



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

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Voice/Relay

Valdis Lazdins, Director

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November 27, 2017

Patrick James Byrne
7 Old Cistern Court
Catonsville, MD 21228

RE: WP-17-099, Hidden Ridge (SP-17-008)

Dear Mr. Byrne:

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 the following sections:

- **Section 16.120(c)(4)** – Single family attached lots shall have a minimum of 15' of frontage on a public road. Single-family attached lots may be approved without public road frontage provided they front on a commonly owned area containing a parking area or private road not exceeding length of 200' measured from the edge of the public right-of-way along the centerline of the private road.
- **Section 16.120(b)(6)(vi)** – The driveways for pipestem lots shall be located at least ten feet from the project boundary to provide space for required perimeter landscaping to buffer the adjacent property. Where a ten-foot buffer is not possible due to the existing parcel's configuration, drainage or easement constraints, or is undesirable because future subdivision of the adjoining parcel may require sharing the use-in-common driveway under subsection (c)(2)(iv) of this section, the Department of Planning and Zoning may approve a five-foot driveway buffer. In such instances, a hedge, solid fence, wall or Type D landscape edge is required, except in the front setback from a public road, where a solid screen would block sight distance.
- **Section 16.134(a)(1)** – Residential sidewalks shall be provided on both sides of all streets and along the project frontage (with itemized exceptions not applicable to single-family attached development).
- **Section 16.1205(a)(7)** – State champion trees, trees 75 percent of the diameter of State champion trees and trees 30 inch in diameter or larger.
- **Section 110.0(D)(1)(3)** – Building Length of a single family attached not to exceed 120'. Director of DPZ may approve a greater length up to 200' based on the building's design to mitigate for the visual impact. *This section is a Zoning Code section and relief provisions of 16.104 of the Subdivision and Land Development Regulations are not applicable. This information pertaining to this section has been reviewed administratively as part of the review of SP-17-008.*

Approval is subject to the following conditions:

1. The private road shall be owned and maintained by the HOA for the community and a common access easement shall be recorded on it.

2. An adequate T-turnaround or similar design as approved by DED, DPW and DFRS shall be located at the end of the private road for emergency vehicles, trash hauling services and other large vehicles that need turnaround space. The turnaround space shall be signed to not allow parking by residents in this area.
3. The developer shall work with the Autumn Splendor Community to plant landscaping on their property adjacent to the new private road to further screen the road.
4. The developer shall work with Abiding Savior Church to provide landscaping on its property to buffer the new private road.
5. The specimen tree to be removed shall be replaced with the planting of two new red oak trees on the property as mitigation.
6. Any fence to the north of the private road will require a maintenance easement on the adjoining property.

Our decision was made based on the following:

Extraordinary Hardships or Practical Difficulties:

Section 16.120(c)(4) – Due to the configuration of the parcel being developed, this regulation creates an extraordinary hardship to achieve this goal. The parcel being developed has only one ingress and egress point on a pipestem strip, and the developable portion of the site is more than 356' from the public roadway. Due to environmental features and existing structures surrounding the site, there are no options for alternative points of access.

Section 16.120(b)(6)(vi) – The width of the existing pipestem stem that provides access to Lot 2 is only 24' in width, which is the same width required for a private road or commercial driveway. Therefore, there is no room available to provide the associated buffer and landscaping within the boundary of the property.

Section 16.134(a)(1) – Allowable density on this site is limited due to environmental constraints and there is a significant setback to the adjoining property. With these constraints, the best design option leaves units on only one side of the proposed private road. Therefore, it would be an unnecessary addition to have sidewalk on the opposite side of the private street.

Section 16.1205(a)(7) – The centralized location of specimen tree #4 and the limited allowable area for development of the site creates an extraordinary hardship to save this tree.

Alternative Proposal:

Section 16.120(c)(4) – There is no other possible alternative available to gain access to the site.

Section 16.120(b)(6)(vi) – The existing pipestem that provides access to the site does not provide enough room for a landscape buffer on either side of the road. It is only wide enough to provide a 24' private right-of-way. The applicant proposes a fence along a half foot strip between the road and the adjacent development to the north. Landscaping can be provided between the road and the church if the church approves of the additional landscaping on their property.

Section 16.134(a)(1) – Providing sidewalk on both sides of the road would not add any additional connectivity of the internally or to the surrounding area. Sidewalk on the side of the street that the houses are proposed adequately meets the regulatory intent.

Section 16.1205(a)(7) – The central location of the tree makes it difficult to develop the site without removing the tree. The loss of the tree can be mitigation with planting of two new trees.

Not Detrimental to the Public Interest

Section 16.120(c)(4) – The pipestem that was created with the subdivision creating the lot being subdivided does not have adequate width to provide a public road. All units will have access to the public right-of-way with this road. Public utility easements bring water and sewer service to the proposed lots, and the road is designed to allow for emergency access to the units.

Section 16.120(b)(6)(vi) – To the north, the existing driveway abuts a landscaped common area adjacent to the development's own driveway, and therefore the road along the property line does not have a negative impact on individual homeowner's properties. The private road is the widening of the existing church driveway, and does not negatively impact the church.

Section 16.134(a)(1) – Providing a sidewalk only on one side of the street is not detrimental to the public interests there are no facilities and no dwelling units that the sidewalk would connect.

Section 16.1205(a)(7) – The public interest will still be served by conserving a majority of forest resources on site, including all remaining specimen trees, and the replacing the removed tree at a 2:1 ratio.

Will not nullify the intent or purpose of the regulations:

Section 16.120(c)(4) – Single family attached homes are often served by a private road. Regulatory provisions limit the road length to 200', but increasingly units are permitted beyond the 200' through alternative compliance. As all units have access to the public road through the private road and public utilities are provided, the intent and purpose of the regulations are not nullified by this alternative compliance.

Section 16.120(b)(6)(vi) – To mitigate impacts, conditions of the approval seek for the applicant to work with adjoining properties to provide landscaping on their site. A fence is proposed to further mitigate visual impacts to the north.

Section 16.134(a)(1) – As stated above, an additional sidewalk on the north side of Hidden Ridge Road would not connect dwelling units to any community facility or commercial center. The sidewalk on the other side of the road reaches every proposed dwelling and extends to the public right-of-way. Therefore, adequate pedestrian facilities are still being provided.

Section 16.1205(a)(7) – The specimen tree is freestanding and is not in a priority retention area. Conditions of approval are to replace the tree at a 2:1 ratio.

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 Jill Manion-Farrar at (410) 313-2350 or email at jfarrar@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/JMF 

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SP-17-008
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