



# HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Court House Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Lynda D. Eisenberg, AICP, Director

FAX 410-313-3467

October 11, 2023

Vincent Chirichella  
2890 Bethany Lane  
Ellicott City, MD 21042  
Sent via email to [vchirichella@gmail.com](mailto:vchirichella@gmail.com)

RE: WP-23-111 Chirichella Property (F-23-038)

Dear Mr. Chirichella:

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 October 11, 2023 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 **Sections 16.144(r)(3) and 16.119(f)(1)** of the Subdivision and Land Development Regulations to extend the resubmission deadline to submit the final subdivision plan (F-23-038) and to allow the existing driveway to remain on a minor arterial road.

The Department of Planning and Zoning hereby determines that you have demonstrated to its satisfaction that strict enforcement of Section 16.144(r)(3) would result in an unreasonable hardship or practical difficulty. This determination is made with consideration of your alternative compliance application and the one (1) item you were required to address, pursuant to Section 16.104(a)(1):

**1. Unreasonable hardship and practical difficulties may result from strict compliance with the regulations.**

A revised plans letter for F-23-038 (Chirichella Property) was issued to the development team on April 20, 2023 which outlined a resubmission date of June 4, 2023, to address comments issued. The development team did not meet this deadline and is requesting the reactivation of the plan in order to continue review with the County SRC agencies. The development team is requesting additional time to finalize discussions with the owner, Colonial Pipeline and the Department of Public Works to rectify the remaining issues with the sewer house connections for resubmission for County review. The requested extension will have no negative impacts on the site design and there have been no regulatory changes that would impact the development. All SRC agencies have previously reviewed and will continue to review the revised submission for compliance. Strict conformance with the regulations would require the submission of a new final plan which would match the current plan in review. Approval of this alternative compliance promotes efficiency of the plan review process.

The Department of Planning and Zoning hereby determines that you have demonstrated to its satisfaction that strict enforcement of Section 16.119(f)(1) 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.**

Section 16.120(a) of the regulations dictates that residential lots shall not derive direct access from arterial highways or major collector roads. Where residential lots abut such roadways, access to the lots shall be in accordance with Section 16.119. Section 16.119(f)(1) of the Regulations requires that street layout provide vehicular access to the subdivision by a lower classification public road when a subdivision fronts on an arterial road. Lot 1 of the proposed Chirichella Property has an existing house and associated improvements that will remain and currently face and derive access from Bethany Lane (minor arterial). The garage and driveway for the existing house is on the side of the house farthest from Fox Den Road (local road). To comply with the regulation and provide vehicular access from a lower classification public road for both lots, the new driveway for Lot 2 from Fox Den Road would need to be constructed through the rear, side and front yard of Lot 1, and the existing driveway to Lot 1 from Bethany Lane would need to be abandoned. This would substantially increase the impervious area proposed on the site, as well as require the removal of several trees, landscape areas and lawn area. This would deprive the applicant of the right to continue driveway access from Bethany Lane for Lot 1, which is currently enjoyed by neighboring houses in this area that face Bethany Lane.

**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 is unique because it abuts two public roads at the front and side property lines. The existing house to remain faces and has access to Bethany Lane, and the new house will face and gain access from Fox Den Road. Strict adherence to the regulations results in a much less desirable layout and an unreasonable hardship since the driveway exists and the house and associated improvements (to remain) currently face Bethany Lane. Strict adherence would require the existing driveway to be removed so that both lots would access Fox Den Road which would require a new driveway to wrap around the side and front of the existing house, substantially increasing the impervious area.

**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; it would merely allow the owner to continue their access from Bethany Lane as exists today and that is similar to other lots that front Bethany Lane, and provide access to Lot 2 via a lower classification road.

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

The proposed subdivision does not create any additional lots that would utilize the access point from Bethany Lane. Therefore, it would not be detrimental to the public health; safety or welfare, or injurious to other properties as site conditions for the existing house would remain the same.

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


1. The revised Final Plan for F-23-038 (Chirichella Property) shall be submitted within **14 days** of the approval date of this Alternative Compliance request (**on or before October 25, 2023**).
2. Access to the site is restricted to the access points approved under F-23-038.

3. Add the Alternative Compliance Request number, purpose, section, date, and conditions to F-23-038 and all subsequent plan submissions.
4. Compliance with all Subdivision Review Committee comments for F-23-038, Chirichella Property.

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 Justin Schleicher at (410) 313-2350 or email at [jschleicher@howardcountymd.gov](mailto:jschleicher@howardcountymd.gov).

Sincerely,

DocuSigned by:  
  
1EB75478A22B49A...

Anthony Cataldo, AICP, Chief  
Division of Land Development

AC/js

cc: Research  
DLD - Julia Sauer  
Jim Witmer, JNM Engineering ([jim@jnmengineeringllc.com](mailto:jim@jnmengineeringllc.com))



**ALTERNATIVE COMPLIANCE APPLICATION**

**Site Description:** Residential lot with single family dwelling

**Subdivision Name/Property Identification:** Chirichella Property

**Location of property:** 2890 Bethany Lane

**Existing Use:** Residential

**Proposed Use:** Residential

**Tax Map:** 17

**Grid:** 14

**Parcel No:** 231

**Election District:** 2

**Zoning District:** R-20

**Total site area:** 1.0 Acres

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:

ECP-21-051 and F-23-038

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 16.144(r)(3)                    | We are requesting an extension for our final plan submission due to us being outside of the 45 day resubmission window. See attached justification. |
| <del>16.119(F)(1)</del><br>16.119(F)(1) | Requesting an alternative compliance to requiring a shared driveway for infill subdivisions. See attached justification.                            |



| Section Reference No. | Brief Summary of Request |
|-----------------------|--------------------------|
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|                       |                          |

Signature of Property Owner: *Vincent Chirichella* Date: June 6, 2023

Signature of Petitioner Preparer: *J. Witmer* Date: June 6, 2023

Name of Property Owner: Vincent Chirichella Name of Petition Preparer: Jim Witmer

Address: 2890 Bethany Lane Address: 1105 Leafy Hollow Circle

City, State, Zip: Ellicott City, MD 21042 City, State, Zip: Mount Airy, MD 21771

E-Mail: vchirichella@gmail.com E-Mail: jim@jnmengineeringllc.com

Phone No.: 301-512-3859 Phone No.: 301-514-2808

Contact Person: Vincent Chirichella Contact Person: Jim Witmer

Owner's Authorization Attached