



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

Marsha S. McLaughlin, Director

[www.howardcountymd.gov](http://www.howardcountymd.gov)  
FAX 410-313-3467  
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August 5, 2013

Kelly Regan  
12859 Clarksville Pike  
Highland, Maryland 20777

Re: Regan Property  
Waiver Petition WP-13-188

Related Plans: Regan Property, Lot 1 and Non-Buildable Bulk Parcel 'A'  
Final Plan F-13-111  
Regan Property, Lots 2 thru 23, Non-Buildable Preservation Parcel 'A' and Non-Buildable Preservation Parcels 'B' thru 'E'  
Final Plan F-13-112

Dear Mr. Regan:

The Director of the Department of Planning and Zoning considered your request for a waiver of Subsections 16.115(b), 16.115(d), 16.116(a), 16.116(b), 16.120(a)(1), 16.120(c), 16.124(a)(2) and 16.124(a)(3) of the Howard County Subdivision and Land Development Regulations as they apply to Final Plan F-13-111. These regulations address floodplain protection and delineation, wetland delineation, location of steep slopes, lot access and frontage, and landscaping requirements pursuant to subdivision of property.

As of the date of this letter, the Planning Director approved your request to waive the regulations listed as they apply to Final Plan F-13-111, subject to the following condition:

1. The regulatory requirements waived by approval of this petition shall be enforced at resubdivision under Final Plan F-13-112.

Our decision to approve the waiver was made based on the following justification:

*Extraordinary hardship or practical difficulty may result from strict compliance with the regulations.*

The petitioner has adequately demonstrated that strict compliance with the regulations may result in their encountering extraordinary hardship or practical difficulty in minor subdivision of the property. The minor subdivision is being proposed for recordation to convenience one of the property owners in deeding of the property. Strict compliance with the regulations would place undue hardship on the property owner, such as providing public road access and frontage to the lot in attempting to achieve a simple subdivision of land. The regulations waived will be enforced at resubdivision of the non-buildable bulk parcel, and a waiver of access and frontage regulations simply reflects existing conditions which will also be enforced at resubdivision.

Kelly Regan  
August 5, 2013  
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*Waiver approval is not detrimental to the public interest.*

The petitioner has adequately demonstrated that approval of this waiver based on the information submitted, in conjunction with adherence to the condition of approval, will not be detrimental to the public interest. It will have no adverse effect on adjacent properties, the surrounding community or Howard County as a whole.

*Waiver approval will not nullify the intent or purpose of the regulations.*


Compliance with the relevant regulations at the time of resubdivision of the non-buildable bulk parcel will ensure that the intent and purpose of the regulations are not nullified. The waiver allows for minor subdivision for deeding of the property to one of the property owners as an intermediate step in the ultimate subdivision of the larger Regan Property.

The justification is supported by information provided by the petitioner.

Indicate this waiver petition file number, sections of the regulations, action, condition of approval, and date on all related plats and building permits. This waiver will remain valid until plats resubdividing Lot 1 and Non-Buildable Bulk Parcel 'A' are recorded.

Should you have any questions please contact Dave Boellner by telephone at 410-313-3956 or by email at [dboellner@howardcountymd.com](mailto:dboellner@howardcountymd.com)

Sincerely,

  
Kent Sheubrooks, Chief  
DPZ, Division of Land Development

KS/DBB:dbb

CC: DPZ, Research  
DPZ, DED  
Scott Regan  
Ronald Regan  
Amy Lester  
Bryna Dash and David Dash  
Benchmark Engineering, Inc.  
F-13-111 file  
F-13-112 file