



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 24, 2011

Dave Zepp
Wilbur and Lillie Mae Zepp Living Trust
1625 Sykesville Road
Sykesville, MD 21784

RE: WP-11-159, Wilbur and Lillie Mae
Zepp Living Trust Property

Dear Mr. Zepp:

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 16.102**, which is a waiver of the applicability of the Subdivision and Land Development Regulations regarding final plat requirements in order to allow an adjoinder deed combining several existing parcels into one large parcel.

Approval is subject to the following conditions:

1. In a letter dated May 18, 2011, MDSHA has requested and the owner has agreed, to place a condition on the deed to be recorded through Howard County. This condition required a donation plat and subsequent deed with the SHA prior to July 1, 2012, for the subject right-of-way along state highway properties (Route 32, Sykesville Road).
2. The right-of-way acreage that SHA is requiring along Route 32 as a condition of this waiver petition approval must be excluded from the Agricultural Land Preservation Easement area. Within the deed, there will be a metes and bounds description that will indicate the Right-of-Way area to be donated so that it can be subtracted out of the deed of easement description.
3. The property owner must execute all required documents, deeds and/or plats to accomplish the right-of-way dedication requested by the Maryland State Highway Administration.
4. Within 6 months of this waiver petition approval, the applicant must file the appropriate adjoinder deed with the Howard County Land Records Office to reconfigure the subject tracts of land into one large tract. Please submit a copy of the recorded adjoinder deed to this Division for file retention purposes.
5. Subject to compliance with the attached DED comments dated May 18, 2011 and the Health Department comments dated April 6, 2011.
6. Subject to compliance with the Agricultural Land Preservation Program comments dated March 30 and May 19, 2011 (see attached).

Our decision was made based on the following:

Extraordinary Hardship or Practical Difficulty - The Zepp family is preparing these 104 acres for submission to request inclusion into the Howard County Agricultural preservation program. A separate 82 acre piece of the farm has already been submitted for inclusion into the program. The requested adjointer deed would not add or subtract land, but instead would eliminate internal parcel tract lines from the existing deed in order to create one consolidated parcel in order to ease the transfer into the Agricultural Preservation Program. Requiring the Zepp family to go through the subdivision process for this purpose would create an extraordinary hardship due to the time and expense required to complete a formal plat.

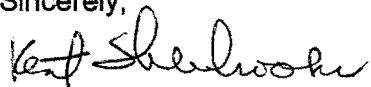
Regulations will be served to a Greater Extent through the Implementation of Alternative Proposal - Since approval of this waiver petition will facilitate the protection and continuing use of this property as valuable farm land, the regulations will be served to a greater extent through the implementation of this alternative proposal.

Not Detrimental to the Public Interest and Will Not Nullify the Intent or Purpose of the Regulations - Since the reconfiguration of the separate tracts in the existing deed into one consolidated tract would not result in the creation of saleable lots (or increase in density), the current use of the property will not be changed, and because the intent of this consolidation is to hasten the process for the parcel's inclusion into the Howard County Agricultural Preservation Program, the approval of this waiver petition is not detrimental to the public interest and does not nullify the intent or purpose of the regulations. Furthermore, the condition of the applicant to work with the SHA in obtaining the desired right-of-way frontage along Maryland Route 32 ensures that the public interest will continue to be served. See the attached memo dated March 30, 2011 from the Agricultural Land Preservation Program.

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 the inclusion of the area into the Agricultural Land Preservation Program remains in active processing.

If you have any questions, please contact Jill Manion-Farrar at (410) 313-2350 or email at jfarrar@howardcountymd.gov.

Sincerely,


Kent Sheubrooks, Chief
Division of Land Development

KS/JMF

cc: Research
DED
Joy Levy
Scott Newill, SHA
TJ Frazier, Van Mar Associates