



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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September 9, 2010

M & H Corporation
Attn: James Ferguson
14965 Frederick Road
Woodbine, MD 21797

RE: WP-11-016, M & H Corporation
(Frederick Road, West of Route 144, Lisbon)

Dear Mr. Ferguson:

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 16.147, requiring a Final Subdivision and Final Plat to merge 3 existing parcels and to allow their merger by the adjointer deed process.

Approval is subject to the following conditions:

1. Approval of this waiver petition is based upon filing and recording an adjointer deed merging Parcels 85, 427 & Lot 18 within 60 days of the date of this waiver approval (on or before **November 8, 2010**) and submitting a copy of the recorded deed(s) to DPZ, Division of Land Development.
2. Provide a copy of the "new" adjointer deed to Joy Levy, Agricultural Preservation Program. (See attached Comments)

Our decision was made based on the following:

Extraordinary Hardships or Practical Difficulties:

Extraordinary hardship would result from the compliance with the subdivision regulations by having to record a subdivision plat to reconfigure the three existing deeded parcels of land into one parcel in order for it to meet the acreage requirement of the Howard County Agricultural Land Preservation Program. If this waiver were not granted, all of the parcels would be subject to the formal subdivision process and all of the applicable Regulations. This process would be very costly and time consuming.

Alternative Proposal

The alternative proposal would require the applicant to file a subdivision plat to reconfigure the three existing deeded parcels of land. Since there are three existing parcels described in the deed and there will be no net gain of buildable entities, the granting of the requested waiver does not circumvent or negate the intent of the Regulations. To the contrary it facilitates the progression of 50+ acres for agricultural preservation which is in the best interest of Howard County and the Public.

Not Detrimental to the Public Interest

The waiver request will not be detrimental to the public interest since they have confirmed by deed that the three unimproved subject parcels currently exist with the said boundaries. Therefore, with allowing the 3 parcels to be merged it will improve the property by allowing the parcels to be accepted into the Howard County Agricultural Land Preservation Program and allowing a preservation easement to be placed on the property.

Will not nullify the intent or purpose of the regulations

Approval of this waiver request will not nullify the Intent or Purpose of the Regulation because the parcels will be reconfigured to bring them into compliance for acceptance into the Howard County Agricultural Preservation Program to allow an agricultural preservation easement on the parcel. Therefore, approval of this waiver request will satisfy the Intent of the Regulations by permitting fairness and consistency in the application of the plan processing procedures.

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 as specified above in the approval conditions.

If you have any questions, please contact Jennifer Wellen at (410) 313-2350 or email at jwellen@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Acting Chief
Division of Land Development

KS/TKM

cc: Research
DED
Joy Levy, Agricultural Preservation Program