



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

May 24, 2024

Rainmaker Development, Inc.
Attn: Scott Arterburn
2101 Millers Mill Rd.
Cooksville, MD 21723

RE: WP-24-076, Abbeyfield Estates, Lot1

Dear Mr. Arterburn:

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 May, 24, 2024 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 16.127(c)(4)(i)** of the Subdivision and Land Development Regulations to utilize an individual driveway for Lot 43 of the proposed resubdivision of Abbeyfield Estates, Lot 1.

The Department of Planning and Zoning hereby determines that you have demonstrated to its satisfaction that strict enforcement of Section 16.127(c)(4)(i) 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 1.67-acre property is located at the southwest intersection at Lynn Lane and Radel Court. There is an existing house, to remain, in the center of the property and floodplain, stream buffer, wetland, wetland buffer, and forest along the south and west property lines. There are two specimen trees to remain. The applicant proposes to resubdivide the property into three (3) single family frontage lots. Strict conformance with the requirements will deprive the applicant of rights commonly enjoyed by others in similar areas, especially within the Abbeyfield Estates subdivision, as all other residences in the subdivision have individual driveways. The applicant proposes that Lots 41 & 42 utilize a shared use-in-common driveway, and that only Lot 43 uses an individual driveway. To provide one driveway for all three lots, the driveway would need to run parallel to Radel Court and would result in removal of an existing specimen tree (45" DBH Red Maple). By allowing Lot 43 to use an individual driveway, it will be more consistent with the surrounding neighborhood character. Originally, the applicant proposed individual driveways for all three (3) lots but modified the design based on comments provided by the Development Engineering Division regarding elevation concerns for the proposed dwelling unit on Lot 41 and its proximity to the existing floodplain. The modified design results in a reduction of impervious surface and locates both the use-in-common and individual driveway entrances farther away from the entrance and complies with adequate sight distance and intersection spacing requirements.

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 existing lot, Lot 1, is encumbered along the west and south perimeter by sensitive environmental features such as floodplain, wetlands, and stream bank buffers. To protect the environmental features, the applicant is proposing to place these features within an open space lot, Lot 44, that is to be dedicated to Howard County. Due to the constraints from the environmental features and the inclusion of the open space lot, the three (3) buildable lots could only be configured linearly from north to south. The existing house on Lot 42 is to remain which also limits flexibility in the site design and would require a redundant use-in-common driveway design to provide access to the three (3) lots. Strictly adhering to the regulations and requiring a single use-in-common driveway for all three (3) lots would result in a significant increase in impervious surface and would require the removal of Specimen Tree #2, a 45" Red Maple in good condition, resulting in a practical difficulty.

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

Granting this variance would not confer to the applicant a special privilege that would be denied to other applicants. Individual driveway access is a typical feature of single-family detached developments and would remain consistent with the single-family character of the surrounding area, and especially in the Abbeyfield Estates subdivision where all other properties in the neighborhood utilize individual driveways.

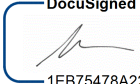
4. The modification is not detrimental to the public health; safety or welfare, or injurious to other properties.

There is no evidence that this modification would be injurious to other properties. By allowing Lot 43 to utilize a single driveway, there will be a reduction in impervious surface which will have a positive effect on stormwater management and is beneficial to the surrounding properties. Additionally, the three (3) buildable lots, Lot 41, 42, & 43, are proposed to derive access from Radel Court which is a public Neighborhood Yield Street that serves approximately 15 other single-family detached dwelling units. Due to the limited amount of traffic that is generated from the surrounding properties, there is no evidence that allowing Lot 43 to utilize a single driveway will be detrimental to public health, safety, or welfare.

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 Jason Lenker at (410) 313-4394 or email at jlenker@howardcountymd.gov.

Sincerely,

DocuSigned by:


1EB75478A22B49A...

Anthony Cataldo, AICP, Chief
Division of Land Development

AC/JL

cc: Research
DLD - Julia Sauer
Real Estate Services
Scott Arterburn – sarterburn@therainmakergroup.com
Benchmark



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

March 19, 2024

Rainmaker Development, Inc.
Attn: Scott Arterburn
2101 Millers Mill Road
Cooksville, MD 21723

RE: WP-24-076, Abbeyfield Estates

Dear Mr. Arterburn:

This letter is to inform you that your request for alternative compliance to the Howard County Subdivision and Land Development Regulations for the subject property was reviewed and no action can be taken until the enclosed comments have been addressed, and the following additional information is provided.

Two copies of the exhibit/plan and the supplemental information and a response letter to the comments should be submitted to this Division for distribution.

The requested information and revised plans must be submitted within **45 days** of the date of this letter (**on or before May 3, 2024***), or this Division will recommend that the Planning Director or Director Committee deny this alternative compliance petition.


Once the requested information has been received and reviewed, this office will coordinate agency comments and will prepare a recommendation for the Planning Director's action. If you have any questions regarding a specific comment, please contact the review agency prior to preparing the revised plans and information. Compliance with all items indicated above is required before the revised plans and information will be accepted.

In accordance with adopted Council Bill 51-2016, effective 10/05/16, if the deadline date is a Saturday, Sunday or holiday or if the County offices are not open, the deadline shall be extended to the end of the next open County office business day.

Submissions can be mailed to Howard County Planning and Zoning, 3430 Court House Drive, Ellicott City, MD 21043 or dropped in the bin labeled 'DLD' at the Department of Planning and Zoning Public Service Counter located on the first floor of the George Howard Building. Submission materials must be received on or before the due date. Submission materials can also be emailed to planning@howardcountymd.gov for processing. **Please include this letter with your submission as it will serve as the checklist for staff.**

If you have any questions, please contact Jason Lenker at (410) 313-2350 or email at jlenker@howardcountymd.gov.

Sincerely,

DocuSigned by:

1EB75478A22B49A...

Anthony Cataldo, AICP, Chief
Division of Land Development

AC/JL

cc: Research
DLD - Julia Sauer
Real Estate Services
Benchmark
Rainmaker Development – sarterburn@therainmakergroup.com



DPZ Office Use only:
File No.
Date Filed

ALTERNATIVE COMPLIANCE APPLICATION

Abbeyfield Estates, Lots 41-43 and Open Space Lot 44

Site Description:

Subdivision Name/Property Identification: Abbeyfield Estates, Re-subdivision of lot 1

Location of property: 5300 Lynn Lane

Existing Use: Single Family Detached House **Proposed Use:** 3 lots and open space

Tax Map: 31 **Grid:** 21 **Parcel No:** 206 **Election District:** First

Zoning District: R-20 **Total site area:** 1.67 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:

Lot 1 was shown on the subdivision plans for Abbeyfield Estates. Those plans were S-90-09, P-93-001 and F-94-099. The Final Plat, reference number 11674, was recorded on April 5, 1995.

ECP-24-005 has been approved and is in the signature process.

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
16.127(C)(4)(i)	Limit on adjoining driveway entrances: A shared use-in-common driveway must be provided in accordance with the Design Manual within a minimum 24-foot-wide access easement for all proposed residential infill development lots. Any existing driveway entrances onto the public road right-of-way must be connected to a single use-in-common driveway or abandoned.

Section Reference No.	Brief Summary of Request

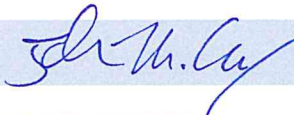
Signature of Property Owner:



Date:

1/17/24

Signature of Petitioner Preparer:



Date:

2/15/24

Name of Property Owner:

Rainmaker Development, Inc

Name of Petition Preparer:

Benchmark Engineering, Inc.

Address:

2101 Millers Mill Road

Address:

3300 North Ridge Road

Suite 140

City, State, Zip:

Cooksville, MD 21723

City, State, Zip:

Ellicott City, MD 21043

E-Mail:

sarterburn@therainmakergroup.com

E-Mail:

bei@bei-civilengineering.com

Phone No.:

443-829-9222

Phone No.:

410-465-6105

Contact Person:

Scott Arterburn

Contact Person:

John Carney

Owner's Authorization Attached