



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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January 7, 2011

Patrick Costello
1676 Woodstock Road
Woodstock, MD 21163-2271

RE: WP-11-089, Costello Property,
Liber 9379, Folio 149, Parcel 329
Liber 12670, Folio 139, Parcel 124
Liber 10632, Folio 553, Parcel 50

Dear Mr. Costello:

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 to allow the reconfiguration of three existing parcels, utilizing the adjoinder deed process in lieu of the formal subdivision process.

Approval is subject to the following conditions:

1. Compliance with the Howard County Health Department's comments dated December 21, 2010, prior to application for any building permits.
2. The "Adjoinder Deeds" shall be recorded in the Land Records Office of Howard County, MD within 120-Days of the date of this waiver approval (on or before **May 7, 2011**).
3. Recorded copies of the Adjoinder Deeds shall be submitted to this Department for file retention purposes within 120 days of the date of this waiver approval (on or before **May 7, 2011**).
4. The "Adjoinder Deeds" shall reference this waiver petition file number.
5. In accordance with the Zoning Regulations, the three buildable lots shall comply with the minimum bulk requirements, including the building setbacks. Please note that a 30 foot structure setback is required from the existing Colonial Pipeline right-of-way in accordance with Section 16.120(b)(9)(i) of the Subdivision and Land Development Regulations for the RC-DEO zoning district.
6. Approval of this waiver is for the resubdivision of Parcels 50, 124, & 329 to adjust their common lot lines. 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.
7. 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 Hardships or Practical Difficulties:

Extraordinary hardship would result from the applicant filing a final plan application for approval and recordation with the Division of Land Development to make minor lot line adjustments for the property. If this waiver were not granted the applicant would be subject to the formal subdivision process and all of

the applicable Regulations. This process would be very costly and time consuming. See the applicant's justification statement.

Alternative Proposal

The alternative proposal would require the applicant to file a subdivision plat to adjust the property lines between Parcels 50, 124, & 329. The three parcels already exist per the following recorded deeds:

Liber 9379, Folio 149, Parcel 329

Liber 12670, Folio 139, Parcel 124

Liber 10632, Folio 553, Parcel 50

There will be no net gain of buildable entities by granting the requested waiver nor does granting the waiver circumvent or negate the intent of the Regulations. See the applicant's justification statement.

Not Detrimental to the Public Interest

The waiver request will not be detrimental to the public interest since they have recorded deeds that show that the three parcels currently exist within said boundaries.

Liber 9379, Folio 149, Parcel 329

Liber 12670, Folio 139, Parcel 124

Liber 10632, Folio 553, Parcel 50

Therefore, by allowing Parcels 50, 124, & 329 to adjust their common property lines, two of the parcels will be moving closer to complying with the Howard County Zoning Regulations than they were previously in accordance with Section 16.102(c)(3) of the Subdivision and Land Development Regulations. The remaining third parcel, Parcel 50, is already, and will remain, in compliance with the three acre lot size requirement. See the applicant's justification statement.

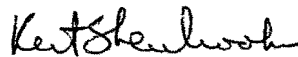
Will not nullify the intent or purpose of the regulations

Approval of this waiver request will not nullify the Intent or Purpose of the Regulation because the applicant will be adjusting the lot lines between Parcels 50, 124, & 329 to bring all three parcels into closer to compliance with the Howard County Zoning Regulations than they were previously. 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. See the applicant's justification statement.

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 above referenced date included within the conditions of approval.

If you have any questions, please contact J.J. Hartner at (410) 313-2350 or email at jehartner@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/TKM/JH

cc: Research
DED
VanMar Associates
File# WP-11-089