Lieu for construction of road improvements, sidewalks, and street lights.
6. The existing trees located along Chestnut Hills Drive shall be retained to satisfy the street tree

requirement.

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.

Our decision was made based on the following:

Extraordinary Hardships or Practical Difficulties:

The proposed development is a resubdivision of the Goldberg Property with 1 new lot with no further subdivision potential. The applicant stated that providing sidewalks along Chestnut Hill Drive would create an island effect, since there are no connections located within 250 ft. of the proposed development. Regarding the road improvements, the existing road paving is not centered within the right of way, and if the road improvements were provided then it would require for Chestnut Hill Drive to be realigned. Realignment of the existing road paving would be very costly, on top of the sidewalk, and road improvements. The applicant is open to paying a Fee-In-Lieu, when the cost estimate is submitted and approved by DPW. For the proposed Use-In-Common Driveway (Section 16.120(c)(2)(i)), the existing lots each have a 12' wide pipestem which allows frontage to Chestnut Hill Drive. By allowing the proposed 14' of road frontage for Lot 6, this would allow for the 10' side setback for new Lot 5 (currently Lot 1) without modification to the existing house.

Not Detrimental to the Public Interest and/or Will Not Nullify the Intent or Purpose of the Regulations

The applicant is requesting to pay a fee-in-lieu for road improvements and sidewalks once DPW approves the cost estimate that will be uploaded with the Plat. This would allow the County to use the fee-in-lieu money at a later date when a road improvement capital project occurs in the vicinity of the property. There is no adjacent sidewalks along Chestnut Hill Drive no schools, parks, churches or other destination within this community to provide a sidewalk connection. Chestnut Hill Drive is an open section paved road with no curbs, gutters or storm drains.

If you have any questions, please contact Rashidi Jackson at (410) 313-2350 or email at rjackson@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/RJ

cc: Research
DED
Real Estate Services
Fisher, Collins, and Carter, INC.