



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

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

Voice/Relay

Amy Gowan, Director

FAX 410-313-3467

August 30, 2021

Mr. Lutfi On
8434 High Ridge Road
Ellicott City, MD 21043

RE: WP-22-003 Lutfi Property Lot 1 & Non-buildable Parcel A
Determination Letter

Dear Mr. On:

This letter is to inform you that your request for alternative compliance to the Howard County Subdivision and Land Development Regulations for the subject project was reviewed.

On August 30, 2021 and pursuant to Section 16.104, the Director of the Department of Planning and Zoning, considered your application and provides the following determinations:

- **Denial** for your request for alternative compliance with respect to **Section 16.132(a)(3)(ii)c.1** of the Subdivision and Land Development Regulations for road construction.
- Alternative compliance action is not required to collect a fee in lieu for sidewalks according to **Section 16.134(a)(1)(ii)**. The applicant is advised to request and process the request to pay a fee for sidewalk construction through DED who will coordinate with DPW. The applicants DED contact for the fee-in-lieu request verification is Phil Thompson, pthompson@howardcountymd.gov.
- Street lighting is not required under **Section 16.135**. A separate approval through the alternative compliance process is not necessary for this action.

The Department of Planning and Zoning finds that strict enforcement of **Section 16.132(a)(3)(ii)c.1** would not result in an unreasonable hardship or practical difficulty. The following factors were considered in making this determination:

1. Strict conformance with the requirements will deprive the applicant of rights commonly enjoyed by others in similar areas;

It is noted that a phased subdivision across Guilford Road, F-15-110 Enclave at Tierney Farm, included some, but not all required road improvements that are associated with this plan, F-21-021. However, since the improvements have not yet been constructed and the Enclave at Tierney Farm is not in the phase that would require building some the improvements fronting the Lutfi property, F-21-021 Lutfi Lot 1 and Non-Buildable Parcel A subdivision is obligated to build the improvements along its frontage. Strict conformance will not deny the property owner from developing the property into the ultimate 5 lots as approved on SP-18-002, Lutfi Lots 1-5. Further, building the improvements now will facilitate the future subdivision of Non-Buildable Parcel A into the remaining 4 lots when the project passes the Schools Adequacy test. Building the improvements now will allow the future subdivision of this lot to not impede/inhibit access to the home that will be constructed under this plan approval. Should these improvements be deferred to a later date, the homeowner of this lot may be denied access to their driveway while the required improvements were being constructed. This could cause significant complications and puts the installation of the ultimate Guilford roadway condition in jeopardy.

2. Uniqueness of the property or topographical conditions would result in practical difficulty; other than economic, or unreasonable hardship from strict adherence to the regulations;

There is no evidence that the property has any unique characteristics or topography that would prevent the required improvements.

3. The Variance will not confer to the applicant a special privilege that would be denied to other applicants and;

This criterion is not applicable.

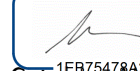
4. The modification is not detrimental to the public health; safety or welfare, or injurious to other properties.

If the applicant's request were granted, the waiver could impede future vehicular and pedestrian improvements along the roadway. Sidewalks are necessary for safe pedestrian connections. Installing the road improvements now and paying a fee-in-lieu for the sidewalk will allow the County to construct the ultimate sidewalk condition at a later date behind the newly constructed curb and gutter without impacting the future owner's driveway and access. If the curb and gutter improvements were to be waived with this alternative compliance, there may be complications limiting/disrupting the future homeowner's access which could impede the County's ability to construct the required curb, gutter, and, ultimately, the pedestrian sidewalk. This would be detrimental to the safety or welfare of the public.

If you have any questions, please contact Donna Despres at (410) 313-3429 or email at ddepres@howardcountymd.gov.

Sincerely,

DocuSigned by:



Anthony Cataldo, AICP, Chief
Division of Land Development

AC/DD

cc: Research
DED
DLD - Julia Sauer
Real Estate Services
FCC



ALTERNATIVE COMPLIANCE APPLICATION

Site Description: Lutfi Property, Lots 1 and Non-Buildable Parcel "A"

Subdivision Name/Property Identification: [Redacted]

Location of property: 6336 Guilford Road, Clarksville, MD 21029 approx. 3,600 south of MD. Route 108

Existing Use: Residential SFD **Proposed Use:** Residential SFD

Tax Map: 0035 **Grid:** 13 **Parcel No:** 56 **Election District:** 5

Zoning District: R-12 **Total site area:** 1.56 acres +/-

Please list all previously submitted or currently active plans on file with the County (subdivision plans, Board of Appeals petitions, alternative compliance petitions, etc.). If no previous plans have been submitted, please provide a brief history of the site and related information to the request:

The Lutfi Property consists of a single SFD Lot and a Non-Buildable Parcel A until such time a sallocations become available for a resubdivision of Parcel "A" into 4 more lots. The existing house circa 1955 will be demolished. File references: F-21-021, SP-18-002, ECP-17-038, WP-19-092, WP-18-080

In the area below, the petitioner shall enumerate the specific numerical section(s) from the Subdivision and Land Development Regulations for which an alternative compliance is being requested and provide a brief summary of the request. Please use the additional page if needed.

Section Reference No.	Brief Summary of Request
Section 16.132(a) 3.ii.c.1	Major collector roads (1) Owner owns land on only one side of road. Where the property owner owns land on only one side of a local or minor collector road, the owner shall:
Section 16.134(a)(1)(ii)	Sidewalks Required. The developer shall provide for the construction of sidewalks pursuant to this section and the Design Manual.

Section Reference No.	Brief Summary of Request
Section 16.135	Street Lighting. The developer of subdivisions and site developments shall provide street lighting in accordance with the Design Manual

Signature of Property Owner:



Date:

7/8/21

Signature of Petitioner Preparer:



Date:

6-30-21

Name of Property Owner: Mr. Lutif On

Name of Petition Preparer: Fisher, Collins and Carter Inc.

Address: 8434 High Ridge Road

Address: 10272 Baltimore National Pike

City, State, Zip: Ellicott City, MD. 21043

City, State, Zip: Ellicott City, MD. 20142

E-Mail: rlbdevllc2@gmail.com

E-Mail: amv@fcc-eng.com

Phone No.: 410-531-3300

Phone No.: 410 461 2855

Contact Person: Mr. Lutfi On

Contact Person: Aldo M. Vitucci, P.E.

Owner's Authorization Attached