



# 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

January 12, 2022

Mr. Andrew Pope  
10446 Owen Brown Road  
Columbia, MD 21044

RE: WP-22-007, Pope Property  
Re-issued action letter

Dear Applicant:

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 November 12, 2022 and pursuant to Section 16.104, the Director of the Department of Planning and Zoning, considered and **denied** your request for alternative compliance with respect to **Section 16.132(a)(3)(ii)(c)** of the Subdivision and Land Development Regulations to waive road improvements along Owen Brown Road. The Department of Planning and Zoning also considered your request for alternative compliance with respect to **Sections 16.134(a)(1)(ii)** for sidewalk and walkway requirements and **Section 16.135** for street lighting, but has found that **no action** is required for those sections.

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.

The Department of Planning and Zoning finds that strict enforcement of Section 16.132(a)(3)(ii)(c) – Road Construction would not result in an unreasonable hardship or practical difficulty. The Department The following factors were considered in making this determination:

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

The applicant requested to waive the road improvements (curb and gutter) along Owen Brown Road as none currently exist along the northern side of the roadway. The road frontage opposite the development, however does have a complete section including sidewalks and curb and gutter. There is also curb and gutter along Llanfair Drive about 300 feet away which could eventually be tied into with future County projects. Road sections have been requested with other developments where there was

available nearby infrastructure to tie into therefore, the subdivision is obligated to build the improvements along its frontage. Strict conformance will not deny the property owner from developing the property into the ultimate 3 lots as proposed on F-19-077. Building the curb, gutter, and standard driveway apron improvements now will allow the future roadway work to not impede/inhibit access to the existing homes using the existing use in common easement and those that will be constructed under this plan approval. Should these improvements be deferred to a later date, the homeowners of these lots may be denied access to their driveway while the required improvements were being constructed. This could cause significant complications and puts the installation of the ultimate roadway condition in jeopardy.

**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 Pope property is located along the northern side of Owen Brown Road. The northern side of Owen Brown Road is currently an open section road with no sidewalks. Curb and gutter do exist on the northern section at the intersection of Owen Brown Road and Llanfair Drive, which allows for a potential future connection if the curb and gutter is provided for the property frontage. There is no evidence that the property has any unique characteristics or topography that would prevent the required improvements.

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

This criterion was not applicable.

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

Road frontage improvements (curb, gutter, County standard driveway apron) will be required for the project in accordance with Section 16.132(a)(3)(ii)(c)(1) and the Howard County Design Manual. If the applicant's request were granted, the waiver could impede future vehicular and pedestrian improvements along the roadway. Sidewalks are necessary for safe pedestrian connections. Installing the road improvements now and paying a fee-in-lieu for the sidewalk will allow the County to construct the ultimate sidewalk condition at a later date behind the newly constructed curb and gutter without impacting the future owner's driveway and access. If the curb, gutter, and apron improvements were to be waived with this alternative compliance, there may be complications limiting/disrupting the future homeowner's access which could impede the County's ability to construct the required curb, gutter, and, ultimately, the pedestrian sidewalk. This would be detrimental to the safety or welfare of the public.

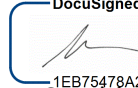
With respect to Sections 16.134(a)(1)(ii) for sidewalk and walkway requirements and Section 16.135 for street lighting, it has found that no action is required. For minor subdivisions, if a developer chooses not to construct sidewalks along the portion of the development that fronts on a County or State road, the developer shall pay a fee-in-lieu of sidewalk construction. Section 16.135 of the Subdivision and Land Development Regulations allow DPZ waive the street lighting requirement after consultation with

DED and DPW. DPW and DED have determined a streetlight is not required as part of this subdivision and no fee-in-lieu is required. A separate approval through the alternative compliance process is not necessary for this action.

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

Sincerely,

DocuSigned by:



1EB75478A22B49A  
Anthony Cataldo, AICP, Chief  
Division of Land Development

AC/NH

cc: Research  
DED  
DLD - Julia Sauer  
Real Estate Services  
FCC



## ALTERNATIVE COMPLIANCE APPLICATION

<b>Site Description:</b>	Pope Property, Lots 1 -3		
<b>Subdivision Name/Property Identification:</b>	Resubdivision of Edwin Bassler Subdivision Block 2 Lot 2		
<b>Location of property:</b>	10446 Owen Brown Road , Columbia MD 21044		
<b>Existing Use:</b>	Residential SFD	<b>Proposed Use:</b>	Residential SFD
<b>Tax Map:</b>	0035	<b>Grid:</b>	12
		<b>Parcel No:</b>	0179
		<b>Election District:</b>	5
<b>Zoning District:</b>	R-20	<b>Total site area:</b>	1.81

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:

The Pope Property consists of a Resubdivision of Edwin Bassler Subdivision Block A, Lot 2 as recorded in the Land Records of Howard County as Pb 5, Page 51 to create three proposed lots. The existing house circa 1959 will remain and two single family detached homes are proposed.

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 16.132(a) 3.ii.c.1	Major collector roads (1) Owner owns land on only one side of road. Where the property owner owns land on only one side of a local or minor collector road, the owner shall: .....
Section 16.134(a)(1)(ii)	Sidewalks Required. The developer shall provide for the construction of sidewalks pursuant to this section and the Design Manual.



Section Reference No.	Brief Summary of Request
Section 16.135	Street Lighting. The developer of subdivisions and site developments shall provide street lighting in accordance with the Design Manual

Signature of Property Owner:

*Andrew Pope*

Date:

7/14/2021

Signature of Petitioner Preparer:

*Frank M. Manalansan II, FCC*

Date:

7/14/21

Name of Property Owner: Andrew Pope

Name of Petition Preparer: Fisher, Collins and Carter Inc.

Address: 10446 Owen Brown Road

Address: 10272 Baltimore National Pike

City, State, Zip: Columbia, MD. 21044

City, State, Zip: Ellicott City, MD. 20142

E-Mail: APope@nas.edu

E-Mail: Frankm@fcc-eng.com

Phone No.: 301 641 0857

Phone No.: 410 461 2855

Contact Person: Andy Pope

Contact Person: Frank Manalansan II

Owner's Authorization Attached