



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

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June 22, 2015

Fisher, Collins & Carter, Inc.  
Centennial Square Office Park  
10272 Baltimore National Pike  
Ellicott City, MD 21042

RE: Fox Wood Manor Lots 1-37  
& Open Space Lots 38-43  
WP-15-145

Dear Sir / Madam:

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 16.121.(e).(1)**, which requires 40' of public road frontage for HOA Open Space Lot 38. Approval is subject to the following conditions:

1. DPZ approves the requested reduction of the required 40' public road frontage for HOA Open Space Lot 38 to be reduced in width to be no less than 4.81' and to be located along Audrey Rose.
2. Lots 2-5 and Open Space Lot 38 shall have sufficient frontage collectively along Audrey Rose to meet the driveway easement requirements in the Design Manual (minimum 24').
3. The pipestems for Lots 2-5 and Open Space Lot 38 are to be located solely within the use-in-common driveway and storm water management access easement area of the lots' pipestem or flag strip which provides shared access for Lots 1-6 and Opens Space Lot 38. This lot design is to be in compliance with the Policy Interpretation for Section 16.120.(b).(4).(iv) of the Subdivision Regulations, dated May 5, 2014 -- "Storm Water Management Access Easements Located within Residential Lots".

Justification for our decision was made based on the following:

- Extraordinary hardship or practical difficulties which may result from strict compliance with the Regulations - The approved Preliminary Equivalent Sketch Plan, SP-14-003, identified Open Space Lot 38 containing 1.863 acres fronting along Twin Fawn Trail with adequate public road frontage in compliance with the minimum 40 foot requirement. With the Final Plan, F-15-053, the Department of Recreation and Parks is requiring fee simple conveyance of Open Space Lots 41 and 42 to Howard County, Maryland for their use leaving Open Space Lots 38 and 43 to be owned by the Fox Wood Manor Homeowners Association, Inc. There is existing adequate public road frontage for Open Space Lots 41 and 42 because they adjoin Howard County Park property and will be under the same ownership. Remaining HOA Open Space Lot 43 maintains sufficient public road frontage to meet the requirements of the Regulations. Open Space Lot 38 is isolated from adequate public road frontage. Strict compliance with the minimum road frontage requirement for Open Space Lot 38 is not practical and would necessitate elimination of a building lot to comply with the directive from the Department of Recreation and Parks. In general,

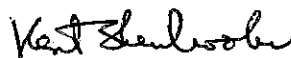
the 40' frontage requirement is appropriate; however, applying it to this specific site would result in the loss of a home-site which would be a high price to pay for providing access which can be accomplished by implementing the alternative provision of a fee simple pipestem for Open Space Lot 38 and allowing it shared access together with Lots 1-6 along Audrey Rose. This design proposal will be in compliance with a recent Policy Memo dated May 5, 2014 – Policy Interpretation for Storm Water Management Access Easements Located Within Residential Lots, Section 16.120.(b).(4).(iv) of the Subdivision Regulations.

- The intent of the Regulations will be served through the implementation of an Alternative Proposal – The alternative proposal of a fee simple pipestem for Open Space Lot 38 complies with the fee simple frontage intent of the Regulations and provides an overlapping 24-foot wide access easement to Open Space Lot 38. This private shared access easement is adequate to allow maintenance of private storm water management facilities and it provides sufficient width to satisfy access requirements.
- Approval of the waiver will not be detrimental to the public interests – Approval of this waiver petition to reduce the 40-foot fee simple frontage for Open Space Lot 38 to 4.81 feet along Audrey Rose will not be detrimental to public interests. Open Space Lot 38 will be owned and maintained privately by the Fox Wood Manor Homeowners Association and is primarily created for environmental storm water management facilities and will not be available for public use. This waiver is to adjust the width of the open space fee simple road frontage while complying with the definition of access. Access will be provided through a shared access easement on Lots 3-5 and Open Space Lot 38 for the use and benefit of Lots 1-6 and Open Space Lot 38.
- Approval of the waiver will not nullify the intent or purpose of the Regulations – The intent and purpose of the Regulations requiring open space lots to have frontage along a public road is to provide adequate fee simple access to Open Space lots. Approval of this Waiver Petition will not nullify the intent of the Regulations because Open Space Lot 38 is provided with individual fee simple frontage via its pipestem; and, shared access for Open Space Lot 38 is provided through the pipestems and an overlapping inclusive 24 foot wide access easement on Lots 3-5 and Open Space Lot 38 for the use and benefit of Lots 1-6 and Open Space Lot 38.

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 as long as this subdivision development 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](mailto:pfendlay@howardcountymd.gov).

Sincerely,



Kent Sheubrooks, Chief  
Division of Land Development

KS/MPB 

cc: Research  
Nicole Yan – Development Engineering Division  
Real Estate Services Division, DPW  
Joe Rutter – (Owner's Agent)  
DPZ File # F-15-053, SP-14-003 & ECP-13-074