



Howard County Department of Planning And Zoning

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Marsha S. McLaughlin, Director

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October 21, 2014

Richard Johnston
6115 Shady Lane
Hanover MD 21076

RE: WP-15-021 Property located at 6115 and 6121 Shady Lane

Dear Mr. Johnston:

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 the following section of the Subdivision and Land Development Regulations:

Sections 16.147(a) of the Amended Fifth Edition – No lot within the subdivision may be sold legally until a final plat has been approved and recorded by the Department of Planning and Zoning. The purpose of this request is to allow the recording of adjoinder deeds for a lot line adjustment between two (2) existing parcels * (known as Parcels 527 and 893) in lieu of the final subdivision plat requirement. A total of 0.27± acres of Parcel 527 will be conveyed to abutting Parcel 893. Parcel 893 will increase in land area and become 1.29± acres and Parcel 527 will decrease in land area and become 0.75± acres.

Approval is subject to the following seven (7) conditions:

- 1) The waiver approval from the final subdivision plat requirements in this case is a mechanism for DPZ to recognize the present property configurations for Parcels 527 and 893 and to allow the proposed property line adjustment of 60 feet to shift the common property line between the two parcels.
- 2) The “Adjoinder Deed” shall be recorded in the Land Records of Howard County, Maryland within 120 days of the date of this waiver petition approval (on or before **February 18, 2015**).
- 3) Recorded copies of the “Adjoinder Deed” shall be submitted to this Department for file retention purposes within 140 days of the date of this waiver petition approval (on or before **March 10, 2015**).
- 4) The “Adjoinder Deed” shall reference this waiver petition file number, WP-15-021.
- 5) Approval of this waiver is for the adjustment of the lot line between Parcels 527 and 893. No other lots or parcels are being legally endorsed, no additional lots will be created and no new development, construction or improvements are permitted under this request.

- 6) On any future subdivision or site development plans, provide a brief description of this waiver petition as a general note, which should include the purpose of the waiver request, the section waived, the action and date, and the conditions of approval.
- 7) Compliance with the minimum "R-12" lot size requirements of 12,000 square feet is required for both parcels with the adjoinder deed transfers.

Justification for Recommendation

Hardship:

The purpose of this waiver is to allow a lot line adjustment (an exchange of 0.27 acres) between two separate parcels by deed, in lieu of the formal subdivision plat process. Such an adjustment would reduce the land area of Parcel 527 from 1.02 acres to 0.75 acres and increase the land area of Parcel 893 from 1.02 acres to 1.29 acres. By permitting this adjustment, it would be a more timely and cost-effective procedure than doing so by plat. The full platting process would require the undertaking of preparing and surveying a land record plat and other related engineering in order to meet the County's requirements final plat processing.

Not detrimental to public interest:

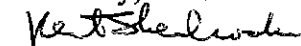
By granting this waiver, it will not have any detrimental impacts to the public interests, will not alter the essential character of the area and will not impair the use or development of the surrounding properties, because the site is zoned for residential use, and shall not result in the creation of any additional lots. The lot line adjustment shall only impact the two subject parcels.

Not nullify the intent or purpose of the regulations:

See the applicant's enclosed justification statement. Based upon all of the above justifications, approval of this waiver request will not nullify the intent of the Regulations, which requires the submittal of a plat of subdivision to reconfigure the two subject parcels. A complete deed history (dating back to 1963) that demonstrates how the two subject parcels were legally acquired and divided has been provided by the petitioner. No additional acreage has been acquired over this period and none will be acquired for this purpose either. This lot line adjustment request will result in each parcel remaining in full compliance with the "R-12" Zoning Regulations: the minimum lot size requirement (12,000 square feet minimum), the minimum lot width at the BRL and the Subdivision Regulations (environmental protection, road frontage, etc.). No physical site improvements are proposed for these parcels and should either of these parcels seek to subdivide to establish additional lots, a formal subdivision plat will be required. This waiver request is necessary to help correct a problem that was created over 31 years ago and the Johnston's were unaware of the illegal parcel creation as they relied on attorneys and surveyors at the time in 1983 to establish the gift conveyance.

If you have any questions, please contact Derrick Jones at (410) 313-2350.

Sincerely,



Kent Sheubrooks, Chief

Division of Land Development

KS/dj

cc: Research DED Mr. Kenneth Johns