



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 12, 2017

Court Hill LLC
5881 Stearman Court
Elkridge, MD 21075

RE: WP-18-012, The Towns at Court Hill Apartments

Dear Applicant:

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 16.120(c)(4) Minimum Frontages, Section 16.146 Preliminary Plan, and Section 16.1205(a)(7) On-site Forest Retention.**

Approval is subject to the following conditions:

1. Provide (2) replacement trees of 2 ½" to 3" caliper on site in place of the removed specimen tree as mitigation. The mitigated plantings are to be placed on the property outside of the proposed conservation area to enhance the landscape screening.
2. Approval is restricted to minimize the site disturbances shown on the revised plan exhibit to the maximum extent possible for impacts to the stream buffer area and the steep slope area shown on the plans. (Previously approved under WP-16-067)
3. Submission of a final plat to create the eight (8) new Single Family Attached fee-simple lots for review by the SRC.

Our decision was made based on the following:

Extraordinary Hardships or Practical Difficulties:

The applicant would have experienced extraordinary hardships and practical difficulties. The purpose of the request is to extend the allowable maximum 200' distance along a private road to accommodate the single family attached lots, eliminate the requirement for a Preliminary Plan, and remove specimen tree ST-1. The existing driveway and apartments were originally constructed in accordance with SDP-66-011. In order to serve the proposed 8 townhome units the existing road needs to be extended an additional 270 feet. Due to the existing geometry, grades and parking it is not feasible to bring in the drive from a different location or convert the existing private road to public road standards. This project is not proposing public road improvements of construction and therefore a Preliminary Plan would not provide additional information not previously included on the Environmental Concept Plan and Sketch Plan. The submission of a Preliminary Plan would have caused unnecessary hardship on the applicant as additional time and cost would be necessary for a redundant plan. The design calls for improved SWM features including the construction of a new outfall to safely discharge stormwater on the western edge of the property. The construction of this outfall would have impacted and required the removal of ST-1. Other locations would have required significant grading and steep slope disturbances and the removal of additional vegetation.

Alternative Proposal:

The proposed driveway extension is located away from the adjacent properties and will not impair the use or development of the surrounding properties. The driveways and parking are oriented to minimize the impacts of headlights to the adjacent properties. Since the driveway is private the extent of the construction has been reduced resulting in a smaller limit of disturbance. In addition, the site layout accommodates the location and configuration of existing public utilities. It was anticipated that the project would require a Final Plat, Site Development plan, and Preliminary and Final Public Water and Sewer Plans. The information required per Section 16.146(c) has been presented and reviewed in conjunction with the Environmental Concept Plan and the Sketch Plans and the future Final Plans and Site Development Plans.

Not Detrimental to the Public Interest:

The private road would not have been detrimental to the public interest as the private road was designed to facilitate fire and rescue vehicles and provide a turnaround area as requested. The proposed roadway will be maintained privately by the HOA consistent with the private road serving the existing apartments. Waiving the Preliminary Plan requirement would not be detrimental to the public interest as the information that would be provided with the submission of a Preliminary Plan has been provided in conjunction with the Environmental Concept Plan and the Sketch Plans and future Site Development Plans. The removal of the specimen tree will not be detrimental to the public interest. The proposed development will provide 100-year detention and ESD stormwater management practices afforded with the removal of the specimen tree and the construction of the proposed outfall.

Will not nullify the intent or purpose of the regulations:

The alternative compliance request would not nullify the intent or purpose of the Regulations. The proposed private road will fulfill the intent of the Regulations regarding minimizing grading, reducing the limit of disturbance, limiting the removal of forest resources, and providing stormwater management. The elimination of the Preliminary Plan requirements for this project would not circumvent any technical regulations or requirements. The removal of the specimen tree does not necessarily facilitate the development of the property but provides for a safe and appropriate discharge condition. The alternative compliance is in the best interest of the Public and specifically the immediately adjacent downhill properties.

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 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
Vogel Engineering & Timmons Group
S-17-007