



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

May 23, 2017

Mahmood Khan c/o MBA
7350-B Grace Drive
Columbia, MD 21044

RE: WP-17-107, Khan Property, (F-17-036)

Dear Applicant:

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 **approved** your request for an alternative compliance of **Section 16.120(b)(6)(ii)(a) Length of Pipestem Lot**, which specifies that the length of the pipestem shall not exceed One thousand five hundred feet for non-cluster subdivision lots in the RC or RR zoning districts and **denied** your request for an alternative compliance of **Section 16.120(c)(2) Minimum frontages**, which specifies that all lots, preservation parcels, or bulk parcels for single-family detached dwellings shall have minimum lot frontages on approved streets within a public right-of-way which provides access to the property.

Our decision is subject to the following conditions:

1. The project design must comply with Section 16.120(c)(2) of the Howard County Subdivision and Land Development Regulations. However access to the property will not be required through the frontage of Khan Property as access to proposed Lots 1, 2, and Preservation Parcel 'B' will be provided through the shared driveway with the Percival Property. Access easements and a maintenance agreement must be completed including all lots that will utilize the shared driveway.
2. Khan Property Lot 3 will utilize its current driveway access through the neighboring Hinzman Property. Please note the recorded Ingress and Egress Easement (L.1057 F.639) information on all subsequent plans and submissions.
3. Compliance with all SRC Agency comments generated with the review of the Final Plat, F-17-036.
4. A use in common driveway easement, and maintenance agreement must be prepared and recorded for proposed Lots 1, 2, and Buildable Preservation Parcel B of Khan property and Lots 1, 2, and 3 of Percival Property, (F-16-088).
5. The use in common driveway entrance onto MD Route 97, a minor arterial road, shall comply with the Design Manual minimum sight distance requirements as approved by the Development Engineering Division.
6. Include the alternative compliance request number, description, and decision on all associated plans, plats, and future site plans.

Approval of **Section 16.120(b)(6)(ii)(a)** was made based on the following:

Self-Created Hardship:

The applicant would have experienced hardship and practical difficulty with the development of the property through strict compliance with the regulations. The Khan Property was created at a time when the length of the pipestem was not a criterion in the Subdivision and Land Development Regulations. The pipestem length that currently serves the property is approximately 1,465 feet long and is the only frontage the property has. Alternative Compliance was requested in order to subdivide the property utilizing the cluster subdivision, provide the preservation parcel with the desirable environmental features, and accommodate the lots in relation to the suitable percolation areas where additional pipestem lengths were required. Strictly conforming to the 1,500 foot pipestem length would have restricted the project to 2 cluster lots, which is only half of the development potential.

Implementation of Alternative Proposal:

The intent of the regulations is to provide safe and practical access to properties. Approving this request would allow for the extended pipestems which are necessary to create the buildable preservation parcel. The regulations would also be served by allowing for the buildable preservation parcel to maximize the preserved environmental areas.

Detrimental to the Public Interests:

Allowing the proposed extended pipestems would not be detrimental to the public interest as the improvements to the property will create safe access to the proposed lots and buildable preservation parcel. The extended pipestems will also allow the lots to be configured in a more desirable and practical arrangement.

Nullifies the Intent or Purpose of the Regulations:

The intent of the regulations is to provide safe and practical access to properties. The regulations would also be served by allowing for the buildable preservation parcel to maximize the preserved environmental areas. Approving this request will allow a large preservation parcel to be created which will contain the desirable environmental features.

Denial of **Section 16.120(c)(2)** was based on the following reasons:

Self-Created Hardship:

The applicant would not have experienced hardship and practical difficulty with the development of the property through strict compliance with the regulations. The Khan Property will be sharing a driveway with the adjacent Percival property. The adjoining neighbor expressed concerns that the proposed driveway for the Khan property would run very close to his existing home. The proposed driveway layout will not run adjacent to his home in the pipestem area, but will instead connect to the driveway in the neighboring Percival property. The reduction of the pipestem frontage would be to deed additional land to the neighboring Applebaum property.

Implementation of Alternative Proposal:

The intent of the regulations is to provide safe and practical access to properties. Approving this request would have allowed the property to severely restrict or limit its required public road frontage. The required frontage for the Khan Property must be maintained to provide the legal in-fee-simple road frontage (24' wide minimum for a shared driveway easement). Alternatively, access will be provided by utilizing the shared driveway from the adjacent Percival Property Subdivision. The proposed driveway will not be immediately adjacent to the neighboring Applebaum Property. There will be a substantial buffer between the adjacent Applebaum residence and the proposed driveway access to the south through the Percival Property.

Detrimental to the Public Interests:

Allowing the alternative compliance of the minimum frontage requirement would have been detrimental to the public interest as the proposed lots would lose their minimum frontage along Route 97. The loss of the required pipestem frontage would not allow for a driveway to be constructed should future changes to the subdivision be required.

Nullifies the Intent or Purpose of the Regulations:

The intent of the regulations is to provide safe and practical in-fee-simple or public road frontage to properties. The regulations would be negated as the removal of the required frontage would not allow for access along the pipestem area to the subject lots should it be needed in the future. The frontage is required in order to maintain potential legal access should future redesign of the subdivision be required.

Indicate this alternative compliance 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 alternative compliance approval will remain valid for one year from the date of this letter or as long as a subdivision or site development plan is being actively processed in accordance with the processing provisions of the Regulations.

If you have any questions, please contact Nicholas Haines at (410) 313-4333 or email at nhaines@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/NH

cc: Research
DED
Real Estate Services