



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

January 26, 2017

Mr. Barry Downey
410 Morgan Station Road
Woodstock, MD 21797

Mr. Nick Sharp
400 Morgan Station Road
Woodbine, MD 21797

Dear Messrs. Downey and Sharp:

RE: WP-17-051, Patapsco Falls, Lot 1, Downey
Property Lot 1, and Downey Deeded Parcel 18

The Director of the Department of Planning and Zoning considered your request for an alternative compliance from the Howard County Subdivision and Land Development Regulations.

As of the date of this letter, the Planning Director **denial** your request for an alternative compliance of **Section 16.120(b) (4)** to allow for irregular shaped lots; and **Section 16.120(b)(6)(ii)** to allow the length of the pipestem to exceed 1500 feet.

Denial is based on the following:


1. **Nullify the Intent and Purpose of the Regulations** – The applicants failed to demonstrate in their written petition that the intent and purpose of the Subdivision and Land Development Regulations will not be nullified if approved to allow a vastly non-regular lot shape to accommodate one residential lot. The purpose of the regulations is to provide uniform procedures and design standards for preparing subdivision plan lots.
2. **Alternative Compliance Proposal** – All single family residential lots or parcels shall have the required minimum frontages on an approved public street right-of-way which provides access to the property in accordance with Section 16.120(c)(2) of the Subdivision and Land Development Regulations. The proposal to resubdivide recorded Lot 1, Patapsco Falls, Plat No. 19251 (F-06-129) to reduce it's existing 58.88' of public road frontage onto Morgan Station Road to a very narrow strip of land with a 1-foot width plus or minus violates the 20 feet minimum public road frontage requirements for a single residential lot in accordance with Section 16.120(c) (2) (i) of the Subdivision and Land Development Regulations. Additionally, the proposal to provide a separate driveway access for Lot 1 at another location further south on Morgan Station Road as an access easement through adjoining Lots 4 and 6 of the Harrison's Forest subdivision, Plat Nos. 10199 and 20495 violates the above referenced section of the regulations which states that property access is to be provided at the minimum lot frontage onto a public road.

3. **Alternative Compliance Proposal** – Approval of this requested alternative compliance petition will act to establish a precedent setting decision for all eligible properties seeking to subdivide their properties in a manner that establishes oddly shaped and severely elongated narrow pipestem strips of land circumventing the normal subdivision design standards and practices.
4. **Alternative Compliance Proposal** – Approval of this requested alternative compliance petition will act to violate and negate the Court Order approved under Circuit Court Case No. 13-C-02-0539000 dated May 11, 2016 for the implied easement by necessity for the right to ingress and egress from Lot 2 through Lot 1 to Morgan Station Road.
5. **Nullify the Intent and Purpose of the Regulations** – The proposal to transfer Parcel 18, a 3.47 acre parcel of land located on the east side of Morgan Station Road to Nicholas Sharp to merge with Lot 1 Patapsco Falls for the purpose to allow Mr. Sharp to obtain a 20-acre contiguous parcel of land to process a density sending plat to sell off development rights violates the Howard County Zoning Regulations. Section 106.0.B.1. of the Zoning Regulations requires a minimum preservation parcel easement area of 20 contiguous acres. The 3.47 acre parcel located on the east side of Morgan Station Road would not be considered contiguous since it is separated from Lot 1 Patapsco Falls by the County owned public road right-of-way for Morgan Station Road. Therefore, the 3.47 acre parcel of land cannot be legally merged into Lot 1 on a resubdivision plat or considered as contiguous to Lot 1 for the purposes of complying with the Zoning Regulations for density sending purposes. Approval of this requested Alternative Compliance Petition will act to establish a precedent setting decision for other properties seeking to send density rights in a similar non-contiguous situation.

Indicate this alternative compliance petition file number, request, section of the regulations, action, and date on all related plats, and building permits.

If you have any questions, please contact Brenda Luber at (410) 313-2350 or email at BLuber@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/BL

cc: Research
DED
Real Estate Services