



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

October 2, 2018

Donald Reuwer
8318 Forrest Street, Suite 200
Ellicott City, MD 21043

RE: WP-19-012, Glen Oaks Place

Dear Mr. Reuwer:

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

Approval is subject to the following conditions:

1. Submission of a subdivision plat to create the eight (8) new Single Family Attached fee-simple lots for review by the SRC and recorded with Howard County Land Records.
2. A homeowners association (HOA) shall be created for the single family attached (SFA) development in accordance with Section 16.121(c) of the Howard County Subdivision and Land Development Regulations.
3. The private drive will be constructed in accordance with the approved Design Manual requirements issued by the Development Engineering Division. Furthermore the drive must be designed and constructed in accordance with any requirements provided by the Development Engineering Division, Department of Public Works, and the Department of Fire Rescue Services as part of the final plan process.
4. The private roads shall be maintained and repaired by the HOA.
5. A use in common access easement, and maintenance agreement must be prepared and recorded for proposed Lots 1-6, Open Space Lot 7, and existing Parcel 353.
6. Provide (6) replacement trees of 2 ½" to 3" caliper on site in place of the removed specimen trees ST-1, ST-2, and ST-6 as mitigation. The mitigated plantings are to be placed on the property to enhance the landscape screening.
7. Specimen Tree ST-3 should be preserved if at all possible. Please provide tree protection measures on subsequent plan submissions including tree protection fence and notes regarding the use of selective root pruning for grading and construction within the CRZ.
8. Amend the exhibit to mark all of the specimen trees to be removed.
9. Add the Alternative Compliance Request number, purpose, section, date, and conditions on all subsequent plan submissions.

Our decision was made based on the following:

Extraordinary Hardships or Practical Difficulties:

The purpose of the sketch plan or preliminary equivalent sketch plan is to indicate to the County the intent, scope and timing of the subdivision and to familiarize the developer with County and State plans which may affect the subdivision. The Glen Oaks Place properties being subdivided are located in the R-SA-8 zoning district. No new public roads were being proposed which is typically one of the major reasons a Preliminary Equivalent Sketch plan

is required. By allowing the alternative compliance to the requirement to provide the Sketch Plan or Preliminary Equivalent Sketch Plan and allowing the project to proceed to the Final Plan and Site Development Plan stage, DPZ will have more detailed information with which to evaluate the proposed subdivision design. Six of the eight specimen trees identified on the Environmental Concept Plan are located within the property boundaries. Four of the onsite six trees were proposed to be removed. The trees to be removed are marked on the exhibit as ST-1, ST-2, and ST-6. The three trees to be removed are a silver maple in fair condition, a silver maple in poor condition, and a red maple in poor condition. Specimen Tree ST-3 is a silver maple in good condition and is to be protected and preserved. The three trees proposed to be removed occur near the center of the parcels making any new development on the property extremely difficult. Additionally, this property is designed with a private drive to facilitate access to the proposed 6 townhomes. The length and width of the pipestem parcel would have made conformance with the Regulations extremely difficult while conforming to the other regulations. Private road systems are permitted for condominium developments and while lots are being established for each of the townhomes, the drive will be maintained by the Homeowners Association in the same manner as it would for a condominium development.

Alternative Proposal:

Alternatively, the project could proceed to the Final Plan and Site Development Plan stage where more detailed information could be provided toward the review of the subdivision. The trees proposed to be removed are highly likely to be negatively impacted with the demolition of the existing structures. Two of the trees are also in poor condition. Alternatively, new additional shade trees could be proposed to be added to the site design as mitigation for the removed trees. The private drive system would better serve the development as it would allow the townhome units to be located on lots without additional rights of way. The proposed private drive will comply with all Howard County design and construction requirements and will provide the residents with greater control over the access to their community,

Not Detrimental to the Public Interest:

Approval of the alternative compliance request would not have been detrimental to the public interest as the proposed townhouse lots will be developed in accordance with current Zoning and Subdivision and Land Development Regulations. The proposed private drive will conform to the intersection and safety criteria and provide adequate sight distance onto Glen Oaks Lane. The three proposed trees to be removed could pose a potential hazard due to their location to the proposed development and their poor health condition. Removal of these trees and their replacement would not have been detrimental to the public interest. The proposed residential use with townhomes on a private road is appropriate for the Zoning. The drive will be privately maintained by the Homeowners Association. The access to the site with the narrower road right-of-way provides an enhanced residential lot configuration and allows for enhanced landscaping and recreational areas to be provided. The private drive will also be constructed in accordance with the Howard County design standards and paving sections.


Will not nullify the intent or purpose of the regulations:

Approval of this alternative compliance request would not nullify the intent of the Regulations. Alternative Compliance to the Sketch Plan or Preliminary Equivalent Sketch Plan as the Environmental Concept Plan, Final Plan, and Site Development Plan will be in compliance with both the current Zoning and Subdivision and Land Development Regulations. The removal of the three specimen trees on the site is particular to the proposed development on this property which is limited by its site conditions as well as the physical condition of two of the trees. The removal and subsequent replacement of the three trees should therefore not be seen as a nullification of the intent of the Regulations. The intent of the regulations is also to provide safe vehicular access to each property. The proposed private drive will be constructed in accordance with the Howard County design standards and paving sections in order to provide safe and adequate access. Also because the proposed drive will be private the maintenance, repair, and replacement of the asphalt, and their associated costs will be addressed by the Homeowners Association in place of the County.

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 Nicholas 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

