



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

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Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

June 7, 2019

Harmony Builders
4228 Columbia Road
Ellicott City, Maryland 21042

RE: WP-19-079 Elkrise Hill

Dear Sirs or Madames:

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(c)(2)** to allow Lot 7 access to the public road via easements through Lot 6 and Open Space Lot 8 instead of requiring an additional access point using Lot 7's road frontage.

Approval is subject to the following conditions:

1. Indicate this Alternative Compliance file number (WP-19-079), sections, request, action, date and conditions of approval on all submitted plans, including P-19-002.
2. Compliance with any conditions and comments from DPW regarding approval of the Design Manual Waiver to allow 7 users on a private use-in-common driveway.

Our decision was made based on the following:

Extraordinary Hardships or Practical Difficulties:

The extraordinary hardship and practical difficulties of development of this property are a result of the location of the existing high point of Old Washington Road, the intersection location of Old Washington Road and Montgomery Road, the need to include the existing driveway with the single use-in-common driveway, and the location of adequate sight distance for access. The retention of the historical house on the property and relocation of the driveway to serve that house provides a driveway location that will be accessible to Lot 7 while minimizing new impervious area and providing stormwater management treatment for the driveway prior to discharge from the site into Old Washington Road. The geometry and point of access to the proposed driveway onto Old Washington Road is due to the retention of the historic house and inadequate sight distance for the existing driveway. The property currently accesses Old Washington Road through a 12' driveway at the northwest corner of the site that does not provide adequate sight distance. The plan proposes a 7 lot subdivision, including an existing house which will access Old Washington Road via a 16' private use-in-common driveway. The Historic Preservation Commission has reviewed the driveway configuration originally proposed and requested relocation of some of the driveway to provide additional green space around the historic structure. These revisions are reflected on the approved sketch plan (S-18-004).

Alternative Proposal:

The proposal is to allow an alternative to the regulations by allowing access to the public road via an easement through lot 6 and Open Space Lot 8 rather than through Lot 7's road frontage. The intent of the regulations is met by providing a single use-in-common driveway, removal of the substandard existing driveway, providing improved sight distance, providing updated storm water management, and providing one access point to Old Washington Road within the Historic District.

Not Detrimental to the Public Interest:

The proposal is not detrimental to the public interest because the shared use of the driveways reduces the impervious area needed, provides safe access for the 7 dwellings, removes the awkward intersection at Montgomery Road that is created by the existing driveway and adds updated storm water management to the site. This proposal does not result in a public roadway that the County would have to maintain. Also, the historic home is to remain, and additional green space is available to the historic lot per HPC recommendations.

Will not nullify the intent or purpose of the regulations:

The approval of this alternative compliance will not nullify the intent of the regulations since it satisfies Section 3.1727(c)(4), safe conditions are required for the new access point, and the unsafe conditions of the existing access point is proposed to be removed. Additionally, having one additional lot over the maximum allowed on a shared driveway per the design manual will not nullify the intent of the regulations because the alternative would not require to construct a new public road, which would have a negative impact on the historic resource. A design manual waiver for this condition has been approved by DPW since it proposes the safest alternative for all lots to access the public road.

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 Donna Despres at (410) 313-3429 or email at despres@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

S/JM/DD

Research
DED
Real Estate Services
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