



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Court House Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

January 17, 2019

Anne Wright
Walker and Wright
118A West Main Street
Mountain City, TN 27683

RE: WP-19-048, CSX Railroad (8205 Patuxent Range Road, Jessup)

Dear Ms. Wright:

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

As of the date of this letter, the Planning Director **approved** your request for an alternative compliance of **Section 16.119(b)(1)**, which requires that subdivision in industrial area include a public right of way for continuous access to a County or State street or highway, and **Section 16.120(c)(1)**, which requires that industrial lots have a minimum frontage of 60 feet on an approved public road which provides access to the property. The Planning Director **denied** your request for an alternative compliance of **Section 16.147**, which outlines the requirements of a final plat to subdivide property.

Approval of alternative compliance to Section 16.119(b)(1) and 16.120(c)(1) is subject to the following conditions:

1. A plat of resubdivision must be submitted for review to Howard County Planning and Zoning and recorded in the Land Records of Howard County. It will be a resubdivision of Plat #14818-14819, F-01-102, Dorsey Run Industrial Park, Parcel C. This resubdivision may be processed as an Originals Only request.
2. CSX is acquiring land that contains wetlands and wetland buffer. CSX must obtain any Federal and State permit approvals for encroachment in the wetland and wetland buffer.

Denial of alternative compliance to Section 16.147 was based on the following reasons:

1. The subject property is part of a previously recorded subdivision plat (**Plat #14818-14819, F-01-102, Dorsey Run Industrial Park, Parcel C**) and therefore is not eligible for the adjinder deed process. A plat of resubdivision must be recorded to transfer the .16-acre section of property to CSX in accordance with Section 16.103(j) of the Subdivision and Land Development Regulations to revise or modify a previously recorded lot or parcel of land.
2. The requested alternative compliance process for allowing an adjinder conveyance is a self-created hardship as a final resubdivision plat can be prepared and submitted to reconfigure the parcel.

Our decision to approve alternative compliance to Section 16.119(b)(1) and 16.120(c)(1) was made based on the following:

Extraordinary Hardships or Practical Difficulties:

Section 16.119(b)(1): There is no need for a right of way from the proposed subdivision since the parent parcel will still have access to the public road and the secondary parcel would be deeded to CSX Transportation, Inc. to be used for their ROW to expand the railbed. Public access to the property is not desirable due to the hazards which could arise from public access to the rail line.

Section 16.120(c)(1): CSX Transportation owns the railroad right-of-way adjoining the subject parcel, and the corporation accesses the railbed for use and maintenance through its corridor. There is no useful purpose for the 0.16-acre strip to have 60 feet of frontage on a public road if it will become part of the railroad right-of-way.

Alternative Proposal:

Section 16.119(b)(1): Providing access to a public road would be an unusual requirement if the subject parcel is to be used to widen the railbed as the railway will operate as a right-of-way separate from the public road. Workers and trains access the railbed from designated station and rail yard locations.

Section 16.120(c)(1): Similarly, providing 60 feet of public road frontage for the railbed would provide no useful purpose.

Not Detrimental to the Public Interest:

Sections 16.119(b)(1) and 16.120: Workers and trains with freight and passengers access the railbed from designated station and rail yard locations. There is no detriment to limiting public access. In fact, limiting access to the railbed can be a safety priority to limit conflict between trains and pedestrians, bikers, and vehicles.

Will not nullify the intent or purpose of the regulations:

Sections 16.119(b)(1) and 16.120(c)(1): The division of the parcel and lack of public road access or frontage does not impact the usefulness of this parcel considering that it will be used for a railroad bed, and does not affect any forest conservation area, residential area, historic district, school or park, or any other environmental features that may be regulated through the Subdivision and Land Development Regulations.

Indicate this alternative compliance 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 alternative compliance approval will remain valid for one year from the date of this letter or as long as a subdivision or site development plan is being actively processed in accordance with the processing provisions of the Regulations.

If you have any questions, please contact Jill Manion at (410) 313-2350 or email at jfarrar@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/JMF

cc: Research
DED
Real Estate Services