



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
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Marsha S. McLaughlin, Director

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April 22, 2015

Benchmark Engineering, Inc.
8480 Baltimore National Pike, Suite 315
Ellicott City, MD 21043
Attn: Donald A. Mason, P.E., P.L.S.

RE: H. Thomas Grimes Property
Tax Map 15 / Grid 4 / Parcels 9 & 104
WP-15-096 (ALLP Easement #HO-07-02-E)

Dear Mr. Mason:

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 to **effectuate the proposed parcel line adjustment through an adjoinder deed transfer and merger**. Waiver approval is subject to the following conditions:

1. Approval of this waiver is for the reconfiguration of two adjoining deed parcels under the same ownership as described in the Deed Liber 12346, Folio 001, dated February 19, 2010, and described as Parcel One (Tax Parcel 104) and as Parcel Four (Tax Parcel 9). No other parcels are being endorsed and no additional parcels will be created. The remaining area for Parcel 104 shall be a minimum of 3.0 acres in size.
2. Parcel One (Tax Parcel 104) and Parcel Four (Tax Parcel 9) will be reconfigured by utilization of the adjoinder deed and merger process. The "Adjoinder Deed and Merger" shall be recorded in the Land Records of Howard County, MD within 120-days of the date of this waiver approval (**on or before August 20, 2015**).
3. A recorded copy of the "Adjoinder Deed and Merger" shall be submitted to this Department for file retention purposes within 140 days of the date of this waiver approval (**on or before September 9, 2015**).
4. The "Adjoinder Deed and Merger" shall reference this waiver petition file number, WP-15-096, and approval date. The addition of this reference helps anyone who may be reviewing the deed to readily determine that the adjoinder deed and merger was done with the acknowledgement of the Department of Planning and Zoning.
5. A similar Waiver Exhibit (smaller size) shall be recorded with the adjoinder deed and merger.
6. Per the requirements of the Agricultural Land Preservation Program, an amended and restated Deed of Easement must be recorded in the Land Records of Howard County. The amended deed will reflect the additional donated acreage and restate the rights associated with the easement on this property. The amended and restated deed of agricultural land preservation easement must be recorded concurrently with the adjoinder deed and merger.

Justification for our decision was made based on the following:

- Extraordinary Hardship or Practical Difficulty – Mr. H. Thomas Grimes is the owner of two adjacent and adjoining parcels (Parcels 9 and 104, Tax Map 15). His intentions are to move a lot line between the two(2) parcels to allocate more area to Parcel 9. Extraordinary hardship would result from compliance with the subdivision regulations by having to record a subdivision plat in order to reconfigure these parcels as he desires. The full platting process for this deed parcel line adjustment would require the undertaking of preparing and surveying a land record plat and other related engineering in order to meet the County's requirements for the final plat processing which would incur costly and unnecessary expenses for the property owners. The processing and recordation of an "Adjoinder Deed and Merger" will suffice to adjust the deed parcel line.
- Alternative Proposal Will Not Nullify the Intent or Purpose of the Regulations – Approval of this waiver request to reconfigure Parcels 9 and 104 through an adjoinder deed and merger will not nullify the intent of the Regulations, which requires the submittal of a plat of subdivision. One purpose of the Regulations is to promote the health, safety, and welfare of County residents by assisting in orderly and efficient land development. Requiring the owner to fulfill the numerous conditions of the Regulations simply to adjust adjacent and adjoining parcel lines and merger of properties which are under the same ownership does not promote the efficiency intended by the Regulations. Due to the limited effects of the proposal, the Regulations would be better served by allowing the owner to accomplish the parcel line adjustment and merger through an adjoinder deed transfer.
- Will Not be Detrimental to the Public Interest – Approval of the waiver will not be detrimental to the public interests and will not alter the essential character of the area and will not impair the use or development of the surrounding properties. The proposed deed parcel line adjustment and merger will not result in the creation of any additional lots and will result in an additional 1.6 acres to the existing Agricultural Land Preservation Easement area within Parcel 9 (HO-07-02-E).

Indicate this waiver petition file number, request, section of the regulations, action, conditions of approval, and date on all related future plans and / or permits for these properties. This requested waiver will remain valid for the time period specified in the conditions of approval.

If you have any questions, please contact Ms. Pat Britt-Fendlay at 410-313-3371 or via e-mail at pfendlay@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/MPB



cc: Research
Development Engineering Division
Joy Levy – ALPP Administrator
Office of Law
H. Thomas Grimes - Owner