



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Marsha S. McLaughlin, Director

www.howardcountymd.gov
FAX 410-313-3467
TDD 410-313-2323

May 26, 2011

Steven and Linda Hutzler
12275 Route 216
Fulton, MD. 20759

RE: WP-11-175 (Fulton Woods: Lot 1)

Dear Mr. and Ms. Hutzler:

The Director of the Department of Planning and Zoning considered your request for a waiver from the Howard County Subdivision and Land Development Regulations.

As of the date of this letter, the Planning Director approved your request to waive Section 16.119(f)(2) to allow direct access by a residential driveway onto a minor arterial.

Approval is subject to the following conditions:

1. A plat of revision must be submitted, processed and recorded to revise the access restrictions along the property frontage of Lot 1 on Md. Rt. 216 and to remove the 20' private ingress and egress easement to Lot 1 shown on F-06-096.
2. The applicant shall coordinate with the property owner for adjoining Lot 2, Eric Conn Property, to terminate the recorded Use-In-Common driveway maintenance agreement that now exists for Lots 1 and 2. A copy of this document shall be submitted to the Department of Planning and Zoning with the plat of revision.
3. Road Construction Drawings for F-08-014 must be red-lined to remove all access for Lot 1 across the Eric Conn property.
4. Conditions #1, #2 and #3 must be completed prior to the submission of a permit for driveway construction.
5. All work within the SHA right-of-way, including driveway construction will require a District Office Permit.

The Planning Director's decision was made based on the following:

Extraordinary hardships or practical difficulties:

Denial of the waiver petition would result in undue hardship because it would require the continued use of an existing access easement area that is in need of repair, that travels through an adjacent property and where there is no foreseeable monetary aid for the care and maintenance of this easement area from Mr. Conn; Mr. Conn indicates that the future lots will be for a family compound for his children when they become of age. There is no intention at this point in time to erect dwellings or to create any improved access for those lots to Md. Rt. 216, thus leaving the responsibility of upkeep and maintenance of the 800' private ingress and egress easement to the Hutzlers.

Detrimental to the Public Interest:

The granting of this waiver would not be Detrimental to the Public Interest because it re-establishes a former driveway at its original location. There are numerous existing homes along MD. Rt. 216 that gain access via private driveways and the applicant's consultant has performed a sight distance analysis using the approved speed study and has proven that adequate sight distance is available.

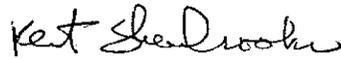
Nullifies the Intent or Purpose of the Regulations:

Granting of this waiver would not nullify the intent or purpose of the regulations. The State Highway Administration has approved the reinstatement of this driveway at its original location and the Planning Director has also indicated that she would waive the access restriction, if the SHA approved the waiver request.

Indicate this waiver 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 requested waiver will remain valid for one year from the date of this letter.

If you have any questions, please contact Tanya Krista-Maenhardt, AICP at (410) 313-2350 or email at tmaenhardt@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

attachment

KS/TKM/waivers 2011/Fulton Woods approval WP-11-175

cc: Research
DED
Zoning-Cindy Hamilton
SHA
Dave Woessner