



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
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Marsha S. McLaughlin, Director

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January 23, 2013

Noreen L. Gordon
2732 Jennings Chapel Road
Woodbine, MD 21797

RE: Waiver Petition Reconsideration
Layton Knoll Lots 1-6 & Buildable Preservation
Parcel A & Non-Buildable Preservation Parcel B
WP-13-061

Dear Ms. Gordon:

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

As of the date of this letter, the Planning Director has **approved** your request to waive **Section 16.119.(f).(1)** which requires where a proposed subdivision involves frontage on an arterial road, or fronts a major collector, the street layout should provide vehicular access to the subdivision by a lower classification public road; and, **approved** your request to waive **Section 16.145.(a)** which requires the submission of a Preliminary Equivalent Sketch Plan for a major subdivision in the RC Zoning district.

Approval is subject to the following conditions:

1. DPZ approves the use of a single use-in-common driveway that meets the minimum sight distance requirements of the Design Manual access requirements for the proposed six new residential lots of this subdivision.
2. Advisory Comment: An Environmental Concept Plan approval will be required prior to submission of the Final Subdivision Plan.
3. Advisory Comment: An APFO traffic study, sight distance analysis and frontage improvements (or submission and approval of a request for a design manual waiver to frontage improvements) shall be addressed at the time of submission of the Final Subdivision Plan.
4. Advisory Comment: See the previously attached comments from the Historic Preservation, Resource Conservation Division. A pre-submission advisory meeting with the Historic District Commission is required for a site which contains a historic structure in accordance with Section 16.603A of the Howard County Code. The property owner/developer must submit a copy of the minutes from the HDC Advisory Meeting to DPZ along with the initial subdivision plan application.
5. Advisory Comment: This proposed subdivision is subject to State Bill 236 and the Tier System. This project submitted a perc application (#A536788) prior to July 1, 2012.
6. Advisory Comment: A recommendation by the Health Department is required to allow the size of specific lots in a cluster subdivision to be increased up to a maximum of 60,000 square feet in accordance with Section 104.E.1.c of the Zoning Regulations.
7. Advisory Comment: On the ECP and initial subdivision plan submission, please show and identify the 3rd part of Parcel 112 (located on the southwest side of Florence Road) which has not been shown on this waiver petition exhibit. Also, provide a narrative of the deed history of this parcel.

Provide an explanation for any discrepancy between the acreage stated in the deed(s), the acreage shown on the MDAT Real Property Search and the acreage shown for this subdivision. Also, explain why this third part has not been included with this submission.

Our decision was made based on the following:

JUSTIFICATION FOR APPROVAL RECOMMENDATION FOR WAIVER OF SECTION 16.119.(f).(1):

- Summary of the extraordinary hardship or practical difficulty resulting from strict compliance with the Regulations:

The existing historic house, the "Charles Layton Jr. Log House", known as 1775 Saint Michaels Road (MHT #103), was built in 1899. To allow this historic structure to maintain its historic setting, the subdivision has been proposed in the southern portion of the property as distant from the existing structure as it could be proposed. The six(6) lots have been proposed where suitable soils exist that were able to pass percolation tests. These proposed lots are located approximately 750 feet from the intersection of Florence Road and Saint Michaels Road where the existing driveway is located.

If the proposed common driveway were to access Saint Michaels Road (a minor collector), it would need to run behind the existing house and connect to Saint Michaels Road on the north side of the existing house. Aside from creating a more than 2700 foot long common driveway and segmenting the property, running a driveway behind the existing structure would be detrimental to the setting of the existing historic house as well as creating approximately 34,000 square feet of unnecessary impervious surface.

- The intent of the Regulations will be served to a greater extent through the implementation of the alternative proposal:

The proposed lots will have a common access point to Florence Road coincident with the high point in the road. Based on preliminary calculations, this will allow a sight line beyond the intersection of Florence Road and Saint Michaels Road which is approximately 745 feet to the north and a sight line to the curve in the road approximately 678 feet to the south. Both distances are well over the 385 feet right turn movement and the 445 feet left turn movement required for intersection sight distance. These preliminary calculations are based on the posted speed (30 mph) plus 10 mph. By utilizing the proposed access point, the best available sight distance is achieved and the setting for the historic house and views from the scenic road (Saint Michaels Road) can be maintained.

- Approval of the waiver will not be detrimental to the public interests:

Approval of this waiver should not be seen as detrimental to the public interests, since: the best available sight distance is achieved in the proposed location; the sight distance meets or exceeds the minimum requirements of the design manual; and, the setting for the historic house and views from the scenic road can be maintained without impact.

- Approval of the waiver will not nullify the intent of the Regulations:

Granting the proposed access point should not be seen as a nullification of the intent of the Regulations, since the proposed driveway will have adequate sight distance and will maintain the character of the neighborhood by not impacting the historic site or views from the scenic road.

JUSTIFICATION FOR APPROVAL RECOMMENDATION FOR WAIVER OF SECTION 16.145.(a):


- Approval of the waiver will nullify the intent of the Regulations:

An APFO traffic study, sight distance analysis and frontage improvements (or submission and approval of a request for a design manual waiver to frontage improvements) shall be addressed at the time of submission of the Final Subdivision Plan.

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

If you have any questions, please contact Ms. Pat Britt-Fendlay at 410-313-3371 or via e-mail at pfendlay@howardcountymd.gov.

Sincerely,


Kent Sheubrooks, Chief
Division of Land Development

KS/JMF/MPB 

cc: Research
Phil Thompson – Development Engineering Division
Real Estate Services Division, DPW
Barbara Spence
Fisher, Collins & Carter, Inc.

