



# HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Court House Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350  
Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

July 11, 2019

Toll Mid Atlantic LP Company INC  
7164 Columbia Gateway Drive, Suite 230  
Columbia, MD 21046

RE: WP-19-112, Willowshire  
Alternative Compliance Request

Dear Sir or Madam:

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)(2)**.

Approval is subject to the following conditions:

A 24-foot use-in-common access easement must be provided for Non-Buildable Preservation Parcels M, N, & O to allow for access and maintenance of the stormwater management facilities.

Our decision was made based on the following:

Extraordinary Hardships or Practical Difficulties:

Extraordinary hardship would result from requiring the applicant to provide the required 20-foot frontage for Non-Buildable Preservation Parcels M, N, & O, due to the Department of Recreation and Parks' desire to own Non-Buildable Preservation Parcels E & F, and not maintain any stormwater management facilities. The applicant also must comply with all Health Department well and septic setbacks, further restricting the use and development of the property. Because of these factors, it is not possible to provide the required 20-foot public road frontage and still maintain reasonable development of the property. The required 20-foot public road frontage cannot be provided without severely restricting or eliminating the proposed development and intended use of the site. The applicant's proposal will provide 24-foot use-in-common access easements for Non-Buildable Preservation Parcels M, N, & O to allow for access and maintenance of the stormwater management facilities. This public road frontage issue didn't become a problem until the final plan submission, after the Planning Board approved SP-17-002.

Alternative Proposal

The alternative proposal would require the applicant to provide public road frontage for Non-Buildable Preservation Parcels M, N, & O. However, the applicant cannot convey ownership of Non-Buildable Preservation Parcels E & F to the Department of Recreation and Parks, not require the Department of Recreation and Parks to maintain any stormwater management facilities, adhere to the Health Department's well and septic setback without severely restricting or eliminating the proposed development and intended use of the site. Therefore, in this situation, it is reasonable to allow the applicant to provide 24-foot use-in-common access easements for Non-Buildable Preservation Parcels

M, N, & O to allow for access and maintenance of the stormwater management facilities in lieu of the required public road frontage.

Not Detrimental to the Public Interest

The alternative compliance request to not require the 20-foot public road frontage will not be detrimental to the public interest since the applicant will provide 24-foot use-in-common access easements for Non-Buildable Preservation Parcels M, N, & O to allow for access and maintenance of the stormwater management facilities.

Will not nullify the intent or purpose of the regulations

Approval of the alternative compliance request to not require the 20-foot public road frontage will not nullify the Intent or Purpose of the Regulation because the applicant will provide 24-foot use-in-common access easements for Non-Buildable Preservation Parcels M, N, & O to allow for access and maintenance of the stormwater management facilities.

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 JJ Hartner at (410) 313-2350 or email at [hartner@howardcountymd.gov](mailto:hartner@howardcountymd.gov).

Sincerely,



Kent Sheubrooks, Chief  
Division of Land Development

S/JH

cc: Research  
DED  
Real Estate Services  
Bohler Engineering, Attn: Brandon Rowe