



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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October 4, 2011

Mr. Andrew Robinson, Esquire
Carney, Kelehan, Bresler, Bennett and Scherr, LLP
10715 Charter Drive
Suite 200
Columbia, MD 21044

Dear Mr. Robinson:

RE: WP-12-030, Patapsco Ridge Road Land Transfer
(formerly Henryton Road)

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** which requires the submission and approval of a final subdivision plat for the purpose of reconfiguring deeded parcels by using the adjoiner deed process.

Approval is subject to the following conditions:

1. The subject parcels will be reconfigured by utilization of the adjoiner deed process. The applicants must record the new deeds of reconfiguration in the Land Records Office of Howard County, MD within 120 days of the date of this waiver approval by February 1, 2012. A copy of the reconfiguration deeds shall be submitted to this Department for file retention purposes within 120 days of the date of this waiver approval (by February 1, 2012).
2. The County assumes no liability for the parcels reconfigured by this private land swap agreement. Approval of this waiver request is for the conveyance of the pipestem portions of the 12 parcels affected to the adjoining parcels as depicted under this waiver petition exhibits. No other lots are being legally endorsed, no additional new lots will be created and no new development, construction or improvements or subdivisions are permitted under this request.
3. The "Adjoiner Deed" shall reference this waiver petition file number.

Our decision was made based on the following:

Justification for Recommendation:

Extraordinary Hardship or Practical Difficulty

Strict compliance with the Subdivision Regulations will result in extraordinary hardship and practical difficulties if the applicants are required to prepare and process a final subdivision plat to reconfigure the existing parcel lines between the twelve deeded parcels since no new additional lots are to be created with the parcel boundary adjustment. The deed configuration will not result in any additional parcels. If the applicants were required to follow the standard subdivision plan process, procedures and application checklist requirements to adjust the parcel boundary lines between the twelve parcels it would be unnecessarily time consuming and costly. The proposed land exchange between the twelve parcels involves no public roads or other infrastructure improvements to accomplish the parcel boundary adjustment. All parcels are improved with a single-family dwelling.

Alternative Proposal

The intent of the Regulations will be served through the implementation of the alternative proposal to allow the twelve parcels to be reconfigured and adjusted by allowing the recording of adjoiner deeds at the Howard County Land Records Office. The processing of this Waiver Petition and the recording of adjoiner deeds in this case should be viewed as a reasonable alternative to processing a final subdivision plat. All twelve parcels currently exist and the minor property boundary adjustment will allow the properties to be divided in accordance with their private agreement which allows for the conversion of the private road to a public road.

Not Detrimental to the Public Interest

The waiver request will not be detrimental to the public's interest because recording of adjoiner deeds to reconfigure the subject parcels will not alter the essential rural character of the neighborhood and will not impair the use of adjacent properties since no new lots are being established at this time. The division of the parcels will allow the residents to convert their private road to a public road. In addition, the parcels are improved with dwellings and the use of the parcels will not change.


Not Nullify the Intent or Purpose of the Regulations

Approval of this waiver request will permit fairness and consistency in the application of the Regulations. The reconfiguration of the parcels, if done by plat, would yield the same end product.

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 Brenda Luber at (410) 313-2350 or email at BLuber@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/BL

cc: Research
DED