



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

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Ellicott City, Maryland 21043

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Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

March 6, 2018

Michael Larrick
6604 Allen Lane
Columbia, Maryland 21045

RE: WP-18-074 Larrick Subdivision

Dear Mr. Larrick:

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 to the following Sections:

Section 16.127(c)(4)(i), Limit on adjoining driveway entrances: A shared use-in-common driveway must be provided in accordance with the Design Manual within a minimum 24-foot-wide access easement for all proposed residential infill development lots. Any existing driveway entrances onto the public road right-of-way must be connected to a single use-in-common driveway or abandoned.

Section 16.1205(a)(7), Forest retention priorities: State champion trees, trees 75 percent of the diameter of State champion trees, and trees 30 inch in diameter or larger.

The Planning Director has **denied** your request for an alternative compliance to the following Sections:

Section 16.132(a)(2)(i)(b), Local or minor collector roads: Contribute to the County the funds necessary to do such construction.

Section 16.134(a)(1), In residential subdivisions: The developer shall construct sidewalks on both sides of all streets in the project and along the project frontage.

Section 16.135, Street lighting: Unless the Department of Planning and Zoning, after consultation with the Director of Public Works, determines that adequate street lighting already exists, the developer of subdivisions and side developments shall provide street lighting in accordance with the Design Manual and in locations approved by the Director of Planning and Zoning, after consultation with the Director of Public Works.

Section 16.136, Street trees and landscaping requirements: The developer shall provide street trees and landscaping in accordance with Section 16.120 and the Landscape Manual.

Approval for Section 16.127(c)(4)(i) and Section 16.1205(a)(7) is subject to the following conditions:

1. Alternative compliance approval is limited to the removal of Specimen Trees #1 and #3 as depicted on the exhibit. Any proposal to remove any other specimen tree will require a new alternative compliance request.

2. A minimum of four, native 2.5"-3" caliper, shade trees shall be provided as mitigation for the removal of the two specimen trees from the property. Landscaping surety, in the amount of \$300.00 per tree shall be provided with the applicant's grading permit.

Justification for Approval for Section 16.127(c)(4)(i) and Section 16.1205(a)(7)

Extraordinary Hardships or Practical Difficulties:

Section 16.127(c)(4)(i)

There are two existing driveways on the proposed subdivision site. Each driveway is on its own lot, on opposite ends of the property. Each driveway allows access to a side entrance and an attached garage. The proposed site plan shows a use-in-common driveway to the four new lots approximately midway between the two existing driveways. Denying the petition to retain the existing driveways would result in practical difficulty because by requiring relocation of either driveway would result in a dysfunctional configuration.

Section 16.1205(a)(7)

A majority of the Critical Root Zone (CRZ) for Specimen Tree #1 is in the area of the proposed tee turnaround and the proposed dwelling on Lot 4. Specimen Tree #3 is currently in the location of the proposed foundation of Lot 2. Even if the lots are reconfigured the CRZs would still be in locations where they would be substantially damaged, and in close proximity to the proposed dwellings on both Lots 3 and 4.

Alternative Proposal:

Section 16.127(c)(4)(i)

Denial of the petition would result in the demolition of the existing driveways so that they could tie into the proposed use-in-common driveway, in between the two existing houses. Each house has an attached garage and access to the house at opposite sides of the property. Requiring the existing houses to access their garages through a central driveway would greatly increase the amount of impervious surface and create a dysfunctional design. This configuration would be out of character to the neighborhood.

Section 16.1205(a)(7)

If the two specimen trees that are proposed to be removed remain onsite, their CRZs will be harmed substantially. Even with reconfiguration of the proposed subdivision, these two specimen trees are still in areas that would cause damage to their roots.

Not Detrimental to the Public Interest:

Section 16.127(c)(4)(i)

The existing dwellings along Allen Lane have various driveway configurations, including parking pads immediately adjacent to the roadway, multiple driveways, and horseshoe driveways. Retention of the two existing driveways and the addition of the use-in-common driveway for the proposed new lots will be consistent with the character of the neighborhood. Perimeter landscaping and the required street trees will also help to buffer the view of the additional use-in-common driveway.

Section 16.1205(a)(7)

The two trees that are proposed to be removed are interior to the proposed subdivision plan. Existing vegetation and additional landscape plantings will maintain the buffer between the proposed development and existing dwellings. The applicant will be required to plant four shade trees to mitigate the removal of the two specimen trees.

Will Not Nullify the Intent or Purpose of the Regulations:

Section 16.127(c)(4)(i)

The intent of the use-in-common driveway requirement for infill development occurs in a manner that protects the environment and achieves high quality design. Removal of the driveways would increase the amount of impervious surface for this subdivision. It would also create a dysfunctional design because both of the existing driveways access garages on the opposite sides of the property.

Section 16.1205(a)(7)

Two of the original four specimen trees will remain on the property. The two trees that are proposed to be removed will be replaced with a minimum of four, native 2.5"-3" caliper, shade trees. The location of these four mitigation trees will be better suited for the proposed development.

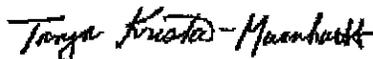
Denial of Section 16.132(a)(2)(i)(b), Section 16.134(a)(1), Section 16.135, and Section 16.136 was based on the following reasons:

1. The existing subdivision of "Annetta Gardens, Sections 1 and 2" does not currently have road improvements, sidewalk, or street lights. However, the zoning for the subdivision, R-12 (Residential Single), is a medium density zoning with a minimum lot size of 12,000 square feet. The other existing ten lots in the development are between 21,823 – 54,206 square feet, with only one lot not having the potential of subdivision. If all lots were able to be developed to their maximum potential, an additional 20 lots would be added onto Allen Lane. While the addition of 4 houses onto the dead-end lane may not warrant the requirement of road improvements, sidewalk and street lighting, the development potential of the existing lots will eventually require these major improvements to the neighborhood. A fee-in-lieu will be required for these necessary improvements to the future development of the "Annetta Gardens" subdivision.
2. The developer will be required to provide street trees in accordance with Section 16.136 of the Subdivision and Land Development Regulations. The four existing evergreens proposed to mitigate some of the requirements of Section 16.136, Street trees and landscaping requirements, consist of one fully grown holly and three small spruce trees. The fully-grown holly is within the BG&E Green Zone and is taller than the powerlines. The three spruce trees are directly under the powerlines, as well as within the BG&E Green Zone. Eventually, these trees will not be acceptable in their current location. Neither holly nor spruce trees are on the list of Recommend Street Trees. Of the remaining 4 existing trees, the two Crape Myrtles, are the only trees close enough to the roadway to be considered towards the street tree requirements. Crape Myrtles are also recommended to be used in the Green Zone by BG&E. These two trees may be considered for part of the mitigation requirements for the required street tree plantings. Staff recommends planting small trees from BG&E's recommended planting list. Small trees will be required to be 30 feet apart, but may be clustered to better fit the frontage of these 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 Kathryn Bolton at (410) 313-2350 or email at kbolton@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/ktb

cc: Research
DED
Real Estate Services
Vogel/Timmons