



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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May 12, 2011

Bruce D. Ash
9531 Valley Mede Court
Ellicott City, Maryland 21042

RE: WP-11-157/Marie Ash Property
8472 Hill Street, Ellicott City

Dear Mr. Ash:

The Director of the Department of Planning and Zoning considered your request for waiver from the Howard County Subdivision and Land Development Regulations.

As of the date of this letter, the Planning Director **approved** your request for waiver to Section 16.147, requiring the submission of a final plat to reconfigure two lots identified as the firstly described lot of Parcel Number 1 (Lot 1) and the secondly described lot of parcel Number 1 (Lot 2) of Parcel No. 86, subject to the following conditions:

1. The applicant must record the new deeds of conveyance in the Land Records Office of Howard County, MD. A copy of the new deed(s) shall be submitted to this Department for file retention within **120 days** from the date of this letter (**on or before September 9, 2011**).
2. The "Adjoinder Deeds" shall reference this waiver petition file number.
3. In accordance with the Zoning Regulations, the two buildable parcels (lots) shall comply with the minimum bulk requirements for lot size in the "R-VH" Zoning District.
4. Approval of the waiver is for the reconfiguration of Lots 1 and 2 of Parcel 86 only. No other parcels or lots are being legally endorsed, no additional parcels will be created and no new development, construction or improvements are permitted under this waiver request.
5. 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 any construction on-site, if applicable.

JUSTIFICATION FOR APPROVAL:

1. Extraordinary hardships or practical difficulties will result from strict compliance with the Regulations. The subject site consists of the firstly described lot of Parcel Number 1 (Lot 1), containing an existing barn, and the secondly described lot of Parcel Number 1 (Lot 2), containing an existing house. Lot 1 is currently square in shape and has road frontage on both Merryman Street and Hill Street and consists of 21,940 sq.ft. of land. Lot 2 is rectangular in shape and has road frontage on both Merryman Street and Hill Street and consists of 6,608 sq.ft. of land. Driveway access to the existing house is from Hill Street, while access to the barn is from Merryman Street. The house is located approximately 2' from the eastern side property line with a side porch encroaching into the northwestern portion of Lot 1. The property owner at this time is only attempting to abate this violation and provide a more useable lot area for Lot 2 by adjusting the common lot line. Practical difficulties and extraordinary hardship would result in not approving this waiver petition by requiring a final plat and submission of subsequent environmental studies, forest conservation delineation, wetland reports and other waiver requests as applicable.

2. The intent of the Regulations will still be served to a greater extent through implementation of an alternative proposal and approval of the waiver request(s) will not nullify the intent of the Regulations. The property owner intends to reconfigure the two lots by deeds so as to redesign Lot 1 into a more rectangular shape. Lot 1 will have road frontage solely onto Merryman Street and consist of 9,692 sq.ft. of land. Lot 2 will be configured into an "L" shape lot, retain road frontage on both Merryman Street and Hill Street and consist of 18,859 sq.ft. of land. Reconfiguration of the two lots will permit the abatement of the porch encroachment over the existing property line and provide for a more useable side yard area for Lot 2. The yard to the rear of the house on Lot 2 consists of a steep slope and is unsuitable for any recreational use. In addition, accessory structures could not be placed in this area without considerable disturbance of the steep slope, possibly resulting in erodible conditions. Although both lots consists entirely of steep slopes, a portion of land to the east of the house has been terraced into small sections so as to allow for some recreational activity, gardening or placement of small accessory structures. This area will be incorporated into the new configuration of Lot 2 to provide a useable yard for the existing house. Allowing reconfiguration of the lots through the deed process is a better alternative proposal in this case than requiring recordation of a final plat. The parcel currently consists of two lots and will stay two lots, no new acreage or roadways will be incorporated into the site, and no grading or removal of existing vegetation is proposed. By approving the waiver request, a more beneficial relationship between the use of the lots and existing buildings can be achieved.

3. Approval of this waiver request will not adversely affect the interests of the public nor nullify the intent of the Regulations. The owner is not creating any new lots nor proposes any new structures or construction on the site. The property consists of an existing two-story house on Lot 2 and an accessory barn situated on Lot 1. Since the barn is currently located on a separate lot from that of the house, no violation will occur with regard to accessory uses on separate lots per the Zoning Regulations. The minimum lot size in the R-VH Zoning District is 6,000 sq.ft. and both lots will be over the minimum requirement after reconfiguration. There are also no building setback requirements in the R-VH Zoning District, however the barn will still retain a minimum of 14' from the western property line and 30' from the newly established northern property lot line. The structures on both Lots 1 and 2 will be located a minimum of 173' from adjoining property to the east and the existing house will be 12' from the western property line. In addition, since this property is located in the Historic District of Ellicott City, a public hearing was held before the Historic District Commission to review the reconfiguration of the lots. The Historic District Commission on May 5, 2011, approved the proposal with no comments. Accordingly, it has been determined that the reconfiguration of the existing two lots will not adversely affect surrounding property owners nor nullify the intent of the Regulations. The property owner shall submit a copy of the newly recorded deed(s) for file retention by no later than 120 days from the date of the waiver petition approval letter.

Indicate this waiver petition file number, request, section of the regulations, action taken, date and conditions of approval on all related future plats, site development plans and and/or building permits. This requested waiver will remain valid for one year from the date of this letter. Should you have any questions regarding this matter, please contact Brenda Barth at (410) 313-2350 or email: bbarth@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development



:btb

cc: Research

Fisher, Collins & Carter