

SPECIAL REPORT
to the
Carroll County Planning and Zoning Commission
May 20, 2025

Prepared by
David Becraft, Bureau of Development Review

SUBJECT: M-15-0073 – Van Aller 2
LOCATION: 7631 Old Washington Road, Woodbine, MD 21797; C.D. 4;
OWNER: Kelly & Danielle Cumberland, 7631 Old Washington Road,
Woodbine, MD 21797
DEVELOPER: Same as owner
ENGINEER: D.R.S. & Associates, 52 Winters Street, Westminster, MD 21157
ZONING: Conservation & Agriculture
ACREAGE: 10.5 acres & 2.0 acres
WATERSHED: South Branch Patapsco
NO. OF LOTS: 3 Lots (1 existing dwelling)
FIRE DISTRICT: Sykesville Freedom District Fire Company
MASTER PLAN: Resource Conservation - 2014 Carroll County Master Plan
PRIORITY
FUNDING AREA: Outside
DESIGNATED
GROWTH AREA: Outside

❖ **Action Requested:**

The project is before the Planning and Zoning Commission per Chapter 155.025(L) (as per the code version applicable to this 2015 plan) for review and determination of modification of the code requirements regarding the width of a use-in-common driveway. **Action is required.**

Determination of a modification to requirements for a UIC driveway lies with the Planning and Zoning Commission, per Section 155.025 of the Code:

☐ **§ 155.025 IN-FEE ACCESS STRIPS; USE-IN-COMMON DRIVEWAY
STANDARDS AND CRITERIA.**

(L) **Modifications.** Where the Planning Commission finds that because of unusual circumstances of shape and topography or other physical features or conditions of the proposed subdivision, or because of the nature of adjacent developments, extraordinary hardship may result from strict compliance with the UIC design requirements of this § 155.025 and the Development Review Manual, there may be granted a modification when requested by the subdivider or developer. However, no such modification shall be granted which will have the effect of nullifying the intent and purpose of the Master Plan, the zoning regulations, this chapter or any other pertinent rules, regulations or laws of the county. Prior to considering such requests, the Planning Commission shall refer the matter

for technical agency review, which will include the Office of Public Safety, which may request that the Fire Chief of the first due fire department provide input. In granting modifications, the Planning Commission will consider the comments from the technical review agencies and may require such conditions as will, in its judgment, secure substantially the objectives of the standards of the requirements so waived or Chapter 155, Development and Subdivision of Land modified. The applicant shall submit a written request for a modification to the county. The request shall include the specific conditions necessitating a modification and include supporting documentation. Any modification for a particular subdivision or development shall be noted on the final plat and appear in the records of the Division.

❖ **Property Overview:**

The subject property is located in the southern region of the County, between the municipalities of Sykesville and Mount Airy. It is situated on the eastern side of Old Washington Road. This proposal spans three parcels of land all under the same ownership; Lot 1 and Parcel 'A' of the Van Aller One subdivision, recorded in 2000, and the southern adjoining parcel. Lot 1, 3.5 acres, is currently built with a private residential dwelling, 7631 Old Washington Road. Parcel 'A', 6.97 acres, is currently forested and undeveloped. The adjoining southern parcel is developed only with a paved private driveway to 7631 Old Washington Road. There is a stream but no FEMA 100-year floodplain designation on Parcel A. All three parcels are extensively forested.

The subject properties Parcel A and 7631 Old Washington Road, as well as the adjoining properties to the north, are zoned Conservation. The southern adjoining parcel and adjoining property to the east are zoned Agriculture. The 371-acre adjoining parcel is owned by the State of Maryland. All properties utilize private water and sewer. This area lies outside of the Designated Growth Area of both nearby municipalities and is not within a Priority Funding Area.

❖ **Plan Review:**

On March 31, 2017, a minor subdivision plan for Van Aller 2 was submitted for review. The plan proposes the division and reconfiguration of Lot 1 and Parcel A of Van Aller One, resulting in Lots 1A, 2 and 3. Lot 1A is proposed at 6.96 acres, Lot 2 at 1.6 acres, and Lot 3 at 1.94 acres. With the abundance of environmental features on the properties, an extensive area of forest conservation easement, water resource protection easement, and floodplain easement will be granted to the county with the subdivision.

The developer proposes that the three lots of Van Aller 2 will utilize the existing driveway which serves 7631 Old Washington Road. This private drive accesses Old Washington Road at the southern adjoining parcel which is under the same ownership. Adding users to this private driveway makes it a use-in-common driveway under the code definition.

📖 **§ 155.005 DEFINITIONS.**

USE-IN-COMMON DRIVEWAY (UIC). A private driveway serving two or more properties which provides vehicular access to a public road.

Also proposed is a relocation of a portion of the existing driveway between the midpoint on the southern adjoining parcel and the point where it crosses the southern property line of 7631 Old Washington Road. This relocation removes a portion of the existing driveway from the State-owned lands and would allow potential for a single-family residence to be built on the southern adjoining parcel. That residence could also potentially access the use-in-common driveway.

The existing paved driveway is 10-foot-wide. Regulations applicable to UIC driveways include the requirements that a UIC driveway be 12 feet in width. The developer's request for modification to the UIC driveway width requirement from 12 feet to 10 feet has been submitted by the project engineer (attached).

Utilizing the proposed portions of the existing 10-foot-wide driveway and constructing the relocated portion at 10-feet wide would minimize environmental impacts by reducing the limits of disturbance and total impervious area being constructed.

The modification request was forwarded to the Office of Public Safety, the Bureau of Resource Management, and Engineering Review for review and comment.

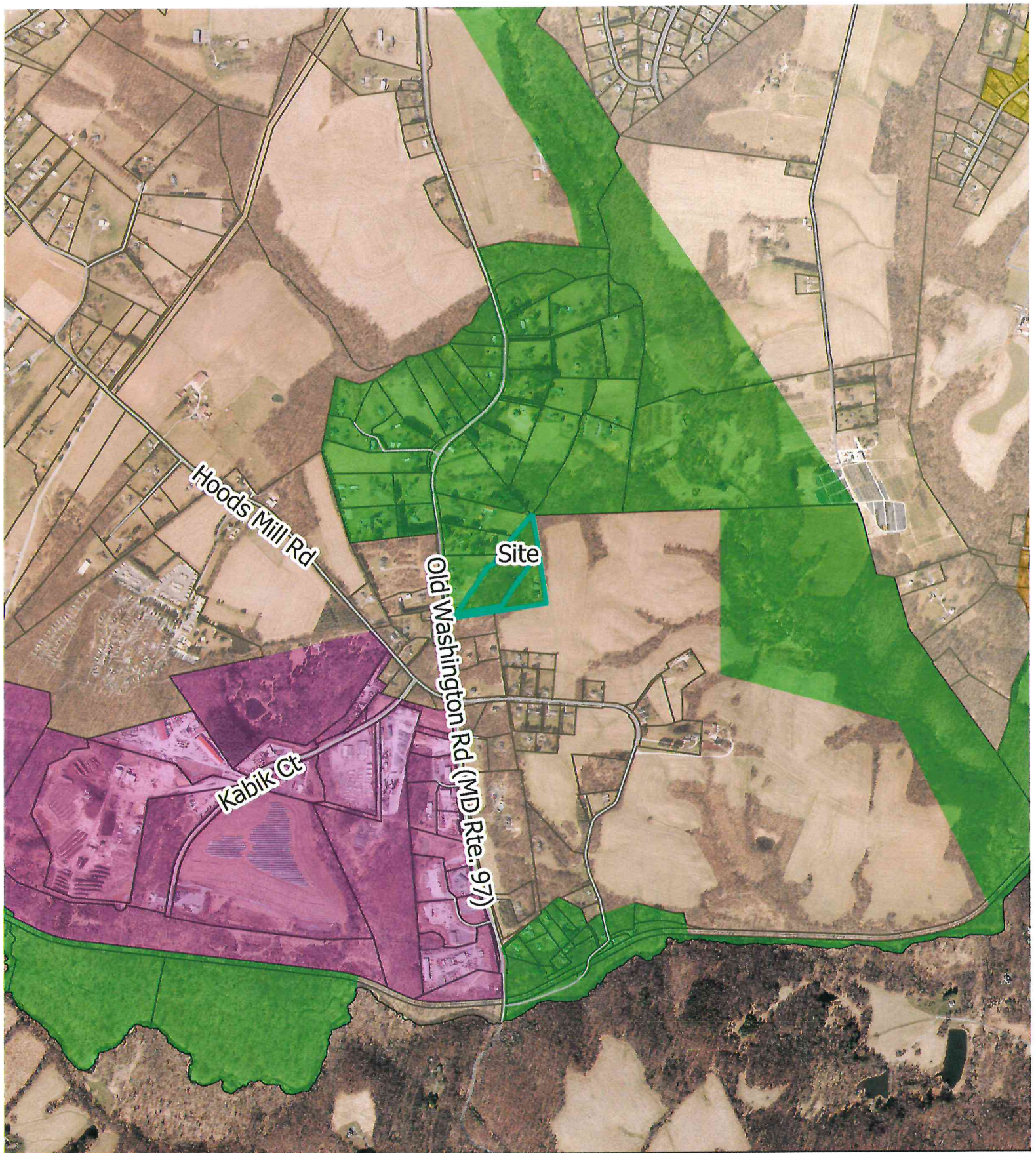
The Office of Public Safety stated that they have no issues with the modification.

The Bureau of Resource Management stated that they have no issue with the driveway width reduction. They support lessening impacts in an environmentally sensitive area and a reduction of impervious surfaces created.

Engineering Review finds the width reduction to be inconsequential, however, all other standards for a UIC drive will still be need be met. Existing vegetation as well as vertical and horizontal alignment of the existing driveway will make sight distance challenging. This will need to be addressed. Additional pullovers may be needed to accommodate passing vehicles.

Staff and the developer are requesting a determination from the Commission regarding the request for modification from the requirement of a 12-foot-wide UIC driveway to instead accept a 10-foot-wide UIC driveway, which in-part is the existing private driveway.

Following a determination from the Commission, the plans will continue through the minor subdivision process.



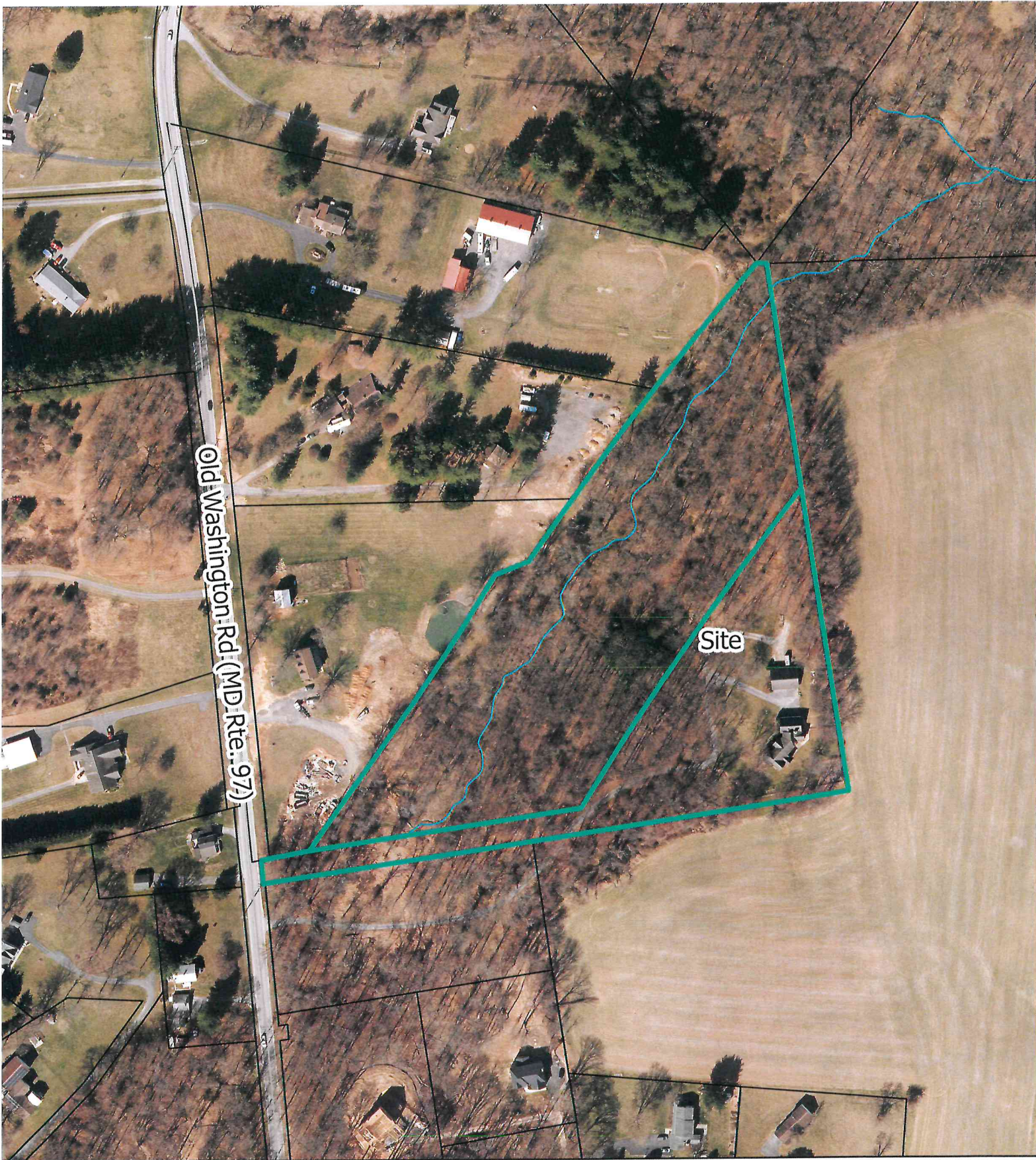
Legend

Zoning_County	R-40,000
Zoning	R-20,000
	R-10,000
Agriculture	I-2
Conservation	

Van Aller 2
M-15-0073



Property line shown hereon
are from tax maps and therefore
are approximate and are shown
for illustrative reference only.
Photograph date: 2023



Legend

— HYD_StreamsLidar

Van Aller 2
M-15-0073



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Photograph date: 2023



DRS ASSOCIATES
LAND DESIGN CONSULTANTS

2025 April 08

Department of Planning and Land Management
Bureau of Development Review
225 North Center Street
Westminster, MD 21157
ATTN: David Becraft

RE: Van Aller 2
Ca. Co. File: M-15-0073
Special Report to Planning and Zoning Commission

Dear Mr. Becraft,

Van Aller 2 is located on the east side of Old Washington Road approximately 900 feet north of the intersection of Old Washington Road and Hoods Mill Road and shown on Tax Map 077, Block, 17, Parcel 0336. Included in a submission to Bureau of Engineering on December 19, 2024, was a request to Department of Planning and Land Management, Christopher Heyn, for an administrative modification from the design standards found in § 155.039 for the existing driveway access to Old Washington Road. On December 30, 2024, Mr. Heyn responded to our request, in which he stated that the initial submission of Van Aller 2 was prior to the code which made allowances for administrative adjustments. I have included the portion of the original request as background information and will revisit Mr. Heyn's response as follow up.

The owner, Kelly E. Cumberland and Danielle F. Cumberland, of Lot 1 and Parcel A purchased the property by deed dated April 12, 2002 and recorded among the Land Records of Carroll County in County Land Record 2896 Page 0395. The property access was via temporary 20' ingress and egress easement running through an adjoining parcel previously owned by Carroll County Commissioners. The County offered this parcel for sale as a part of aggregate land dispersal and was purchased by JA Myers Homes, LLC by deed dated April 29, 2014 and recorded among the Land Records of Carroll County in County Land Record 7653 Page 0460. JA Myers, Homes, LLC notified the Cumberlands of their intentions of building a new home on the lot and that they needed to find alternative access and stop use of the portion on the Myers' lot. The easement crossing the adjoining parcel was temporary and the Cumberlands began the process to relocate

the driveway to their fee simple access to Old Washington Road. The Cumberlands engaged DRS Associates to design the new access route through the woods from Old Washington Road to intersect the existing driveway since the new buyer could extinguish the ingress and egress easement. DRS Associates met with MDE personnel regarding wetlands and waterways permits which may be required. A cost analysis was prepared for the driveway relocation, to offset the expense the Cumberlands decided to prepare a subdivision plan to create two new lots. As this was occurring, the adjoining lot which included the driveway, was offered for sale and subsequently purchased by the Cumberlands to secure the existing access route. At some point in this process, it was revealed that a portion of the existing driveway encroached on another adjoiner, State of Maryland by deed dated, September 24, 1999 and recorded among the Land Records of Carroll County in County Land Record 2266 Page 0391. Concept plans were created for the project to use a portion on each end of the existing driveway and relocate a portion in the middle so the adjoining lot could support a residential home to retain marketability for the new buyer. The relocated alignment was closer to environmental features and required forest clearing. Jonathan Bowman of Carroll County Bureau of Resource Management requested that the Cumberlands make an effort to acquire a right of way over that portion of the driveway running through the State of Maryland. After more than two years of trying this concept was abandoned and the original plan was back on the table. During this process the County enacted the Code with Ordinance 2022-19, passed 10-20-2022, which includes Administrative Modifications.

(M) Administrative modifications. The width and centerline radius requirements for UIC driveways may be reduced by up to 20% at the discretion of the Director through administrative modification process.

The Cumberlands have proposed subdivision to cover expenses to relocate the driveway, purchased an additional lot to minimize impacts of driveway relocation, and made every effort to obtain legal access over the entire existing driveway. DRS Associates has included a map showing the concept for Clare Drive, relocating only the portion which is not property of the Cumberlands. We are requesting approval for portions of the existing 10 foot wide driveway, to grant an administrative modification for width and thereby allow usage as a Use In Common driveway for the proposed lots, Lot 1A, 2 and 3. Granting of this modification will minimize disturbance and impacts to forest and water resources.

Following up on the initial paragraph of this letter, I like to point out key portions of Mr. Heyn's email response.

Mr. Staley, I am in receipt of your request for administrative adjustment of the UIC driveway width for Van Aller 2. Unfortunately, this project was originally submitted on March 31, 2017. Per the resolution that adopted the changes that you have referenced, item 4, "All development plans that are in process prior to the Effective Date of the New Code Provisions will continue to be processed under the Old Code Provisions." The old code provisions did not allow for administrative adjustment to the extent required in this

case. Therefore, I am unable to process this request. The email went on to explain: The path forward for your client is outlined in the UIC modifications section of the code. This was previously 155.025(L) and is now section 155.039(N). This provision allows the Planning and Zoning Commission to vary the requirements of the UIC code. Please let me know if this is the direction that your clients wish to take. If so we will share the already supplied request with technical agencies for their input and will schedule a special report with the Planning and Zoning Commission.

I feel that Mr. Heyn may have felt he would be over reaching his authority based solely on the combination of submission and code change dates. However, this would be the first change in a long time that was not immediately enforced on all projects not having final approval. This is a consideration that would be granted to new projects submitted after the code change, passed 10-20-2022, so this project should be given the same consideration and Mr. Heyn included our path to approval by noting the special report to the Planning and Zoning Commission.

We are requesting a special report to be submitted to the Planning and Zoning Commission for the consideration of reducing the minimum width requirement from 12.0 feet to the existing driveway width of 10 feet, thus, not increasing impacts to adjacent environmentally sensitive areas with more impervious cover. I trust this demonstration of evidence supporting our point and enclosed concept plan will be sufficient for your granting of an Administrative Modification. If you have any questions, comments or require more information, please do not hesitate to contact us.

Sincerely,

Daniel R. Staley



DRS/mah

c: Christopher Heyn
Andrea Barko
Kelly & Danielle Cumberland