



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

May 12, 2016

David P. Scheffenacker, Jr.

Kellogg – CCP, LLC

100 West Road, Suite 304

Towson, Maryland 21204

Re: Oxford Square, "River Overlook"
Waiver Petition WP-16-123
(Site Development Plan SDP-16-052)

Dear Mr. Scheffenacker:

The Director of the Department of Planning and Zoning considered your request for a waiver of Section 16.120 (c)(4) of the Howard County Subdivision and Land Development Regulations. Waiver of this regulation would allow single-family attached lots included on the related plan to not have the minimum frontage required on a public road. As of the date of this letter the Planning Director approved your request, subject to the following conditions:

1. The petitioner shall identify private means of access as "private streets."
2. The petitioner shall construct private streets to the minimum public road standards as approved by the Development Engineering Division and Department of Public Works.
3. Private streets shall be privately owned and maintained by the appropriate HOA.

Our decision to approve the waiver was made based on the following justification submitted by Fisher, Collins & Carter, Inc.:

"Summarize any extraordinary hardships or practical difficulties which may result from strict compliance with the Regulations."

The main requirement for processing this project as fee simple lots with private roads are the bulk regulations for T.O.D. Zone in regards to setbacks from public road right-of-ways. The use of public roads in order to gain access to the various townhome lots with it associated setback dimensions prohibits the higher density from being achieved within 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 SDP-16-052 plans and supporting documentation like the turning movement analysis shows this concept can work safely.

"Verify that 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 Lennar H.O.A. in place for this townhome develop as well as an umbrella Community H.O.A. for Oxford Square the maintenance of the private roads will be served to a greater extent

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by these associations instead of with County funds. This maintenance will also include snow removal, plowing services and trash collection.

"Substantiate that approval of the waiver will not be detrimental to the public interest."

Approval of this waiver request will not alter the essential character of this TOD neighborhood and will not impair the appropriate use or development of the surrounding properties. The proposed townhome use with private roads is appropriate for this Zoning 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 are being built in accordance with Howard County design standards and paving sections.

"Confirm that approval of the waiver will not nullify the intent of the Regulations."

Approval of this waiver will not nullify the intent or purpose of the regulations. The intent of the regulations is to provide safe vehicular access to each property. As discussed above, 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 the cost of maintenance will not be borne by the general public.

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 this site development plan remains 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
Division of Land Development

KS/DBB:dbb

C: DPZ, Research
DPZ, DED
Fisher, Collins & Carter, Inc.