



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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March 4, 2015

William Erskine, Esq.
Offit/Kurman Attorneys At Law
8171 Maple Lawn Boulevard, Suite 200
Maple Lawn, Maryland 20759

RE: WP-15-052/Jonor Enterprises, Inc.- Second Reconsideration
5831 Washington Blvd., Elkridge, Parcel 565

Dear Mr. Erskine:

The Director of the Department of Planning and Zoning considered your request for a second extension of time from the deadline date as indicated in Condition No. 1 of the Waiver Petition Approval Letter dated November 24, 2014, for WP-15-052.

The Planning Director has approved your request for a second **90 day** extension of time from the previous deadline date of March 20, 2015, by which to record a new adjointer deed for the subject site. The new deadline date is as follows:

1. A second **90 day** extension of time from the previous due date of March 20, 2015, is approved. A new adjointer deed shall be recorded in the Land Records Office of Howard County, MD and a copy of the recorded deed shall be submitted to this Department for file retention on or before **June 18, 2015**. The adjointer deed shall include a reference to this waiver petition file number, WP-15-052.
2. All other conditions of approval as indicated in the previous Waiver Petition Approval Letter for WP-15-052 dated October 21, 2014, remain applicable.

Justification for Approval:

1. Extraordinary hardships or practical difficulties will result from strict compliance with the Regulations. The applicant recently conducted a survey of the property located at 5831 Washington Boulevard which revealed an encroachment of existing buildings onto a western portion of CSX Property. The CSX Transportation, Inc. and Jonor Enterprises, Inc. have agreed to the sale of this western strip of property consisting of approximately .0621 acres of land and which contains the extension of two existing buildings over the property line by approximately 5'. To remedy the encroachment, the CSX Transportation, Inc. has agreed to sell that portion of the western strip to Jonor Enterprises. The new parcel configuration will allow for the closest portion of Building No. 1 (southern bldg.) to be located approximately 4.3' from the western property line and Building No. 2 (northern bldg.) to be approximately 4.8' from the western property line. The CAC-CLI Zoning District allows for a structure and use setback of 0' from the property line when not adjoining a public road right-of-way or residential property. The waiver petition to allow the conveyance of property by recordation of a Deed rather than process of a final plat was approved on October 21, 2014. Condition No. 2 of the approval letter indicated that the new deed was to be recorded by December 20, 2014. The owner encountered

complications with the approval process with CSX regarding the alterations to the property boundary and was unable to record the deed by the established deadline. The owner requested reconsideration of the due date for a 90 day extension. On November 20, 2014, the Director approved an extension of time till March 20, 2015. Once again, however, the owner is encountering delays with CSX in the approval process for the land transaction. CSX has indicated that the process will require additional time to prepare the legal documents. Accordingly granting a second 90 day extension from March 20, 2015, until June 18, 2015, will be a better solution for the property by allowing further processing time to record the new adjointer deed.

2. The intent of the Regulations will still be served to a greater extent through implementation of an alternative proposal and approval of the waiver request(s) will not nullify the intent of the Regulations. The intent of the Regulations is to provide for an orderly and safe development of property and to review the site for compliance with all required regulations. In this case, the two buildings encroaching over the property line are existing and were constructed by a previous owner. Allowing a Deed conveyance to shift the property line to the west so that both buildings will be located on the parcel will help to resolve a property encroachment and will still allow for a minimum 4.31' setback for Bldg. No. 1 and 4.89' setback for Bldg. No. 2 from the property line. Building No. 1 will be a minimum of 55' from the centerline of the railroad tracks located on the CSX property. The second extension of time will not alter the intent of the Regulations.

3. Approval of the Reconsideration for a second extension of time in the waiver request(s) will not be detrimental to the interests of the public. The applicant is attempting to resolve an encroachment of buildings onto the CSX property. This will be in the best interest of the property owner by resolving a land encroachment. The western property consists of railroad tracks and will not be adversely affected by the shift of the property line. The property owner will be required to record a Deed and submit the recorded document for file retention. The Deed contains covenants and restrictions regarding fencing, drainage and access which may affect the CSX property that Jonor Enterprises accepts. All Land Development and Zoning Regulations will be applicable at time of any future development on the subject parcel.

Indicate this waiver petition file number, request, section of the regulations, action taken, date and conditions of approval on all related future plats, site development plans and and/or building permits. This requested waiver will remain valid for the time period as indicated. Should you have any questions regarding this matter, please contact Brenda Barth at (410) 313-2350 or email: bbarth@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development



:bfb

cc: Research/DED

Robert Udoff/Jonor Enterprises