



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Courthouse Drive

Ellicott City, Maryland 21043

410-313-2350

Voice/Relay

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December 2, 2019

Sally & Eric O'Keefe
6930, 6940 & 6950 Haviland Mill Rd.
Clarksville, MD. 21029

RE: WP-20-003 (O'Keefe subdivision)
(related to F-19-087)

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 **Sections 16.120(b)(4)(i)** which requires residential lots to be generally rectangular in shape; an alternative compliance request to **Section 16.120(b)(4)(iii)b** which prohibits environmental features on lots less than 10 acres in size; **and** an alternative compliance request to **Section 16.120(c)(2)** which requires single-family detached lots to have minimum frontages on a public right-of-way which provides access to the property.

PLEASE NOTE: Upon further review, the Department of Planning and Zoning has determined that alternative compliance to Sections 16.115 and 16.116 are not warranted because this Alternative Compliance Request is, in part, to confirm the location of existing driveway impacts. No additional or new impact is requested, nor permitted.

Approval is subject to the following conditions:

1. Submit an original, notarized DOI for Real Estate Transaction within 3 weeks of alternative compliance approval (**on or before December 23, 2019**).
NOTE: Intra-Family Transfer DOIs no longer apply.
2. A revised/new Use-In-Common Access Easement for all 3 dwellings must be prepared and recorded with F-19-087.
3. No future development and/or grading is permitted within any environmental feature or buffer without submittal and approval of a new Alternative Compliance request.

The Planning Director's decision was made based on the following:

Extraordinary hardships or practical difficulties:

Section 16.120(b)(4)(iii)b.

“Each of the 3 existing dwellings is served by its respective private septic reserve area and private well. The property owner proposes to subdivide the 2 existing parcels, into 3 lots so that each house and its respective septic area and well are located on the same lot. In addition, the owners wish to keep the existing accessory structures on their respective lots. If Lot 3 were proposed to be expanded to 10 acres, it would impact the sewage reserve area, well location and sheds that are associated with the dwelling and accessory structure on proposed Lot 2.

Due to the orientation and location , accessory structures, well and septic areas for Lots 2 and 3, Lot 3 is proposed at 3.15 acres and contain environmental features, including a stream and stream buffer. Lot lines for Lot 3 have been proposed so that the buildings, septic areas and well locations will comply with required setbacks.”

Section 16.120(c)(2)

“The site contains 3 existing dwellings, all of which are currently accessed via an existing driveway. The existing Use-In-Common driveway access encroaches within the floodplain, stream and a stream buffer near Haviland Mill Road. The driveway is an existing condition and there are no other access points/options to the adjacent right-of-way that would not result in an environmental impact. A perennial stream, its buffer and portions of floodplain travel the entire frontage of the property along Haviland Mill Road. Although proposed Lots 2 and 3 will have frontage along Haviland Mill Road, a newly proposed individual access for each home is not proposed. Providing a new driveway access for each new lot would result in new disturbances to environmentally sensitive areas. Therefore, the home owners propose to maintain their current access and continue to utilize the Use-In-Common driveway. Each lot has a minimum of 20 feet of frontage along the public right-of-way. No new disturbance or development is being proposed for this subdivision, which is being pursued for real estate planning purposes.”

Section 16.120(b)(4)(i)

Overall, the total tract area of 58.45 acres already exists as a very oddly shaped lot, similar to a dumbbell. “The property owners propose to subdivide the 2 existing parcels, into 3 lots so that each house and its respective septic area and well are located on the lot with the house they serve. In addition, the owners wish to keep the existing accessory structures on their respective lots. As such, Lots 1 and 2 would continue to be odd in shape, with Lot 3 more conforming to a square shape, with an oddly-shaped pipestem. If rectangular lots were to be created, the property owners would potentially be required to acquire more land and relocate existing structures, septic areas and wells.”

Detrimental to the Public Interest or Nullifies the Intent or Purpose of the Regulations:

Section 16.120(c)(2)

No new disturbance or development is being proposed for this proposal, which is being pursued for estate planning purposes and therefore would not nullify the Intent of the Regulations nor be Detrimental to the Public Interest.

Section 16.120(b)(4)(iii)b.

The existing dwelling on proposed Lot 3 is located 58.1 feet from the stream buffer and is outside of all other environmentally sensitive areas proposed on site. Other than the dwelling, there are no other structures on Lot 3. There is a sufficient building envelope that is outside of the environmental features and buffers that could accommodate a future out-building, such as a shed. However, no disturbance, development, new structures or grading is currently anticipated.”

Section 16.120(b)(4)(i)

Creating oddly-shaped lots would not nullify the Intent of the Regulations nor would it be Detrimental to the Public Interest as the shape would not affect surrounding existing properties. Outer boundary limits and overall acreage will not change.

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 me at (410) 313-2350 or email at tmaenhardt@howardcountymd.gov.

Sincerely,



Tanya Krista-Maenhardt, AICP
Acting Chief, Division of Land Development

TKM/WP-20-003/WP-20-003 O'Keefe subdivision approval 12-2-19

cc: Research
DED
Real Estate Services
Bohler Engineering