



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Courthouse Drive

Ellicott City, Maryland 21043

410-313-2350

Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

September 9, 2015

Robert and Nancy Berman
10320 Old Frederick Road
Woodstock, Maryland 21163

Re: Berman Property
Waiver Petition WP-16-025
(Final Plan F-16-003)

Dear Mr. and Ms. Berman:

The purpose of this letter is to inform you that the Director of the Department of Planning and Zoning considered your request for a waiver of Subsection 16.120(c)(2) of the Howard County Subdivision and Land Development Regulations. A waiver of this regulation would allow for creation of a single-family detached lot without having minimum lot frontage on an approved street within a public right-of-way which provides direct access to the property.

As of the date of this letter the Planning Director unconditionally approved your request to waive Subsection 16.120(c)(2) of the Howard County Subdivision and Land Development regulations with respect to Final Plan F-16-003.

Our decision to approve the waiver was made based on the following justification:

Extraordinary hardship or practical difficulty may result from strict compliance with the regulations.

The two existing recorded deeds containing three parcels being combined have their respective ingress and egress easements providing each property with viable access to Old Frederick Road. It is practically difficult to provide fee simple access from the fee simple boundaries of these three properties to Old Frederick Road since the land between the petitioner's properties and Old Frederick Road is owned by other parties.

The intent of the regulations will be served to a greater extent through the implementation of the alternative proposal.

The alternative proposal to allow access to the existing recorded properties without fee simple access to Old Frederick Road does not interfere with the intent of the regulations. The condition for fee-simple access to a public road is required for subdivision. This subdivision does not create any new building lots but actually reduces the number of potential users on the access easement via the consolidation of the three deeded parcels. Approval of this alternative proposal will allow the existing recorded access easement to continue without interruption.

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Waiver approval will not be detrimental to the public interest.

Waiver approval will allow continuation of access from Lot 1 to Old Frederick Road without fee-simple ownership and will not alter the essential character of the existing driveway usage. The neighboring and adjoining properties will not experience any change or alteration to the existing driveway except that through consolidation of the existing properties, the number of users from the properties will diminish.

Approval of the waiver will not nullify the intent of the regulations.

Waiver approval will not nullify the intent or purpose of the regulations. The intent of the regulations includes ensuring viable access to buildable lots or parcels created through the subdivision of land. Because this subdivision is a consolidation plat of several parcels and does not propose a change in use, the continuation of existing access conditions fulfills the intent of the regulations.

Indicate this waiver petition file number, section of the regulations, action, and date on all related subdivision plans, site development plans and grading and building permits. This waiver will remain valid for one year from the date of this letter or as long as the subdivision remains in active processing.

Should you have any questions please contact Dave Boellner by telephone at 410-313-3956 or by email at dboellner@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/DBB:dbb

CC: DPZ, Research
DPZ, DED
Fisher, Collins & Carter, Inc.