



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Marsha S. McLaughlin, Director

www.howardcountymd.gov
FAX 410-313-3467
TDD 410-313-2323

March 8, 2011

Community Ho[u]sing, LLP
611 Frederick Road #201
Baltimore, MD 21228

RE: WP-11-129, Community Ho[u]sing, LLP,
Waiver Petition Request

Dear Sir or Madam:

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 two existing parcels, utilizing the adjoinder deed process in lieu of the formal subdivision process.

Approval is subject to the following conditions:

1. 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 **July 6, 2011**).
2. 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 **July 6, 2011**).
3. The "Adjoinder Deeds" shall reference this waiver petition file number.
4. In accordance with the Zoning Regulations, the two buildable Parcels shall comply with the minimum bulk requirements, including the building setbacks and the minimum lot size for the R-12 zoning district.
5. Approval of this waiver is for the resubdivision of Parcels 131 and 977 to adjust their common lot lines. No other Parcels are being legally endorsed, no additional Parcels will be created and no new development, construction or improvements are permitted under this request.
6. Compliance with all applicable County and State regulations is required, and the applicant shall obtain all necessary permits from the Department of Inspections, Licenses and Permits prior to initiating construction on-site, if applicable.
7. You must correct all spelling errors in the new adjoinder deed. Specifically, the spelling of the owner's name must be corrected and changed from "Community Hosing, LLP," to "Community Housing, LLP" in the new deed.
8. While not a condition of approval, the Department of Planning and Zoning recommends that all previously recorded deeds be corrected to fix the spelling of the owner's name from "Community Hosing, LLP," to "Community Housing, LLP" to maintain consistency and eliminate any future confusion.

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 to correct an existing setback infringement.

Alternative Proposal

The alternative proposal would require the applicant to file a subdivision plat to adjust the property lines between Parcels 131 and 977. The two parcels already exist per the following recorded deed:

Liber 11402, Folio 167

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.

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 two parcels currently exist within said boundaries.

Liber 11402, Folio 167

Therefore, by allowing Parcels 131 and 977 to adjust their common property lines, the parcels will be moving closer to complying with the Howard County Zoning Regulations, by abating the setback violations, than they were previously in accordance with Section 16.102(c)(3) of the Subdivision and Land Development Regulations.


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 131 and 977 to bring both parcels into closer 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.

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 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
Little and Associates, Attn: Aaron Kensinger
File# WP-11-129