



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
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Marsha S. McLaughlin, Director

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October 25, 2010

Mr. & Mrs. Joseph Shears
17034 Hardy Road
Mt. Airy, MD 21771

RE: WP-11-019, Shears Property

Dear Mr. Shears:

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** of the Subdivision and Land Development Regulations, which requires that any division of land must be platted and recorded among the Land Records of Howard County in order to establish a legal lot through the final subdivision plat process. The request is to allow reconfiguration of the property from four lots to two lots using the adjoiner deed conveyance process.

Approval is subject to the following conditions:

1. The "Adjoiner Deed" shall be recorded in the Land Records Office of Howard County, Maryland within 120-Days of the date of this waiver approval (on or before February 22, 2011).
2. Recorded copies of the "Adjoiner Deed" shall be submitted to this Department for file retention purposes within 120-Days of the date of this waiver approval (on or before February 22, 2011).
3. The "Adjoiner Deed" shall reference this waiver petition file.
4. In accordance with the Zoning Regulations, the two buildable lots shall comply with the minimum bulk requirements, including the building setbacks, for the RC-DEO zoning district.
5. Compliance with the Development Engineering comments dated August 16, 2010 and October 6, 2010.
6. Compliance with the Department of Environmental Health comments dated October 18, 2010.
7. Approval of this waiver is for the resubdivision of Lots 41-44 into two buildable lots. No other lots are being legally endorsed, no additional lots will be created and no new development, construction or improvements are permitted under this request.
8. Compliance with all applicable County and State regulations and obtain all necessary permits from the Department of Inspections, Licenses and Permits prior to initiating construction on-site.

Our decision was made based on the following:

Extraordinary Hardship or Practical Difficulty

The current configuration of the four existing lots provides practical difficulties in complying with the RC-DEO bulk requirements in the Zoning Regulations. Also, the establishment of septic areas mandated by COMAR to support residential development cannot be achieved on-site with the current configuration. In order for the owner to be in compliance with the Zoning and Health Department Regulations they must reconfigure the lots. Strict compliance with the Subdivision Regulations will result in extraordinary hardship on the property owner if required to prepare a final resubdivision plat to reconfigure the four existing lots since no additional new lots will be created by the proposal to merge lots.

Not Detrimental to the Public Interest

Approval of the waiver will not be detrimental to the public welfare. The new parcel configuration will utilize the same acreage amount (1.843 acres), but the applicant is proposing to reduce the number of lots, from four lots to two lots, therefore, bringing the two lots into further compliance with the Zoning Regulations. The parcel is reducing the number of lots and cannot be re-subdivided under the current RC-DEO Zoning District density requirements; therefore, it will allow no more or less impact on the traffic patterns or increase the school enrollment for the area.


Will not Nullify the Intent or Purpose of the Regulations

Approval of the waiver petition will allow the consolidation of the four existing lots, into two lots, by deed. Although the proposed two lots will not be in compliance with the minimum lot size for the RC-DEO zoning district, Section 16.102(c)(3) of the Subdivision and Land Development Regulations states that the Department of Planning and Zoning may permit resubdivisions which are not in accordance with the minimum lot size requirement if it improves the compliance of existing lots that do not meet current zoning bulk regulations by bringing the non-complying lots as close to zoning compliance as possible and the remainder of the parcel is in accordance with the Zoning Regulations. Consolidating the lots will bring the site in further compliance with the minimum lot size and comply with the COMAR specification for establishing new well and septic designs. No construction, improvements, or new lots will be created, nor will the lots have further subdivision potential. The applicant has complied with concerns from the Development Engineering Division regarding adequate sight distance and stormwater management.

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 approval conditions.

If you have any questions, please contact Julia Boone at (410) 313-2350 or email at jboone@howardcountymd.gov.

Sincerely,


Kent Sheubrooks, Acting Chief
Division of Land Development

KS/jb

cc: Research
DED
FCC, Inc.