



# HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Courthouse Drive

Ellicott City, Maryland 21043

410-313-2350

Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

August 13, 2015

Talkin & Oh, LLP  
5100 Dorsey Hall Drive  
Ellicott City, MD 21042  
Attn: Sang W. Oh

RE: Newburn Property  
Tax Map 38 / Grid 14 / Parcels 740 & 815  
WP-16-003

Dear Mr. Oh:

The Director of the Department of Planning and Zoning considered your request for a waiver from the Howard County Subdivision and Land Development Regulations.

On August 10, 2015, the Planning Director **approved** your request to waive **Section 16.147** to effectuate the proposed parcel line adjustment through an adjointer deed transfer and merger. Approval is subject to the following conditions:

1. Approval of this waiver is for the reconfiguration of two adjoining deed parcels under the same ownership as described in the Deed Liber 15393, Folio 447, dated December 3, 2013, and described as Parcel 1 (Tax Parcel 740) and as Parcel 2 (Tax Parcel 815). No other parcels are being endorsed and no additional parcels will be created. The reconfigured areas for each parcel shall be a minimum 12,000 sq.ft.
2. Parcel 1 (Tax Parcel 740) and Parcel 2 (Tax Parcel 815) will be reconfigured by utilization of the adjointer deed and merger process. The "Adjoinder Deed and Merger" shall be recorded in the Land Records of Howard County, MD within 120-days of the date of this waiver approval (**on or before December 8, 2015**).
3. DPZ's approval for this property line adjustment via the adjointer deed transfer and merger process does not officially recognize the legal existence or creation of Parcel 1 (Tax Parcel 740) and Parcel 2 (Tax Parcel 815) as described in the Deed Liber 15393, Folio 447, dated December 3, 2013. Future development or reconfiguration of these parcels will require compliance with the requirements of the Subdivision and Land Development Regulations.
4. A recorded copy of the "Adjoinder Deed and Merger" shall be submitted to the DPZ for file retention purposes within 140 days of the date of this waiver approval (**on or before December 28, 2015**).
5. The "Adjoinder Deed and Merger" shall reference this waiver petition file number, WP-16-003, and the DPZ approval date. The addition of this reference helps anyone who may be reviewing the deed to readily determine that the adjointer deed and merger was done with the acknowledgement of the Department of Planning and Zoning.
6. A similar Waiver Exhibit (smaller size) shall be recorded with the adjointer deed and merger. (Please see the attached comments on the Waiver Exhibit from the Division of Land Development).

Justification for our decision was made based on the following:

- Extraordinary Hardship or Practical Difficulty – Mr. James Newburn is the owner of two adjacent and adjoining parcels (Parcels 740 and 815, Tax Map 38). His intentions are to move a lot line between the two(2) parcels to allocate more area to Parcel 740. Extraordinary hardship would result from compliance with the subdivision regulations by having to record a subdivision plat in order to reconfigure these parcels as he desires. The full platting process for this deed parcel line adjustment would require the undertaking of preparing and surveying a land record plat and other related engineering in order to meet the County's requirements for the final plat processing which would incur costly and unnecessary expenses for the property owner. The processing and recordation of an "Adjoinder Deed and Merger" will suffice to adjust the deed parcel line.
- Alternative Proposal Will Not Nullify the Intent or Purpose of the Regulations – Approval of this waiver request to reconfigure Parcels 740 and 815 through an adjoinder deed and merger will not nullify the intent of the Regulations, which requires the submittal of a plat of subdivision. One purpose of the Regulations is to promote the health, safety, and welfare of County residents by assisting in orderly and efficient land development. Requiring the owner to fulfill the numerous conditions of the Regulations simply to adjust adjacent and adjoining parcel lines and merger of properties which are under the same ownership does not promote the efficiency intended by the Regulations. Due to the limited effects of the proposal, the Regulations would be better served by allowing the owner to accomplish the parcel line adjustment and merger through an adjoinder deed transfer.
- Will Not be Detrimental to the Public Interest – Approval of the waiver will not be detrimental to the public interests and will not alter the essential character of the area and will not impair the use or development of the surrounding properties. The proposed deed parcel line adjustment and merger will not result in the creation of any additional lots.

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 conditions of approval.

If you have any questions, please contact Ms. Pat Britt-Fendlay at 410-313-3371 or via e-mail at [pfendlay@howardcountymd.gov](mailto:pfendlay@howardcountymd.gov).

Sincerely,



Kent Sheubrooks, Chief  
Division of Land Development

KS/MPB

cc: Research  
Development Engineering Division  
Office of Law  
Zoning File# AA-12-019  
James L. Newburn  
Don Mason – Benchmark Engineering

August 5, 2015

DEPARTMENT OF PLANNING AND ZONING  
Division of Land Development  
*Pat Britt-Fendlay*

**COMMENTS**

RE: **WP-16-003 – Newburn Property – Tax Map 38 / Grid 14 / Parcels 740 & 815**  
**6378 Winters Lane, Hanover (AA Case Not. 12-019)**

The following comments from the Division of Land Development must be addressed and incorporated into the Waiver Petition Exhibit which is to be recorded with the adjointer deed and merger, per condition of approval #6.

1. In the Title Block:
  - Correct the Project Name to read: "Newburn Property".
  - Add to the Location: "Grid 14" and reference the current deed for Parcels 740 and 815.
  - In the Title: Correct the spelling of the word "Petition" and correct the last line to read "Proposed Adjoinder Deed Transfer and Merger".
  - Add "Owner" above James L. Newburn's name.
2. Add a General Note which states the current zoning for this property.
3. Add a General Note which provides a brief description of this Waiver Petition Request.
4. Add a General Note which references DPZ Related File # AA-12-019. Include a brief description of the administrative adjustment request, action, date and conditions of approval.
5. Verify and correct the existing and proposed areas for Parcels 740 & 815 and for the area of Parcel 815 to be transferred to Parcel 740. Based on the current deed (Liber 15393, Folio 447) description, Parcel 1 (Tax Parcel 740) is 0.4653± acres or 20,268.46± square feet; and, Parcel 2 (Tax Parcel 815) is 0.4504± acres of 19,619.42± square feet. The areas for these parcels shown on the "Exhibit" dated June 24, 2015, and submitted with the Waiver Petition Request does not exclude the area of road right-of-way which was conveyed to Howard County, Maryland (Liber 8814, Folio 65) on November 19, 2004, and associated with Capital Project J-4143.
6. In accordance with the above, verify and correct the existing bearings and distances which delineate these parcels.
7. Label and dimension the existing parcel lines and the proposed parcel lines.

KS/MPB

