



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

Marsha S. McLaughlin, Director

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FAX 410-313-3467
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October 8, 2014

Howard Streaker, Jr.
13370 MD Route 144
West Friendship, MD 21794

RE: WP-15-034 Streaker Property- Parcel 2

Dear Mr. Streaker:

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)(46)**- Definition of a Resubdivision, which defines a resubdivision as "a further division or modification of an existing subdivision previously approved by the County and recorded in the Howard County Land Records office". This waiver request is to consider the resubdivision of recorded Parcel 2 as a minor subdivision in this unique case.

Approval is subject to the following conditions:

1. The minor subdivision plat for Parcel 2 must be submitted within one year of approval of this waiver, **on or before October 8, 2015**.
2. An Environmental Concept Plan must be submitted and approved by DPZ prior to submission of the minor subdivision plat for Parcel 2.
3. A pre-submission community meeting must be held prior to submission of the minor subdivision plat for Parcel 2 in compliance with Section 16.128 of the Howard County Subdivision and Land Development Regulations.
4. In consideration of Parcel 2 as a minor subdivision and to ensure compliance with SB-236 "The Sustainable Growth and Agricultural Preservation Act of 2012", Parcel 2 may not be subdivided into more than 3 additional Lots, for a total of 4 Lots.

Our decision was made based on the following:

Extraordinary Hardships or Practical Difficulties:

Strict compliance with the Regulations, in this case, will create inequity and an undue hardship between the two Streaker brothers and their respective parcels. William E. Streaker, owner of Parcel 1, was permitted to subdivide but Howard F. Streaker Jr., owner of Parcel 2, now is not. The purpose of the court-ordered Consent Decree was to provide equity between the Streaker brothers. Due to the unusual circumstances, strict compliance with the Regulations in this specific case will create extraordinary hardship and inequity between the two brothers as a result of the Court order Consent Decree (Equity No. 9651 dated December 27, 1976).

Not Detrimental to the Public Interest:

The waiver request will not be detrimental to the public interest because the proposal to subdivide Parcel 2 into 3 additional lots does not violate the intent of SB-236, which is to limit major subdivisions on private well and septic systems. The proposed minor subdivision plan will be in compliance with County and State regulations prior to signature approval, and will be required to hold a pre-submission community meeting to inform the community of the proposed minor subdivision and address any concerns. Approval of this waiver request will satisfy the original purpose of the Consent Decree, providing equity between the Streaker brothers in this unique case.

Will Not Nullify the Intent or Purpose of the Regulations:

Approval of this waiver request will not nullify the intent of the Regulations, but rather satisfy the original purpose of the Consent Decree, providing equity between the Streaker brothers. Approval and recordation of the minor subdivision plat for Parcel 2 will be subject to compliance with County and State regulations.

Indicate this waiver petition file number, request, section of the regulations, action, conditions of approval, and date on all related plats, site development plans, and building permits. This requested waiver will remain valid for one year from the date of this letter or as long as this subdivision remains in active processing.

If you have any questions, please contact Eric Buschman at (410) 313-2350 or email at ebuschman@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/eb

cc: Research
DED
Real Estate Services