

Research



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Courthouse Drive

Ellicott City, Maryland 21043

410-313-2350

Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

December 30, 2015

B S Land Acquisition LLC
8600 Snowden River Parkway, Suite 207
Columbia, MD 21045

RE: Sanford Place Lots 1-24 & OS Lots 25 & 26 (Parcel 153)
and Temple Beth Shalom (Parcel 256)
WP-16-068 (SDP-16-002 & F-16-054)

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 Sections 16.120.(c).(4) Minimum Frontage for Single Family Attached Lots; and, Sections 16.102 and 16.144.(b) Applicability and General Procedures for Major Subdivisions of the Subdivision and Land Development Regulations, subject to the following conditions:

1. Compliance with any Subdivision Review Committee(SRC) comments based on the review and approval of the associated final subdivision plat (F-16-054), the site development plan (SDP-16-002), and the Red-Line Revision which is required to show the associated and required improvements for this development on Parcel 256, Temple Beth Shalom (SDP-94-031).
2. A General Note shall be added to SDP-16-002 that clearly states that all internal roads (Sanford Place and Jeremiah Lane) in this development are privately owned and they are to be maintained by the Sanford Place Homeowner's Association (HOA), which will provide private trash collection and snow removal services.

Justification for APPROVAL for Section 16.120.(c).(4) - Minimum Frontage for Single Family Attached Lots:

- Extraordinary hardships or practical difficulties which may result from strict compliance with the Regulations – The subject property has an existing 12' wide fee simple pipestem to Harriet Tubman Lane located between the adjacent Parcels 151 and 129. Parcel 153's pipestem is subject to a use-in-common right-of-way agreement with these adjoining parcels. The pipestem is not suitable for use as a road to service the proposed development of Parcel 153 into 24 SFA in-fee units. The other users will not allow it to be used to service the project and they will not consider the expansion of the physical driveway or right-of-way to comply with County regulations. Strict compliance with the Regulations would result in extraordinary hardships and practical difficulties for the Petitioner in that he would not be able to develop Parcel 153.
- The intent of the Regulations will be served to a greater extent through the implementation of the alternative proposal – Parcel 153 does not have sufficient fee simple frontage along Harriet Tubman Lane to create a public road access so the proposed lots will not have frontage on a public road. The Regulations permit SFA lots to be approved on a private right-of-way provided they are within 200' of a public right-of-way. The furthest proposed lot would be located approximately 600' and the closest

proposed lot would be located approximately 320' from the Harriet Tubman Lane public right-of-way. The developer has obtained an easement through the adjacent Temple Beth Shalom Property (Parcel 256) to utilize its existing driveway as an access onto Harriet Tubman Lane. Under this proposal, four existing parking spaces along the driveway will be relocated within Parcel 256 (via a Red-Line Revision to SDP-94-031) so that there are no parking spaces directly accessing the driveway and to facilitate the proposed sidewalk. Landscaping, new curb and gutter, relocated dumpster, and reconfigured islands will be utilized to create a "lane" type character for the driveway. A similar waiver (WP-09-027) to Section 16.120.(c).(1) was previously approved for the development of this site as a 20 unit age-restricted multiplex development under SDP-08-083.

- Approval of the Waiver will not be detrimental to the public interests – The adjacent property owners required that the existing use-in-common driveway not be utilized for the project. The existing Temple Beth Shalom parking lot and driveway provides safe ingress and egress for the project and is currently not utilized on a regular basis. Based on the information provided, the granting of this waiver is in the public's best interest and will not nullify the intent of the Regulations.
- Approval of the Waiver will not nullify the intent or purpose of the regulations – The intent of the Regulations is served to a greater extent by the granting of this waiver. The Regulations contemplate that single family attached lots will be located on private roads. The granting of the waiver extends the length of the private road from 200' to 600'. This permits the development of the property in accordance with the Regulations. A new public road access / intersection will not be required to Harriet Tubman Lane which is classified as a major collector roadway and an existing access will be utilized.

Justification for APPROVAL for Sections 16.102 & 16.144.(b) was made based on the following:

- Extraordinary hardships or practical difficulties which may result from strict compliance with the Regulations – The processing of a sketch plan or preliminary equivalent sketch plan would not provide any purpose not already addressed by the site development plan and the final subdivision plat; therefore, there would be an unnecessary financial and time hardship if the petitioner were required to process the sketch and the preliminary equivalent sketch plan. Additionally, an environmental concept plan was also processed and approved.
- The intent of the Regulations will be served to a greater extent through the implementation of the alternative proposal – Since there is no public road, the sketch plan or preliminary equivalent sketch plan would not serve any purpose which cannot be addressed through the site development plan and final subdivision plat processes. The site development plan (SDP-16-002) addresses stormwater management, private road layout (to public road standards), sidewalks, storm drainage, public water and sewer facilities, forest conservation, landscape and other requirements and elements which would be addressed on the final subdivision plan. The final subdivision plat (F-16-054) will be reviewed and approved, tested for adequate public facilities and recorded to establish the necessary easements and to create the in-fee lots.
- Approval of the Waiver will not be detrimental to the public interests – The approval of the waiver request will not alter the essential character of the neighborhood and will not impair the appropriate use or development of the surrounding open space, institutional and residential use properties.
- Approval of the Waiver will not nullify the intent or purpose of the regulations – The approval of this waiver request will not circumvent any technical requirements which would otherwise be provided through a Sketch or Preliminary Equivalent Sketch Plan. All of the technical requirements of the various Regulations and Design Manuals have been included on the site development plan. Granting this waiver is in the public's best interest and will not nullify the intent of the Regulations.

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

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/JMF/MPB 

cc: Research
Development Engineering Division
Real Estate Services Division, DPW
DPZ Files: SDP-16-002 & F-16-054
Robert H. Vogel Engineering, Inc.
Temple Beth Shalom of Howard County (Parcel 256)