



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

September 1, 2016

Orville & Patricia Shepherd
5020 Ten Oaks Road
Clarksville, MD 21029
Attn: James Greenfield

RE: WP-16-159, Ten Oaks Farm

Dear Mr. Greenfield:

The Director of the Department of Planning and Zoning considered your request for an alternative compliance from the Howard County Subdivision and Land Development Regulations.

As of the date of this letter, the Planning Director **approved** your reconsideration request for the alternative compliance of **Section 16.145(a) Sketch Plan & Preliminary Equivalent Sketch Plan**.

Approval is subject to the following conditions:

1. That road improvements or frontage improvements along Ten Oaks Road are not required for this subdivision.
2. The development as proposed shall not impact environmental resources or buffers, except for the essential driveway crossing.
3. Planning Board approval of F-16-123 is required in accordance with the requirements of Maryland Senate Bill 236 for major subdivisions in the Tier III Growth Area.
4. Add the Alternative Compliance Request number, purpose, section, date, and conditions on all subsequent plan submissions.

Our decision was made based on the following:

Hardship & Practical Difficulty:

The applicant would have experienced hardship and practical difficulty with the development of the property through strict compliance with the regulations. There are no necessary road improvements required for Ten Oaks Road along the property boundary as the existing infrastructure is in acceptable condition and Adequate Public Facilities are currently available for the property as determined by the Development Engineering Division. Requiring a Sketch or a Preliminary Equivalent Sketch Plan would have required the petitioner to submit an additional plan set containing information currently provided on existing submitted plans. This would have caused an extended delay in time, and additional money and resources from the applicant to process additional plans when the currently submitted materials could be utilized.

Implementation of Alternative Proposal:

The petitioner is requesting that the submitted Final Plans be taken to Planning Board for approval. Although plans are tested for Adequate Public Facilities Ordinance allocations at the time of Sketch or Preliminary Equivalent Sketch Plans, they are also tested at the final plan stage. This subdivision is located in the Rural West Low Density Region, and 130 allocations are available (as of August 10). The Western Region school districts, Dayton Oaks Elementary School and Folly Quarter Middle School, also have allocations available. The petitioner has requested the reconsideration as the allocations for the APFO and schools are both available.

Not Detrimental to the Public Interests:

The alternative compliance request would not be detrimental to the public interests. Ten Oaks Road is not in need of roadway improvements along the frontage of the property so the public will not be missing necessary road improvements. Using the existing plans would also not be detrimental to the public interest. The Planning Board can review the proposed design and issue comments with the existing Final Plans in lieu of a new Sketch Plan or Preliminary Equivalent Sketch Plan submission. The existing plans show the proposed house and driveway layouts, septic areas conceptual grading, and environmental features.

Does Not Nullify the Intent or Purpose of the Regulations:

The intent of the regulations is to provide a conceptual plan to be presented to the Planning Board so the concept can be reviewed for compliance with the regulations and for conformance with the regulations set forth by Senate Bill 236. The existing plans show the proposed house and driveway layouts, septic areas conceptual grading, and environmental features. The intent of the regulations would not be nullified as the final plat and supplementary plans can be reviewed by the Planning Board for compliance with the regulatory criteria and road improvements are not necessary along Ten Oaks Road.

Indicate this alternative compliance 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 alternative compliance 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 Nick Haines at (410) 313-4333 or email at nhaines@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/NH

cc: Research
DED
Real Estate Services
FCC