



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

June 29, 2017

Kevin Garvey
2605 Route 97
Glenwood, MD 21738

RE: WP-17-127 Green Meadows- Lot 1

Dear Mr. Garvey:

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 alternative compliance of **Section 16.120(a)(2)**, which states that nonresidential lots shall not derive direct access from arterial highways and **Section 16.120(c)(2)(i)**, which states that single-family detached lots shall have a minimum of 20 feet of public road frontage.

Approval is subject to the following conditions:

1. A note shall be placed on the future subdivision plat stating that access is restricted along the Route 97 frontage except for the approved use-in-common driveway entrance for the two residential lots and that access points will be determined and approved for the commercial parcel upon submission of a development plan for Parcel 'A'.
2. A 24' private use-in-common access easement for the proposed Lot 7 shall be recorded on the future subdivision plat and a use-in-common maintenance agreement shall be recorded in Land Records subsequently with the recordation of the subdivision plat.
3. The submission of a final subdivision plan is required to resubdivide Lot 1 into new Lots 6 & 7 and Parcel 'A'.
4. Compliance with the attached State Highway Administration comments.

The Planning Director **denied** your request for alternative compliance of **Section 16.120(b)(4)(iii)(b)**, which states that forest conservation easements are not permitted on residential lots less than 10 acres in size.

Denial was based on the following reasons:

1. The applicant failed to accurately justify that compliance with the Regulations would pose an extraordinary hardship or practical difficulty, that the intent of the Regulations would be served to a greater extent through an alternative proposal or that the request will not nullify the intent or purpose of the regulation.
2. The subject property does not contain any priority areas for forest conservation. Limited forest resources exist onsite, which would require planting to establish the forest easements.
3. This property was dropped from the Green Infrastructure Network after field investigation determined it was not a viable passage for wildlife.

Our decision was made based on the following:

Extraordinary Hardships or Practical Difficulties:

The subject property has frontage and access along Route 97, which is classified as a minor arterial with restricted access. A use-in-common driveway easement is proposed at the approved access point along the northern property boundary to provide access to the two proposed residential lots. The applicant wishes to provide separate access points for the residential dwellings and future commercial development on Parcel 'A'. Providing separate access points will create more compatibility between the two land uses.

The property is unique in that it is split-zoned "RR-DEO" in the rear and "POR" along the Route 97 frontage. A 24' wide "RR-DEO" zoned strip of land exists along the northern boundary with the intent to provide residentially zoned access from Route 97. The Howard County Zoning Board approved a zoning map amendment in January 2017 to rezone 0.70 acres from the "POR" to the "RR-DEO" zoning district. The exhibit provided by the petitioner during the rezoning process did not take into consideration the pipestem area needed to provide access to the proposed residential lot, a shortfall of approximately 0.06 acre. The applicant proposes to provide a 24' wide access easement that follows the existing driveway to the proposed residential lot. Granting of this alternative compliance would allow both lots to meet the 3-acre minimum requirement while providing safe access from a public road and would be consistent with the intent of the zoning amendment. The other alternative is for the applicant to file another zoning map amendment, which is a lengthy and costly process.

Not Detrimental to the Public Interest:

There are currently several commercial access points along this stretch of Route 97. Allowing access for an additional commercial parcel will have minimal impact on the road's peak flow and will be consistent with the character of the neighborhood. A private utility and access easement will be recorded along with protective covenants for the maintenance of the use-in-common driveway and will convey with the land all the rights and responsibilities required to construct and maintain a safe driveway.

Will not nullify the intent or purpose of the regulations:

A sight distance study in accordance with MD State Highway Administration standards will be prepared and submitted along with the future development plan for Parcel 'A'. A properly designed commercial driveway should have a minimal impact on traffic congestion and safety. The recordation of a private access easement to allow the proposed Lot 7 to have safe access from Route 97 will fulfill the intent of the Regulations.

Indicate this alternative compliance petition file number, request, section of the regulations, action, conditions of approval and date on all related plats, 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 Eric Buschman at (410) 313-2350 or email at ebuschman@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/eb

cc: Research
DED
Real Estate Services
D.S. Thaler & Assoc. LLC