



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Court House Drive

Ellicott City, Maryland 21043

410-313-2350

Voice/Relay

Amy Gowan, Director

FAX 410-313-3467

April 12, 2021

Marriotts Ridge, LLC
227 Granite Run Drive
Lancaster, PA 17601

Dear Sir or Madam:

RE: WP-21-095, Myrtue Property, Lots 15 and 16

This letter is to inform you that your request for alternative compliance to the Howard County Subdivision and Land Development Regulations for the subject project was reviewed.

- On April 8, 2021 and pursuant to Section 16.104, the Director of the Department of Planning and Zoning, considered and **approved** your request for alternative compliance with respect to **Section 16.120(c)(2)** of the Subdivision and Land Development Regulations to Lot Layout – Minimum Frontages – 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. Lots and preservation parcels which share access shall have sufficient frontage collectively to meet the driveway easement requirements in the Design Manual.

The Department of Planning and Zoning hereby determines that you have demonstrated to its satisfaction that strict enforcement of Section 16.120(c)(2) would result in an unreasonable hardship or practical difficulty. This determination is made with consideration of your alternative compliance application and the four (4) items you were required to address, pursuant to Section 16.104(a)(1):

1. Strict conformance with the requirements will deprive the applicant of rights commonly enjoyed by others in similar areas.

The Myrtue subdivision was recorded in 2008 and Lots 15 and 16 were later purchased by the applicant. Access to Lot 16 is restricted due to the location of steep slopes along the property's frontage. Given the existing physical site constraint, there is limited means of access to the buildable portion of the lot. In order to avoid impact to the existing steep slopes, the applicant is proposing to provide access to Lot 16 via an access easement located on adjacent Lot 15. To construct the driveway as proposed under the approved subdivision plan, grading would be required within the steep slopes which would interfere with the septic drainage area; thus, rendering Lot 16 undevelopable. Relocating the access for Lot 16 through adjacent Lot 15 will allow for the construction of a home on Lot 16. shared driveway easements are frequently approved throughout the County, especially to avoid impacts to steep slope areas. Strict conformance with the requirements will deprive the applicant of development rights commonly enjoyed by others in similar areas whom use use-in-common driveways to access buildable areas to avoid impacting environmental features.

2. Uniqueness of the property or topographical conditions would result in practical difficulty; other than economic, or unreasonable hardship from strict adherence to the regulations.

The property contains steep slopes along the road frontage of Lot 16. There is an extreme grade difference between the road location and the buildable area of the site, which makes it difficult to provide

a properly graded driveway. These conditions restrict access to the property and strict adherence to the regulations would create a practical difficulty for the owner to develop the site with a single-family home. The applicant has proposed to relocate the driveway along the west side of Lot 15 and above the sewage disposal area to provide access to Lot 16. The relocated driveway will eliminate the need to grade within the steep slope area and allow construction of a single-family home.

3. The Variance will not confer to the applicant a special privilege that would be denied to other applicants.

Approval of this alternative compliance request will not confer to the applicant a special privilege that would be denied to other applicants. When the development of a site is restricted due to unique site conditions, such as steep slopes, alternative compliance requests have been approved to protect these areas. The use of the shared driveway has been commonly approved throughout the County and should not be considered a special privilege. The County has approved other subdivisions in which the area of the lot's road frontage does not serve as the access to the lot. A plat of revision will be required to create the driveway easement and a maintenance agreement will be recorded within the Land Records of Howard County, and driveway design will comply with the shared driveway design standards.

4. The modification is not detrimental to the public health; safety or welfare, or injurious to other properties.

Approval of the alternative compliance request will be beneficial to the public interest since this proposal does not impact the steep slopes located along the road frontage of Lot 16. In addition, the use of shared driveway has been approved for other lots within this subdivision and throughout the County. The relocated driveway will be screened from the adjacent parcel. The applicant has indicated that Lots 15 and 16 will not be available for purchase until the driveway and SDA locations have been finalized, thus informing the potential buyers of the final design of these lots.

Approval of this Alternative Compliance is subject to the following conditions:

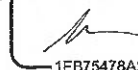
1. A Plat of Revision for Lots 15 and 16 providing the shared access easement on Lot 15 must be submitted for recordation in accordance with the deadlines associated with the Originals Only request.
2. A use-in-common maintenance agreement for Lots 15 and 16 must be recorded with the Plat of Revision.
3. The shared driveway easement must meet the minimum 24' width requirement and must comply with the driveway standards found in the Design Manual Volume III, Roads and Bridges.
4. A red-line to the road construction drawings must be submitted to show the change in the property line, the final grading, and the new shared driveway. Tree protection devices must be provided for the specimen tree located on the adjacent Howard County Conservancy property. If a swale is being provided at the rear of the dwelling(s), a minimum of 15' from the rear of the house to the centerline of the drainage swale will be required. Also, with the shift of driveway to the western property boundary, this red-line must demonstrate how the shared driveway will be screened from the adjacent Brown property in accordance with the Subdivision and Land Development Regulations and Landscape Manual.
5. Compliance with comments for the Fire Department which requires a turnaround apron with dimensions per the Howard County Design Manual. See the comments for the Fire Department.

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 Brenda Luber at (410) 313-2350 or email at BLuber@howardcountymd.gov.

Sincerely

DocuSigned by:



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Anthony Cataldo, AICP, Chief
Division of Land Development

AC/bl

cc: Research
DED
DLD - Julia Sauer
Real Estate Services
WP-21-095
Benchmark Engineering



Howard County Maryland
Department of Planning and Zoning
 3430 Courthouse Drive, Ellicott City, MD 21043

(410) 313-2350

DPZ Office Use only:
 Case No WP-21-094
 Date Filed 03/09/2021

ALTERNATIVE COMPLIANCE COMMENT FORM

Date: 03/09/2021 Comment Due Date: 03/23/2021 DPZ File No: WP-21-094

Plan Name: Myrtue Property

This request for comments has been distributed to the following Departments.

DPZ – Development Engineering Division	DPZ – Resource Conservation Division
DPZ – Research Division	Recreation and Parks
Department of Fire and Rescue Services	Office of Transportation
Department of Inspections, Licenses & Permits	Office of Community Sustainability
DPW, Real Estate Services & Directors Office	Soil Conservation District
Health Department	State Highway Administration
Public School System	

COMMENTS:

Fire Department needs to have a turnaround apron with dimensions as included in the Howard County Design Manual.

Jeremy Clancy

3/15/2021

Print Name

Date



Howard County Maryland
Department of Planning and Zoning
 3430 Courthouse Drive, Ellicott City, MD 21043

(410) 313-2350

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ALTERNATIVE COMPLIANCE APPLICATION

Site Description: Myrtue Property, Lots 15 and 16 (Prop Lots 32 & 33); 1880 & 1886 Davis Branch Road

Subdivision Name/Property Identification: Myrtue Property

Location of property: 1880 & 1886 Davis Branch Road, Woodstock, MD

Existing Use: vacant **Proposed Use:** SFD

Tax Map: 10 **Grid:** 24 **Parcel No:** 225 **Election District:** 3

Zoning District: RC-DEO **Total site area:** 2.27

Please list all previously submitted or currently active plans on file with the County (subdivision plans, Board of Appeals petitions, alternative compliance petitions, etc.). If no previous plans have been submitted, please provide a brief history of the site and related information to the request:

SP-04-07, WP-04-100, F-06-104, F-16-119

In the area below, the petitioner shall enumerate the specific numerical section(s) from the Subdivision and Land Development Regulations for which an alternative compliance is being requested and provide a brief summary of the request. Please use the additional page if needed.

Section Reference No.	Brief Summary of Request
Section 16.120(c)(2)	Alternately to the access options delineated in this section, we propose to provide access to Lot 16 via a use in common driveway (with a private easement) across Lot 15.

Section Reference No.	Brief Summary of Request

Signature of Property Owner:

DocuSigned by:
Bill Briegel
CA5F369D5EA14AC...

Date:

3/3/2021 | 7:39 AM PST

Signature of Petitioner Preparer:

Mar 2 2021 7:21 PM
Alice Miller
DocuSign

Date:

Name of Property Owner:

Marriotts Ridge LLC

Name of Petition Preparer:

Alice Miller, Benchmark Eng., Inc.

Address:

227 Granite Run Drive

Address:

8480 Baltimore National Pike,
Suite 315

City, State, Zip: Lancaster, PA 17601

City, State, Zip: Ellicott City, MD 21043

E-Mail:

billb@keystonecustomhome.com

E-Mail:

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Phone No.:

717-464-9060

Phone No.:

410-465-6105

Contact Person:

Bill Briegel

Contact Person:

Alice Miller

Owner's Authorization Attached