



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

February 28, 2017

Jared Scott
10618 Hunting Lane
Columbia, MD 21044

Franklin & Elizabeth David
14611 Blackburn Road
Burtonsville, MD 20866

RE: WP-17-068, Holiday Hills, Lots 121-124 (F-17-063)

Dear Owners:

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 request for an alternative compliance of **Section 16.132(a)(2)**- Road Improvements, **Section 16.134(a)**- Sidewalks, **Section 16.135**- Street Lighting and **Section 16.136**- Street Trees, and **Section 16.127(c)(4)** adjoining driveways subject to the following conditions:

1. Approval is subject to the payment of a fee-in-lieu in the amount of \$34,820.50 of construction of sidewalks, curb and gutter and street lights per the attached Development Engineering Division comments dated February 15, 2017. Submit a detailed cost estimate for review that includes all costs necessary to construct the improvements including mobilization, maintenance of traffic, sediment control, etc. The fee-in-lieu must be paid prior to recordation of F-17-063.
2. The existing lawn trees within the front yards of new Lots 121 and 124 shall be retained as substitutes for new street trees along the property frontage.
3. A note shall be placed on F-17-063 and all subsequent plans referencing this waiver petition and the payment of a fee-in-lieu of construction of sidewalks, curb and gutter and street lighting.

Approval is subject to the following conditions:

Extraordinary Hardships or Practical Difficulties: Strict compliance with Section 16.132 would result in Hunting Lane being widened approximately 2 feet with concrete curb & gutter along the frontage of the site. To create improvements along the property frontage would not provide a connection to any existing improvements. The costs of engineering design, permitting, traffic control, etc. would represent a practical hardship for the developer with little benefit to the public or to eventual homeowners of Lots 121 - 124.

Strict compliance with Section 16.134 would result in a disconnected segment of sidewalk along Hunting Lane. The costs of sediment control, grading and sidewalk installation represent a practical hardship for the developer with little benefit to the public. If the developer were required to comply with Section 16.135, it would result in the construction of several street lights in an area that already has adequate street lighting provided by existing lighting on private residential lots. Strict compliance with Section 16.136 would result in

trees being planted along an existing road in an older established neighborhood with numerous overhead and buried utility lines. This would make it difficult to find suitable locations for the trees without interfering with the existing utilities.

Strict compliance with Section 16.127(c)(4)(i) would create practical difficulty because the use-in-common driveway required for residential infill development would create an impractical situation by requiring the creation of a new driveway in the treed front lawn area of the existing homes. This would result in the removal of existing trees to grade in a new driveway, an impact to existing healthy landscaping. Also, creating one common driveway to serve all four lots, including the existing homes, would not result in an aesthetically pleasing result and be out of character in this established neighborhood.

Alternative Proposal to Serve the Regulations to a Greater Extent: The alternative to providing sidewalks and road improvements would be to contribute to the County the funds necessary to do such construction. This would better serve the public interest than actual curb and gutter construction, sidewalk construction and road widening along the site. The costs of such construction would be borne by the developer by payment of the fee, and would be used by Howard County for improving roads in areas of the County more in need of road improvements.

An alternative to the street tree requirement would be to simply allow the current existing vegetation to serve as the required landscaping along the property frontage. Existing trees along the frontage of Hunting Lane already provide some canopy and a "treed" appearance.

Implementing the regulations of Section 16.127(c)(4)(i) would not result in an aesthetically pleasing result. By allowing the creation of a common driveway and permitting the two existing driveways to remain, the subdivision would have a more standard look. Cutting a new driveway in front of the existing homes in the treed lawn area parallel with Hunting Lane in order to meet this Section of the regulations would look forced and out of character with the neighborhood.

Not Detrimental to the Public Interest: Payment of a fee-in-lieu of road construction and other improvements would be beneficial to the public interest. Developer contributions of fees-in-lieu reduce taxpayer burden by allowing the County to allocate construction funds where needed more than on a small, particular developer project such as this. Preserving the existing trees to fulfill the street tree requirement will be beneficial to the public interest because it will maintain the current character of the neighborhood. Also, proposal of a use in common driveway for the four lots would have no visual impact to the adjacent neighbors.

Will not nullify the intent or purpose of the regulations: Payment of a fee-in-lieu of road construction and other improvements supports the intentions of the Subdivision and Land Development Regulations by providing the necessary funds to construct the improvements in the future with a capital project or in other areas of the County that are in greater need of such improvements. An alternative compliance petition to the street tree requirement would still allow for the preservation of existing vegetation along the road frontage. This would meet the intent of the regulations while maintaining the character and aesthetics of the existing neighborhood. Also, by not connecting the existing driveways to the common driveway, healthy existing landscaping can be retained as well as allow the creation of a more desirable look for the subdivision that is more integrated with standard looking driveways.

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 alternative compliance approval will remain valid for one year from the date of this letter or as long as a subdivision or site development plan is being actively processed in accordance with the processing provisions of the Regulations.

If you have any questions, please contact Jennifer Wellen at (410) 313-2350 or email at jwellen@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development



cc: Research
DED
Real Estate Services
FCC
MG Renovations
F-17-063