



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING  
3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Marsha S. McLaughlin, Director

[www.howardcountymd.gov](http://www.howardcountymd.gov)  
FAX 410-313-3467  
TDD 410-313-2323

July 11, 2012

Scot Keeton  
5601 Faye Drive  
Greensboro, NC 27410

RE: WP-12-179, 16377 Old Frederick Road,  
Waiver Petition Approval

Dear Mr. Keeton:

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** to allow the reconfiguration of five existing lots into two lots, utilizing the adjoinder deed process in lieu of the formal subdivision process.

Approval is subject to the following conditions:

1. The "Adjoinder Deeds" shall be recorded in the Land Records Office of Howard County, MD within 120-Days of the date of this waiver approval (on or before November 8, 2012).
2. Recorded copies of the Adjoinder Deeds shall be submitted to this Department for file retention purposes within 120 days of the date of this waiver approval (on or before November 8, 2012).
3. The "Adjoinder Deeds" shall reference this waiver petition file number.
4. The two reconfigured lots shall comply with the "RC" Zoning Regulations and Section 16.102(c)(3)(i) of the Subdivision Regulations which improves compliance of existing lots that do not meet current zoning bulk regulations by bringing the non complying lots as close to zoning compliance as possible.
5. Approval of this waiver is for the resubdivision of Parcel 463, Lot 17A; Parcel 464, Lot 17B; Parcel 465, Lot 17C; Parcel 409, Lot 17D; and Parcel 201, Lot 18C, to adjust their common lot lines. No other Parcels are being legally endorsed, no additional Parcels will be created and no new development, construction or improvements are permitted under this request.
6. Compliance with all applicable County and State regulations is required, and the applicant shall obtain all necessary permits from the Department of Inspections, Licenses and Permits prior to initiating construction on-site, if applicable.
7. Compliance with the attached comments from the Howard County Health Department.
8. Compliance with the attached comments from the Howard County Development Engineering Division.

Our decision was made based on the following:

Extraordinary Hardships or Practical Difficulties:

Extraordinary hardship would result from the applicant filing a final plan application for approval and recordation with the Division of Land Development to make minor lot line adjustments for the property. If this waiver were not granted the applicant would be subject to the formal subdivision process and all of the applicable Regulations. This process would be a very costly and time consuming process to bring the existing "loop-hole" created lots closer to complying with the Howard County Zoning Regulations.

Alternative Proposal

The alternative proposal would require the applicant to file a subdivision plat to adjust the property lines between Parcel 463, Lot 17A; Parcel 464, Lot 17B; Parcel 465, Lot 17C; Parcel 409, Lot 17D; and Parcel 201, Lot 18C. The five parcels already exist per recorded deeds from February 18, 1975. There will be no net gain of buildable entities by granting the requested waiver nor does granting the waiver circumvent or negate the intent of the Regulations, it simply allows consolidation of five existing lots to two lots.

Not Detrimental to the Public Interest

The waiver request will not be detrimental to the public interest since they have recorded deeds that show that the five lots currently exist within said boundaries. Therefore, by allowing Parcel 463, Lot 17A; Parcel 464, Lot 17B; Parcel 465, Lot 17C; Parcel 409, Lot 17D; and Parcel 201, Lot 18C, to adjust their common property lines, the parcels will be moving closer to complying with the Howard County Zoning Regulations, by creating larger total lot sizes, than they were previously in accordance with Section 16.102(c)(3) of the Subdivision and Land Development Regulations.

Will not nullify the intent or purpose of the regulations

Approval of this waiver request will not nullify the Intent or Purpose of the Regulations because the applicant will be adjusting the lot lines between Parcel 463, Lot 17A; Parcel 464, Lot 17B; Parcel 465, Lot 17C; Parcel 409, Lot 17D; and Parcel 201, Lot 18C, to bring the two proposed lots into closer compliance with the Howard County Zoning Regulations than they were previously. Therefore, approval of this waiver request will satisfy the Intent of the Regulations by permitting fairness and consistency in the application of the plan processing procedures. The waiver plan exhibit provides sufficient information regarding existing and proposed property lines, existing house location, location of existing wells, and septic fields.

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 above conditions.

If you have any questions, please contact J.J. Hartner at (410) 313-2350 or email at [jehartner@howardcountymd.gov](mailto:jehartner@howardcountymd.gov).

Sincerely,



Kent Sheubrooks, Chief  
Division of Land Development

KS/JH

cc: Research  
DED  
Axiom Engineering Design