



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

Marsha S. McLaughlin, Director

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July 26, 2012

Vincent R. Coleianne  
815 Windriver Drive  
Sykesville, Maryland 21784

Re: Annis Property  
Waiver Petition WP-12-182

Dear Mr. Coleianne:

The Director of the Department of Planning and Zoning considered your request for a waiver of Subsections 16.120(b)(4)(iii)(b), 16.120(c)(2) and 16.120(c)(2)(i) of the Howard County Subdivision and Land Development Regulations. Waiver approval would allow environmental features on lots less than 10 acres in size, allow public road frontage and driveway entrance to be in different locations, and would allow reduction of the required single pipestem width from 20 to 7.72 feet, respectively.

As of the date of this letter, the Planning Director approved your request, subject to the following conditions:

1. Submission of a final subdivision plat is required to establish proposed Lots 1 and 2.
2. Lots 1 and 2 must comply with the minimum "RC" lot size requirements including use of Subsection 16.120(b)(2)(ii) to allow for a 10% lot size reduction for a minor subdivision dedicating public road right-of-way.
3. Petitioner or designee shall provide a ten-foot landscape buffer between the Ward Property and the use-in-common driveway easement.

Our decision to approve the waiver was made based on the following justification:

***Extraordinary hardship or practical difficulty may result from strict compliance with the regulations.***

Subdivision of the Annis Property into the two lots as proposed will result in lots having essentially the same parameters by regulation as the existing deeded parcel: lots less than ten acres in size possessing environmental features (the deeded parcel is 6.0925 acres in area). Development of both the deeded parcel and the subdivided lots would require a floodplain crossing near the property frontage on Frederick Road. Strict compliance with the regulations would prevent subdivision of a parcel already less than ten acres in size, yet possessing subdivision potential under the RC-DEO zoning.

The existence of the floodplain onsite and its location and skewed configuration, in addition to required sight distance on Frederick Road, require that access to the property be made at its extreme eastern frontage. A perpendicular crossing of the floodplain is desired. Site access will be located at the eastern

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end of the frontage; the driveway will curve to the southwest to cross the floodplain, then curve again adjacent and parallel to the Ward property boundary. Strict compliance with the regulations would result in either an unsafe point of access from Frederick Road or an unacceptable floodplain crossing design and/or location.

*Waiver approval will not nullify the intent or purpose of the regulations.*

The reduction in pipestem width allows the petitioner to meet the minimum lot size requirements of Subsection 16.120(b)(2)(ii). Given approval of Subsection 16.120(c)(2) and proposed recordation of the 24' use-in-common easement, the pipestem width is in no way relevant to Lot 2 access and may be reduced. The purpose of Subsection 16.120(c)(2)(i) is to provide access to the property; this is assured by the proposed design and approval of the present waiver.

*Waiver approval is not detrimental to the public interest.*

Approval of this waiver based on the petition submitted, in conjunction with adherence to the condition enclosed, will not be detrimental to the public interest. It will have no adverse effect on adjacent properties, the surrounding community, or Howard County as a whole.

The justification for recommendation is supported by information provided by the petitioner.

Indicate the waiver petition file number, section of the regulations, action, conditions of approval, and date on all related subdivision plats. This waiver will remain valid for one year from the date of this letter or as long as the subdivision remains in active processing.

Should you have any questions please contact Dave Boellner by telephone at 410-313-3956 or by email at [dboellner@howardcountymd.gov](mailto:dboellner@howardcountymd.gov).

Sincerely,



Kent Sheubrooks, Chief  
DPZ, Division of Land Development

KS/DBB:dbb

CC: DPZ, Research  
DPZ, DED  
Shanaberger & Lane