



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

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

Lynda D. Eisenberg, AICP, Director

FAX 410-313-3467

October 17, 2023

Mario Guzman
1242 Long Corner Road
Mt Airy MD 21771

RE: WP-24-005 Larsens High Point

Dear Mr. Guzman:

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 October 11, 2023 and pursuant to Section 16.104, the Director of the Department of Planning and Zoning, considered and **approved** your request for alternative compliance with respect to **Section 16.119(f)(3)** of the Subdivision and Land Development Regulations to permit two (2) separate points of access (ingress/ egress) at a major collector public road (Long Corner Road) for two residential dwellings.

The Department of Planning and Zoning hereby determines that you have demonstrated to its satisfaction that strict enforcement of Section 16.119(f)(3) would result in an unreasonable hardship or practical difficulty. This determination is made with consideration of your alternative compliance application and the [four (4) items you were required to address, pursuant to Section 16.104(a)(1):

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

The Larsen High Point final subdivision (F-07-196) was created in 2008 from the resubdivision of Lot 1 of the Stang Property. Lot 1 of the Stang Property is the result of the subdivision of a 55.95-acre tract of land known as the Frack and Schmidt property (plat no. 4118). The remainder of the 55.95-acre tract was subdivided into 3 lots under a different plat (plat no. 5661). The owner of the Larsen High Point subdivision intended to resubdivide Lot 1 into 2 additional lots at a future time which would have included a new use-in-common driveway for ingress and egress at Long Corner Road (a major collector roadway). The subdivision would have required the existing driveway to be removed and access restricted to a single shared driveway. However, with the adoption of the Growth Tier legislation in 2012 (SB 236), the resubdivision of Lot 1 (to create the 7th overall lot) was no longer permitted by law and, therefore, the subdivision for a future Lot is no longer permitted. Lot 1 is currently improved with a residence and received conditional use approval for a landscape contractor business. Lot 2 exists but has not yet been developed. The applicant is seeking to eliminate the “vehicular ingress and egress restriction” on Long Corner Road to retain the existing driveway for the residence and business on Lot 1 and create a separate driveway for the future development of Lot 2.

Strict conformance with Section 16.119(f) would result in abandoning the existing access point for Lot 1 and extending the current driveway to run parallel to Long Corner Road to connect with the future shared driveway for Lot 2. The applicant states that extending the driveway would create additional impervious cover, require more stormwater management, the removal of trees and could cause safety concerns by having a private driveway run parallel to a public road.

Most residences along Long Corner Road have individual, single use driveways for each house. Allowing two separate driveways will be more uniform with the character of the neighborhood and provide a better driveway design for the existing house without having the driveway go through the front yard to connect to a future shared driveway. It will also allow the business to access a separate driveway from the future residence.

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.

The existing driveway for Lot 1 dates to 1943 and provides direct access for the house built in 1920. Lot 1 has 400 feet of frontage at Long Corner Road and the existing driveway provides for a unique quality, setting for the site that is amplified by the improvements and landscaping provided by the applicant. This uniqueness would be best preserved by allowing the existing driveway to remain at its current location. The future home that is to be constructed on adjoining Lot 2 will be separated from the driveway on Lot 1 by approximately 300 feet and would be in character with other driveways along Long Corner Road.

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

The variance will not confer the applicant a special privilege that would be denied to other applicants. The applicant is not requesting to build a new driveway, but to maintain the existing driveway at its location on Long Corner Road for use by the existing house and landscape contractor's business. Providing one shared driveway for both residential lots would provide design difficulties. Allowing separate driveways is more compatible with the existing houses in the neighborhood.

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

Approval of this petition will allow the applicant to continue to use their existing driveway which shall preserve the character and uniqueness of the existing house. The applicant states that this existing driveway has safe sight distance and will be separated from Lot 2 by 300 feet, which is more than the 75 feet required by the Design Manual. The plan appears to benefit the public interest by reducing the impervious area and creating a design that is compatible with the existing lots.

Approval of this Alternative Compliance is subject to the following conditions:

1. An Environmental Concept Plan for the site must be approved prior to submission of the Site Development Plan.
2. The existing driveway on Lot 1 will be used for the residence and Landscape Contractor business. Improvements to the existing driveway are required to meet the Design Manual requirements for commercial driveways. Further review of this requirement will be enforced at the site development plan stage.
3. The access restriction, as shown on final plat F-07-196, must be modified to accommodate the access area at the frontage of Lot 1 for the existing driveway. The width of the access area must comply with the Design Manual requirements for an entrance on an open section road. The plat of revision must be submitted to the Department of Planning and Zoning concurrently with the Site Development Plan submission.
4. Approval of this alternative compliance petition does not grant approval of a Site Development Plan for the Landscape Contractor business. A formal site development plan is required to establish the Conditional Use on site.

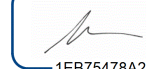
5. Include this alternative compliance petition file no., request, action and date of approval on the plat of revision and all future subdivision/ development plans related to the Larsens High Point subdivision.

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 Derrick Jones at (410) 313-2350 or email at djones@howardcountymd.gov.

Sincerely,

DocuSigned by:



1EB75478A22B49A...

Anthony Cataldo, AICP, Chief
Division of Land Development

AC/dj

cc: Research
DLD - Julia Sauer
Mildenberg Boender Associates



Howard County Maryland
Department of Planning and Zoning
 3430 Courthouse Drive, Ellicott City, MD 21043

(410) 313-2350

DPZ Office Use only: File No. Date Filed

ALTERNATIVE COMPLIANCE APPLICATION

Site Description: 1242 LONG CORNER RD, MT AIRY 21771

Subdivision Name/Property Identification: LARSENS HIGH POINT

Location of property: ADC MAP: 10, GRID B-4

Existing Use: RESIDENTIAL **Proposed Use:** CONDITIONAL USE/RESIDENTIAL

Tax Map: 06 **Grid:** 10 **Parcel No:** 241 **Election District:** FOURTH


Zoning District: RC-DEO **Total site area:** 6.46 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:

F-07-196
 BA 23-002C

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.

Section Reference No.	Brief Summary of Request
Section 16.119(f)	REQUEST TO ALLOW 2 POINTS OF ACESS ON A MAJOR COLLECTOR FOR 2 DWELLINGS.
Sec. 16.155. (a)(3)	REQUEST TO ALLOW OBTANING A GRADING PERMIT PRIOR TO PROCESSING OF AN SDP FOR THE PURPOSE OF STOCKPILING DIRST TO CREAT A NOISE BERM.

Signature of Property Owner: 

Date: 07/03/2023

Signature of Petitioner Preparer: 

Date: 7.6.2023

Name of Property Owner: MARIO GUZMAN

Name of Petition Preparer: Mildenberg Boender & Assoc.

Address: 1242 LONG CORNER RD.

Address: 8318 Forrest Street – Suite 300

City, State, Zip: MT AIRY 21771

City, State, Zip: Ellicott City, 21043

E-Mail: mario@oakridgelandc.com

E-Mail: salomer@mba-eng.com

Phone No.:

Phone No.: 410-997-0296

Contact Person: MARIO GUZMAN

Contact Person: Sam Alomer

Owner's Authorization Attached