



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

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May 28, 2015

Mr. and Mrs. Michael Goyette  
8501 Chapel View Drive  
Ellicott City, MD 21043-4319

Char-Mar Land Corporation  
P.O. Box 226  
Ellicott City, MD 21041-0226

Dear Sir or Madam:

RE: WP-15-139, Chapel View, Section 3,  
Parcel 269, Lot 26 (8501 Chapel View  
Road) and Parcels 18 and 334  
(3675 Klein Avenue)

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-** Applicability of the Regulations for the division or development of land in Howard County and **Section 16.147** which requires the submission and approval of a final subdivision plat for the purpose of configuring existing parcels to bring an existing single-family dwelling into compliance with the required side setback. The petitioners requested to accomplish the parcel reconfiguration by using the adjoiner deed process for the deeded parcels (Parcels 18 and 334) and to submit a plat of revision for the platted parcel (Lot 26).

Approval is subject to the following conditions:

1. A Plat of Revision for Lot 26 of Chapel View, Section 3 must be submitted for processing and recordation within 90 days of the date of this waiver approval (on or before August 26, 2015).
2. The "Adjoiner Deeds" for Parcels 18 and 334 shall be recorded in the Land Records of Howard County, Maryland within 90 days of the date of this waiver approval (on or before August 26, 2015). The adjoiner deeds shall reference this waiver petition file number.
3. Recorded copies of the "Adjoiner Deeds" shall be submitted to this Department for file retention purposes within 120 days of the date of this waiver approval (on or before September 25, 2015).
4. Approval of this waiver is solely for the reconfiguration of Parcels 269 (Lot 26), 18 and 324. No other parcels are being legally endorsed, no additional parcels shall be created and no new development, construction or site improvements are permitted under this waiver request.
5. On any future subdivision or site development plans, provide a brief description of waiver petition, WP-15-139, as a general note to include requests, sections of the regulations, action and date.

Our decision was made based on the following:

**Extraordinary Hardship or Practical Difficulty**

Strict compliance with the Subdivision Regulations will result in extraordinary hardship and practical difficulties on the property owners if required to prepare a subdivision plat since no additional new parcels will be created. Denial of this request would subject the property owners of the deeded parcels to the more costly and protracted subdivision plan process in this case resulting in extraordinary hardship and practical difficulty. The applicant has

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proposed to submit a plat of revision for Lot 26 which is part of the Chapel View subdivision. The 2 deeded parcels will be reconfigured by deed.

**Alternative Proposal**

The intent of the Regulations will be served through the implementation of the alternative proposal to adjust the lot line since no new parcels are being created. Therefore, the processing of this waiver petition and the recording of the adjoiner deed for the deeded parcels should be viewed as a reasonable alternative since a plat of revision will be submitted for Lot 26 of the Chapel View subdivision. The sole purpose of this request is to correct an existing house setback encroachment for Lot 26.

**Not Detrimental to the Public Interest**

The waiver request will not be detrimental to the public's interest because recording of an adjoiner deed for the subject two deeded parcels will not alter the essential residential character of the neighborhood and will not impair the use of adjacent properties. In addition, Lot 26 of the Chapel View subdivision will be configured by the recordation of a plat of revision. Approval of this request will only correct a zoning setback violation for Lot 26 and will maintain the original acreages for all 3 parcels. The proposal is the best method to resolve this setback violation.

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 indicated in the approval conditions.

If you have any questions, please contact Brenda Luber at (410) 313-2350 or email at [BLuber@howardcountymd.gov](mailto:BLuber@howardcountymd.gov).

Sincerely,



Kent Sheubrooks, Chief  
Division of Land Development

KS/BL

cc: Research  
DED  
Real Estate Services  
FCC