



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
3430 Court House Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350
Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

September 17, 2019

Rodney & Annette Waddell
766 W. Watersville Road
Mt. Airy, MD 21771

Ella Biggerstaff, Trustee
153 Clyde Avenue
Baltimore, MD 21227

RE: WP-20-011, Property of Biggerstaff and Waddell

Dear Applicant:

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

As of the date of this letter, the Planning Director **approved** your request for an alternative compliance of Section 16.102 Applicability of Regulations and Section 16.147 Final Subdivision Plan and Final Plat to allow for use of the adjointer deed process to allow the fee simple transfer of land in lieu of a final subdivision plat, in order to correct an existing Zoning Violation.

Approval is subject to the following conditions:

1. Approval of this alternative compliance is for the reconfiguration of three adjoining deed parcels under the same ownership as described in Deed, Liber 529 Folio 213, Deed, Liber 625 Folio 506, and Deed, Liber 3189 Folio 402. No other parcels are being endorsed and no additional parcels are to be created. The reconfigured areas for Parcels 101 and 116 shall maintain a minimum of 3 Acres, Parcel 152 shall maintain a minimum of 1.303 Acres, pursuant to Section 16.102(c)(3) of the Howard County Subdivision Regulations.
2. Parcels 101, 116, and 152 will be reconfigured by utilization of the adjointer deed and merger process. The "Adjoinder Deeds" shall be recorded in the Land Records of Howard County, MD within 60 days of the date of this alternative compliance approval (on or before November 16, 2019).
3. A recorded copy of the "Adjoinder Deed" shall be submitted to this Department for file retention purposes within 90 days of the date of this alternative compliance approval (on or before December 16, 2019).
4. The adjointer deeds shall reference this alternative compliance petition file number, WP-20-011 and the DPZ approval Date. The addition of this reference helps anyone who may be reviewing the deed to readily determine that the adjointer deeds were done with the acknowledgement of the Department of Planning and Zoning.

Our decision was made based on the following:

Extraordinary Hardships or Practical Difficulties:

The applicant would have experienced hardship and practical difficulties with strict compliance with the regulations. The purpose of this alternative compliance request is to correct a zoning violation for an existing house garage and driveways on Parcel 152. Strict compliance to the Regulations would have required the recording of a final plat to reconfigure the common lot lines between Parcels 101, 116 and 152 and adhere to all items of the subdivision process. This would not have been practical since no new lots are being created. The residents on Parcel 152 are served by private well and septic systems. The addition of 0.38 acres will not affect the existing infrastructure and will bring the property closer to compliance with the Regulations. Both

parcels 101 and 106 are unimproved and will require plans to be submitted to the Health Department if permits are to be submitted. An environmental concept plan, grading plan, forest conservation plan, stormwater management plan, and sediment and erosion control plans must be submitted to the Department of Planning and Zoning for approval prior to permit issuance. As no residential development is proposed on the three parcels, the full subdivision plan requirements are excessive and will cause extended delays and hardship for the petitioner.

Alternative Proposal:

Alternatively, the intent of the Regulations will be served to a greater extent by utilizing the adjoinder deed process. The adjoinder deed process for the reconfiguration of deeded parcels 101, 116, and 152 does not create any additional residential properties and maintains continuity of the neighboring properties.

Not Detrimental to the Public Interest:

Approval of the alternative compliance request is not detrimental to the public interest. The reconfiguration of deeded parcels 101, 116, and 152 will remove the existing encroachments and Zoning violation of the side yard setbacks outlined in the Zoning Regulations for the RC-DEO zoned properties. Approval of this request will also bring the property acreages closer to compliance to the minimum lot sizes established in the Zoning regulations.


Will Not Nullify the Intent or Purpose of the Regulations:

Approval of the alternative compliance request does not nullify the intent or purpose of the Regulations. The adjoinder deed process will not alter the density potential, allow for the issuance of any construction permits, or provide any avoidance of the regulations. Approval of the alternative compliance will remove the existing zoning violation as well as bring the existing parcels closer to compliance with the existing Regulations. Any potential future development or expansion will require submission and review of the required plans by the Department of Planning and Zoning and SRC agencies prior to issuance of and building or grading permits.

Indicate this alternative compliance 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 alternative compliance will remain valid for the time period specified in the conditions of approval.

If you have any questions, please contact Nicholas Haines at (410) 313-2350 or email at haines@howardcountymd.gov.

Sincerely,


Kent Sheubrooks, Chief
Division of Land Development

S/NH
cc: Research
DED
Real Estate Services
FCC