



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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April 5, 2011

Michael Pfau
3675 Park Avenue
Ellicott City, MD 21043

RE: WP-11-146, Property of Henry W. Florey
Lots 1 & 11

Dear Mr. Pfau:

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. This request is to allow the reconfiguration of existing Lots 1 & 11 using the "Adjoiner Deed" conveyance process in order to provide public access to Lot 11.

Approval is subject to the following conditions:

1. The "Adjoiner Deed" shall be recorded in the Land Records Office of Howard County, Maryland and shall be submitted to this Department before or concurrent with the site development plan original mylar submission.
2. The "Adjoiner Deed" shall reference this waiver petition file.
3. Compliance with all SRC Agency Comments generated with the review of the Site Development Plan, SDP-11-023.
4. Approval of this waiver is for the resubdivision of Lots 1 & 11 for the purpose of providing public access to Lot 11. 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.

Our decision was made based on the following:

Extraordinary Hardship or Practical Difficulty

A practical difficulty resulted when the Developer contacted the property owner on the opposite side of First Avenue in regards to constructing a private driveway within the "Paper Street" in order to comply with the Design Manual requirements. An agreement with the neighbor could not be reached; therefore, the applicant is proposing to reconfigure Lot 1 & 11 through the "Adjoiner Deed" process so Lot 11 has in-fee simple frontage onto Florey road in order to accommodate the driveway per Design Manual standards and allow adequate area for private water and sewer house connections.

Alternative Proposal

The alternate proposal to the waiver petition for Section 16.147 would be to submit a new final plan for standard review, apply for a Design Manual waiver to the driveway standards in order to construct a 10 foot driveway, or provide an ingress/egress easement on Lot 1 for the benefit of Lot 11.

Not Detrimental to the Public Interest

The granting of this waiver is not detrimental to the health, safety and welfare of the public. The parcel cannot be further subdivided under the current R-12 Zoning District 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

The granting of this waiver does not circumvent the intent of the Regulations since the lots already exist and no additional lots can be created in accordance with the current Zoning Regulations. The reconfiguration of existing Lot 11, which does not meet the current zoning bulk regulations, will bring the non-complying lot more in compliance with the Zoning Regulations. The applicant has submitted a Site Development Plan in accordance with the Subdivision Regulations, and the SDP is being reviewed for compliance with the Regulations. Additionally, it rectifies a situation to provide a legal lot access and frontage to a public road.


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 one year from the date of this letter or as long as this site development plan remains in active processing.

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

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development


KS/TKM/jb
cc: Research
DED
Robert H. Vogel Engineering, Inc.