



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Marsha S. McLaughlin, Director

www.howardcountymd.gov
FAX 410-313-3467
TDD 410-313-2323

June 18, 2013

Christopher Brown
4228 Columbia Road
Ellicott City, MD 21042

RE: Wehland Property
WP-13-098 (F-12-098 & ECP-12-038)

Dear Mr. Brown:

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 **DENIED** your request to waive **Section 16.120.(c).(2).(i)** which requires that single family detached lots which cannot be further divided under current zoning shall have minimum 20' lot frontage on approved streets within a public right-of-way which provides access to the property. Our denial decision was made based on the following:

- **Self-Created Hardship:** As previously stated in Comment #1 dated March 26, 2013, the only option that the Planning Director will support in order to allow this property to be subdivided would be to amend the waiver petition request to utilize the provisions as outlined in Section 16.120.(c).(4) of the Regulations for the creation of two(2) single family detached lots that do not have the required public road frontage. Section 16.120.(c).(4) of the Regulations allows the approval of single family attached lots without the minimum 15' of frontage on a public road provided they front on private road not exceeding a length of 200 feet measured from the edge of the public right-of-way along the centerline of the private road. The burden is on the applicant to acquire the right of use of the 33' private right-of-way to Hunt Club Road (Liber 721 / Folio 676) and to provide documentation proof that this Parcel 83 has a legal right to use the private right-of-way.
- **Implementation of Alternative Proposal:** The applicant has not verified that the intent of the Regulations will be served to a greater extent through the implementation of the alternative proposal to upgrade the private right-of-way for Amberman Avenue to meet current use-in-common driveway standards (16' width of pavement). In fact, current Howard County design standards require that if a driveway serves more than six(6) dwellings it must be a public roadway and meet current roadway design standards. Although the applicant has not identified the exact number of users of the private right-of-way of Amberman Avenue, based on aerial photographs, it appears that the number of users is much greater than six(6).
- **Nullifies the Intent or Purpose of the Regulations:** The waiver, if approved, would nullify the intent and purpose of Section 16.101 of the Howard County Subdivision and Land Development Regulations which is to ensure that subdivision plans follow uniform procedures and standards to assist with the orderly, efficient and integrated development of land to promote the health, safety and welfare of the residents of the County. The approval of this waiver request to not provide any public road frontage for the proposed subdivision lots will create or perpetuate the landlocking of the proposed building lots; thereby, nullifying the intent and purpose of Section 16.119.(a).(8) of the Subdivision and Land Development Regulations.

- **Detrimental to the Public Interest:** The applicant has not adequately demonstrated that approval of this waiver request will not be detrimental to the public interest, will not alter the essential character of the neighborhood and will not substantially impair the appropriate use or development of the surrounding community without providing the required public road frontage for the subdivision proposal.

The Subdivision Regulations do not guarantee lot yield for any proposed subdivision. The burden is on the applicant to make his case and to provide verification that the intent of the Regulations will be served to a greater extent through the implementation of an alternative proposal. The applicant's attempt to subdivide this property without sufficient road frontage is a self-created hardship.

Indicate this waiver petition file number, request, section of the regulations, action and date on all related plats, and site development plans, and building permits.

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
JMF

cc: Research
Heather Pandullo – Development Engineering Division
Real Estate Services Division – DPW
Mildenberg, Boender & Associates Inc.