



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Court House Drive

Ellicott City, Maryland 21043

410-313-2350

Voice/Relay

Amy Gowan, Director

FAX 410-313-3467

September 30, 2020

James Rauscher
4928 Montgomery Road
Ellicott City, MD 21043

RE: WP-21-009, Rauscher Property

Dear Mr. Rauscher:

This letter is to inform you that your request for alternative compliance to the Howard County Subdivision and Land Development Regulations for the subject project was reviewed.

On September 22, 2020 and pursuant to Section 16.104, the Director of the Department of Planning and Zoning, considered and **approved** your request for alternative compliance with respect to **Section 16.134(a)** of the Subdivision and Land Development Regulations to residential subdivisions and site developments the developer shall construct sidewalks on both sides of all streets in the project along the project frontage except that sidewalks are required on only one side of cul-de-sacs and local streets of single-family detached subdivisions.

The Department of Planning and Zoning hereby determines that you have demonstrated to its satisfaction that strict enforcement of Section 16.134(a) would result in an unreasonable hardship or practical difficulty. This determination is made with consideration of your alternative compliance application and the four (4) items you were required to address, pursuant to Section 16.104(a)(1):

1. Strict conformance with the requirements will deprive the applicant rights commonly enjoy by others in similar areas.

The Regulations require that residential developments construct sidewalks along the property's frontage. The subject property fronts a minor arterial state road (Montgomery Road) and conformance to this regulation would benefit the community by providing a segment of sidewalk along Montgomery Road that will serve as a link for existing and future sidewalk connections. Currently, sidewalks are constructed south of the subject property and the WalkHoward Pedestrian Master Plan recommends a sidewalk be construction along the property's frontage. However, the public road right-of-way at the property's frontage is not adequate to install a public sidewalk at this time. The applicant must post a fee-in-lieu for sidewalk construction for the property's frontage along Montgomery Road. Payment of a fee-in-lieu for sidewalks supports the intentions of the Subdivision Regulations by providing necessary funds to construct the improvements with a future County Capital Project.

2. The uniqueness of the property or topographical conditions would result in practical difficulty other than economic, or unreasonable hardship from strict adherence to the regulations.

This property is a deeded parcel and is not part of a subdivision; therefore, the appropriate right-of-way needed to construct a public sidewalk was never dedicated to the State. The property encompasses a portion of the public road making the public road prescriptive at the property frontage. The Subdivision and Land Development Regulations do not require right-of-way dedication during the site development plan process but will require the right-of-way to be

reserved for future public road improvements. This uniqueness results in a practical difficulty in constructing a sidewalk within the public road right-of-way.

3. The variance will not confer on the applicant a special privilege that would be denied or other applicants.

The ability to pay a fee in-lieu of providing a sidewalk is commonly permitted when right of way constraints exist and it is not feasible to construct a sidewalk. Therefore, this variance will not confer on the applicant a special privilege. The fee-in-lieu for sidewalk construction will be assessed and paid during the site development plan process.

4. The modification is not detrimental to the public health, safety or welfare or injurious to other properties.

Construction of a sidewalk is not feasible at this time because the property's frontage does not have adequate right-of-way. Payment of a sidewalk fee-in-lieu will be beneficial to the public interest. The applicants fee-in-lieu contributions will allow the County to allocate construction funds to a future County Capital Project and meets the intent of the WalkHoward Pedestrian Master Plan.

Approval of this Alternative Compliance is subject to the following conditions:

1. Compliance with the attached Development Engineering Division comments and subject to a fee-in-lieu payment for sidewalks. The fee-in-lieu will be assessed and must be paid during the site development plan review process.

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.

If you have any questions, please contact Jennifer Wellen at (410) 313-2350 or email at jwellen@howardcountymd.gov.

Sincerely,

DocuSigned by:


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Anthony Cataldo, AICP, Chief
Division of Land Development

AC/jw

cc: Research
DED
DLD - Julia Sauer
OOT - David Cookson
Real Estate Services
Benchmark Engineering



Howard County Maryland
Department of Planning and Zoning
 3430 Courthouse Drive, Ellicott City, MD 21043

(410) 313-2350

DPZ Office Use only:
 File No.
 Date Filed

ALTERNATIVE COMPLIANCE APPLICATION

Site Description: Existing Dwelling

Subdivision Name/Property Identification: Rauscher Property

Location of property: Montgomery Road

Existing Use: Residential **Proposed Use:** Residential

Tax Map: 31 **Grid:** 14 **Parcel No:** 171 **Election District:** 1

Zoning District: R-20 **Total site area:** 0.78 AC.

Please list all previously submitted or currently active plans on file with the County (subdivision plans, Board of Appeals petitions, alternative compliance petitions, etc.). If no previous plans have been submitted, please provide a brief history of the site and related information to the request:

ECP-20-027, SDP-20-056

In the area below, the petitioner shall enumerate the specific numerical section(s) from the Subdivision and Land Development Regulations for which an alternative compliance is being requested and provide a brief summary of the request. Please use the additional page if needed.

Section Reference No.	Brief Summary of Request
16.134	Not to require a sidewalk to be constructed along the frontage of the property since the development does not increase units and the additional costs and difficulties of construction of a sidewalk.

Section Reference No.	Brief Summary of Request

Signature of Property Owner:



Date:

20 July 2020

Signature of Petitioner Preparer:



Date:



Name of Property Owner:

James Rauscher

Name of Petition Preparer:

Same as Owner

Address:

4928 Montgomery Road

Address:



City, State, Zip:

Ellicott City, MD 21043

City, State, Zip:



E-Mail:

james_r65@hotmail.com

E-Mail:



Phone No.:

410-868-7551

Phone No.:



Contact Person:

James Rauscher

Contact Person:




Owner's Authorization Attached