



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
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Marsha S. McLaughlin, Director

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November 10, 2011

John Vollmerhausen
7976 Savage Guilford Road
Jessup, MD 20794

RE: WP-12-025, Vollmerhausen Property

Dear Mr. Vollmerhausen:

The Director of the Department of Planning and Zoning considered your request for a waiver from the Howard County Subdivision and Land Development Regulations.

As of the date of this letter, the Planning Director **approved** your request to waive **Section 16.108(b)(60)** of the Subdivision and Land Development Regulations, which defines ‘any division of a lot or parcel of land into lots or parcels for the immediate or future transfer of ownership, sale, lease or building’, as a subdivision, including “lot mergers and resubdivision”. The applicant is seeking to reconfigure lot lines without processing a final plat. The applicant is also requesting a waiver to **Section 16.102** of the Subdivision and Land Development Regulations, which states that Subtitle shall apply to all division of land, and to **Section 16.147** of the Subdivision and Land Development Regulations, which outlines the procedures and requirements for Final Subdivision Plans and Final Plats.

Approval is subject to the following conditions:

1. The description and associated exhibit recorded in the deed(s) of the realigned parcels boundaries and associated exhibit must be identical to the waiver petition exhibit.
2. The adjoinder deed(s) must be recorded within 90 days of the approval of the waiver (**on or before February 7, 2012**).
3. Record a private ingress/egress easement to Parcel 288-P2 as shown on the waiver exhibit as part of the deed process. In addition, it is recommended to record a private use-in-common maintenance agreement between Parcel 288-P2 and Parcel 311. The ingress/egress easement must be recorded within 90 days of the approval of the waiver (**on or before February 7, 2012**), along with the recording of the adjoinder deeds.
4. An fully executed and recorded copy of all deed(s), easements, and agreements, with the applicable liber and folio(s) referenced, must be submitted to the Department of Planning and Zoning within 30 days after their recordation (**on or before March 7, 2012**).
5. It is *recommended* that future development plans for Parcel 288-P2 seek an alternative access to the parcel, perhaps though a shared driveway with either Parcel 30 or an access easement recorded over Parcel 288 (P1) and Parcel 412.
6. If conditions 1-4 are not met within the dates specified, then the County will not recognize the reconfigured parcel boundaries without a reprocessing/reconsideration of the waiver request.

Our decision was made based on the following:

Extraordinary Hardship or Practical Difficulty

The present configuration of the parcels has been in place since a deed adjoinder was legally processed in 1979. While the intent of the deed adjoinder was to divide a piece of Parcel 311 and merge that divided piece with Parcel 288, the State Department of Assessments and Taxation erroneously recognized the divided section as an individual taxable parcel, and the owners of the land have paid taxes on it accordingly. Furthermore, a deed prepared in 2006 for Parcel 288 listed each section (Parcel 1 and Parcel 2) of that property as individually created parcels of land. The Director of the Department of Planning and Zoning has decided to recognize two separate parcels based on the State's taxation error and the subsequent description of the two distinct parcels created at different times in the most recent deed for the area of land encompassed under Parcel 288.

The applicant was under the impression that he already had three parcels and was not seeking to create a new parcel, but rather redistribute the land between three parcels. When there has been no previous plat and no new lots are being created, then often a waiver to subdivision is granted and the parcel boundary changes are accomplished by deed. Until 2001, the property would have been exempted from the Subdivision Regulations as an adjoinder transfer by an owner who has never filed a subdivision.

Implementation of an Alternative Proposal

Alternatively, the applicant may process a subdivision plat to reconfigure the parcel boundaries.

Not Detrimental to the Public Interest

The proposal is not detrimental to public interest because they have confirmed by deed and tax record that the properties exist as three distinct parcels, which is recognized by the Planning and Zoning Director. There are no environmental features on any of the three parcels, and all three lots have been provided access to a public road (the rear parcel will be provided an ingress/egress easement). No SRC agencies object to this request.

Does Not Nullify the Intent or Purpose of the Regulations

The Purpose of the Regulations has not been nullified because no additional buildable lots are being created by granting this waiver, as recognized by the Planning and Zoning Director. The addition of the easement eliminates the land-locking of the rear parcel. No SRC agencies object to this request.

Indicate this waiver 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 requested waiver will remain valid for the time period specified in the conditions of approval.

If you have any questions, please contact Jill Manion-Farrar at (410) 313-2350 or email at jfarrar@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/JMF

cc: Research
Eyott, Inc. Land Survey & Consulting