



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

Marsha S. McLaughlin, Director

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FAX 410-313-3467
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December 9, 2014

Algirdas J. Brasauskas
5110 Talbot's Landing
Ellicott City, MD 21043

RE: Wright Property Lots 5 & 6
A resubdivision of Lot 3, Plat #5410
WP-15-062 (F-15-002)

Dear Mr. Brasauskas:

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 the requirements of **Sections 16.132, 16.134, 16.135, & 16.136 for Construction of Road Improvements, Sidewalks, Street Lights and Street Trees**; and, **DENIED** your request to waive the requirements of **Section 16.120.(b).(4) for a Usable Lot Design which requires lots to have a regular, generally rectangular lot shape.**

APPROVAL is subject to the following conditions:

1. Compliance with the attached comments from the Development Engineering Division, dated November 17, 2014, prior to submission of the original mylar record plat to this office for signature approval and recordation. In accordance with those comments, the developer will be required to pay a fee-in-lieu of providing the required improvements for 360 feet of frontage. The fee should include curb and gutter, sidewalk, street trees and paving required under Howard County Standard Detail R-1.08. This fee, at the discretion of the Department of Public Works, could be used to extend the required improvements along the north side of Talbots Landing Road.
2. Within sixty(60) days of this approval (**on or before February 7, 2015**) the consultant shall submit a fee-in-lieu of verification request to the Development Engineering Division (DED) to verify the amount of fee and the account that it should be deposited into.

Justification for the approval decision was made based on the following:

- The intent of the regulations will be served through the implementation of the alternative proposal which will not nullify the intent of the Regulations and will not be detrimental to the public interests: Due to the conversion of Talbots Landing to a public road in 1987 (nearly four(4) years after the initial minor subdivision of the Wright Property) pipestem Lot 3 is subject to a disproportionately long public road frontage of 1,005 feet in length. Existing Lot 3 could have been re-subdivided utilizing the original pipe stem with direct access to Ilchester Road prior to the conversion of Talbots Landing to a local public road. It would be an extraordinary hardship to subject the proposed re-subdivision to either construct or pay a fee-in-lieu of construction for over 1,000 feet of road improvements, sidewalks, street lights and street trees. The costs or fees would exceed any financial benefit of creating the one(1) additional lot. The intent of the regulations will be served through Development Engineering Division's alternative proposal which requires the Developer to pay a fee-in-lieu of providing the required improvements for the 360 foot section of Lot 6 frontage along Talbots Landing and it will not be detrimental to the public interest by having the developer pay a fee which can used at the discretion of the DPW for future improvements to Talbots Landing road.

Justification for the **DENIAL** decision was based on the following reasons:

1. Under review of the final plat, the DPW Bureau of Utilities is requiring the developer to extend the public sewer up to Lot 6 by utilizing the Existing 20' Public Sewer & Utility Easement (Liber 3653, Folio 41) which was created for the purpose to serve future lots, such as Lot 6. Additionally, the DPW Bureau of Utilities has determined that no further upstream lots from Lot 6 would be served through this easement; and, for that reason, are requiring that the existing unused public easement on Lot 6 should be abandoned.
2. The irregular lot design of Lot 6 which proposes a 10' x 90' "pipestem" along the rear of Lot 5 (thus making Lot 5 irregular in shape also) has been proposed in order to "technically" provide public sewer frontage for Lot 6 since the existing public sewer line extends only approximately 50' along the rear of Lot 5 (which is about 90' short of being able to serve a "regularly" shaped Lot 6). This lot design is undesirable for both the current owner and future owners of Lots 5 and 6 for the following reasons:
 - a. If DPZ allows this design, existing mature trees within this 10' x 90' strip will be required to be cleared (or root systems disturbed) in order to provide the private sewer connection to the proposed dwelling on future Lot 6.
 - b. Lot 5 will be left with cleared mature trees and with a 10' x 90' "faux" area of rear yard which will be owned by the adjacent property owner of future Lot 6. This would create a very undesirable lot shape for future owners of Lot 5 and could possibly contribute in the future to property infringements by "neighbors" and the need for civil litigation. It is just an undesirable situation which can be rectified by extending the public sewer main within the existing cleared area within the existing public sewer and utility easement, for which it was created.

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 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/MPB/

Attachment: DED

cc: Research
Phil Thompson – Development Engineering Division
Jeff Welty – Bureau of Utilities, DPW
Real Estate Services Division, DPW
Robert H. Vogel Engineering, Inc.
DPZ File #: F-15-002