



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

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November 29, 2011

Eric & Lisa Baummer
17220 Hardy Road
Mt. Airy, MD 21771

RE: WP-12-060, Baummer Property

Dear Mr. & Mrs. Baummer:

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 16.147** of the Subdivision and Land Development Regulations requiring a Final Subdivision Plan and Final Plat, subject to the following conditions:

1. The waiver request approval from the final subdivision plat requirements in this case is only a mechanism for DPZ to recognize the present property configuration for Parcel No. 11 of 4.55 acres as a separate building lot reconfigured and conveyed by a series of deeds starting back in 1952.
2. Subject to the attached comments from the Health Department. (See attached)

Our decision was made based on the following:

Extraordinary Hardships or Practical Difficulties:

Strict compliance with the Subdivision Regulations in this case will result in extraordinary hardship and practical difficulties for the present property owner if required to prepare and process a subdivision plat. The property has changed owners several times since the lot was created. The expense of employing an engineering firm to prepare the plat and handle the acquisition of the necessary approval in order to correct a problem created years ago is an extraordinary hardship for the Baummer's who were unaware of the deed history and illegal creation when purchasing the lot back on October 27, 2006.

Alternative Proposal

The intent of the Regulations will be served to a greater extent through the implementation of the alternative proposal to recognize the existing recorded deeds for the subject property. The Baummer's are not attempting to circumvent the Regulations by the approval of this waiver request, but are requesting relief from a set of circumstances not of their creation. Therefore, the processing of this waiver should be viewed as a reasonable alternative to processing a subdivision plat.

Not Detrimental to the Public Interest

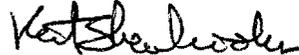
Approval of the waiver will not be detrimental to the public welfare. According to the deed history the parcel was illegally created from Lot Lettered "L" of the Poplar Heights Subdivision; Parcel 11 consists of 4.555 acres and has an existing dwelling on the lot. The parcel cannot be re-subdivided under the current RC-DEO Zoning District regulations. Therefore, it will allow no more or less impact on the traffic patterns or increase in the school enrollment for the area. Approval of this waiver will permit fairness and consistency in the application of the Regulations.

Will not nullify the intent or purpose of the regulations

The subject property is in compliance with the minimum lot size requirements of the "RC" zoning district. In this case, substantial justice is done and the public's interest secured for recognition of the existing recorded deeded parcel based on all of the above justifications.

If you have any questions, please contact Jennifer Wellen at (410) 313-2350 or email at jwellen@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/TKM:jw

cc: Research
DED
FCC
Health Department