



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

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October 2, 2012

Mr. J.P. McDaniel
13032 Highland Road
Highland, MD. 20777

Mr. J. Rutter
5300 Dorsey Hall Drive, Suite 102
Ellicott City, MD. 21042

RE: WP-13-034 (McDaniel Property)
(associated with SP-13-005)

Dear Interested Parties:

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 16.119(f)(3)** which states that for subdivisions and site development plans with no other means of access except from a restricted access road, the Department of Planning and Zoning may approve a single Use-In-Common driveway that meets minimum sight distance requirements and a waiver to **Section 16.120(c)(2)** which requires all lots, preservation parcels or bulk parcels for single-family detached dwellings to have minimum lot frontages on approved streets within a public right-of-way which provides access to the property.

Approval is subject to the following conditions:

1. The applicant must apply for, and receive approval for a Design Manual waiver to allow more than 6 users on a Use-In-Common driveway for proposed Lots 4 through 8, Buildable Preservation Parcel 'A' and Lot 1 of the "Koandah Gardens Estates". Submit this request for processing through the Development Engineering Division.
2. At the subdivision plan review stage, the proposed Use-In-Common driveways shall be designed to provide sufficient turning radius and width for use by emergency vehicles and comply with the minimum Design Manual sight distance criteria on Highland Road.
3. Compliance with attached conditions/comments from the Development Engineering Division.
4. The owner/developer is **STRONGLY** encouraged to maintain the existing cherry trees and paddock fencing along Highland Road. Landscaping (required and enhanced buffers and fencing as discussed by the HDC) should be shown on the Preliminary Equivalent Sketch Plan stage.

The Planning Director's decision was made based on the following:

Extraordinary hardships or practical difficulties:

The waiver petition requires that the applicant demonstrate that extraordinary hardships or practical difficulties may result from strict compliance with the regulations or that the regulations may be served to a greater extent by an alternative proposal. The applicant contends that a hardship would result if the waiver was not approved because the alternative "would be to create a public road cul-de-sac or split the property into separate subdivisions of the existing parcels. The proposed layout and access maintains the historic access

to Parcel 117 which contains a historic house and avoids construction of an internal road which would be inconsistent with the MHT easement and protection of the historic views from the main historic house”.

With regard to the proposal of two points of access onto Highland Road, including one Use-In-Common to serve more than 6 lots, the applicant’s justification states, “this approach minimizes the area of proposed lots and maximizes the remaining preservation parcels. If the waiver is not granted, pipestem areas in fee simple will be needed for each lot...” and this will result in a less desirable design... “and lead to further encroachment onto the preservation parcels”. The proposed access by way of driveways at the rear of the lots facing Highland Road is driven by the desire of both MHT and HDC to have the proposed houses face inward toward the preservation parcels. Creating fee simple pipestems would create unnecessary hardship and be inconsistent with direction from MHT and HDC”. In addition, the 2 proposed Use-In-Common access points would be overlaid on existing driveways that serve the existing property.

Detrimental to the Public Interest:

The proposal would not be detrimental to the public interest, would not alter the essential character of the neighborhood and would not substantially impair the appropriate use or development of surrounding properties. Per the applicant’s justification, “both the MHT and the County Historic District Commission have reviewed and approved this lot layout and found it to best protect the historic house.”

Nullifies the Intent or Purpose of the Regulations:

The approval of this waiver would not nullify the intent or Purpose of the Regulations because this proposal “better serves the purpose of the regulations by enhancing the design of the subdivision”. In addition, the minimum sight distance criteria must be met for the proposed shared driveways and approved by the Development Engineering Division as part of the subdivision plan review.

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 one year from the date of this letter or as long as this subdivision remains in active processing.

If you have any questions, please contact Tanya Krista-Maenhardt, AICP at (410) 313-2350 or email at tmaenhardt@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

attachment
KS/tkm/waivers 2012/McDaniel property WP-13-034 approval 10-2-12
cc: Research
DED
Samantha Stoney
ECP-12-048 file
SP-13-005 file