



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Courthouse Drive

Ellicott City, Maryland 21043

410-313-2350

Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

August 12, 2016

Lawrence and Lois Hyman
3681 Folly Quarter Road
Ellicott City, Maryland 21042

RE: WP-16-111 Hyman Property, Reconsideration

Dear Mr. & Mrs. Hyman:

The Director of the Department of Planning and Zoning *reconsidered* your request for a waiver from the Howard County Subdivision and Land Development Regulations to extend the August 19, 2016 deadline date for the recording of the adjointer deed for the subject property as required per the DPZ letter dated June 20, 2016.

As of the date of this letter, the Planning Director **approved** your reconsideration request for alternative compliance to Section 16.102 and Section 16.147 of the Subdivision and Land Development Regulations, which requires any division of land be platted and recorded among the Land Records of Howard County via the final subdivision plat process. The applicant is requesting to revise a common property line via the adjointer deed process.

Approval is subject to the following conditions:

1. The adjointer deed shall be recorded in the Land Records Office of Howard County, Maryland within 60-Days from the previous approval date of August 19, 2016 (**on or before October 18, 2016**). The alternative compliance petition exhibit must be an exhibit attached to the recorded deed. Previous approval conditions 2 thru 11 remain unchanged from the June 20, 2016 decision letter.
2. Recorded copies of the adjointer deed shall be submitted to this Department for file retention purposes within 30-Days of recordation.
3. The adjointer deed shall reference the alternative compliance petition file number (WP-16-111).
4. The structures on the alternative compliance petition exhibit indicated "to be removed" shall be removed prior to the recordation of the adjointer deed. Proof of demolition shall be provided to this Department prior to recordation of the deed.
5. The two parcels reconfigured by the adjointer deed shall comply with the RC-DEO Zoning Regulations, including but not limited to the building setbacks and accessory structure uses.
6. Approval of this alternative compliance petition is to adjust the common parcel boundary between Parcels 112 & 113 (Tax Map 23). No other lots are being legally endorsed. No additional lots are being created and no new development, construction or improvements are permitted under this request.
7. As shown on the alternative compliance petition exhibit, right-of-way along Folly Quarter Road shall be dedicated to the County for the pipestem frontages of Parcels 67, 113 & 112. The right-of-way dedication area shall meet the standards of the Design Manual Regulations.
8. Parcel 112 shall be a non-buildable parcel once it is encumbered with the Community Shared Septic Field.

9. Development of the buildable parcels and establishment of the Community Shared Septic Field on Parcel 112 will require an Environmental Concept Plan (ECP). A Natural Resource Inventory shall be submitted with the ECP's to verify the presence of all environmental features and forested area.
10. Compliance with the Health Department comment dated March 29, 2016 – The Health Department has reviewed the referenced alternative compliance petition and has no objection to the alternative compliance with the condition that the new lot dimensions match the most recently approved perc certification plan.
11. Compliance with the Development Engineering comment dated April 6, 2016 – Access width [for Parcel 112] pipestem will need to accommodate a separate driveway for the Shared Septic System and a use-in-common driveway for residential lots.

Our decision was made based on the following:

Extraordinary Hardship or Practical Difficulty

Strict compliance to the Regulations and recording a final plat to reconfigure the common lot line between Parcels 112 & 113 requires the owner to adhere to all items of the Subdivision Regulations. Parcels 112 & 113 are not improved with a residential home. Parcel 112 is proposed to include the infrastructure associated with the shared community septic together with the approximate 50,000 square feet of septic easement. Howard County Department of Public Works has instructed the applicant that the entire shared community septic easement must be located on one parcel of land. As a result of this policy no residential structure is planned on Parcel 112; therefore, providing the items associated with the subdivision for preparing a final plat create an extraordinary hardship for the applicant.

Not Detrimental to the Public Interest

It would not be detrimental to the public interest to approve this alternative compliance since Parcels 112 & 113 are existing buildable parcels. As a result of approving this alternative compliance there is no new residential dwelling proposed on Parcel 112 and no further subdivision of either Parcel 112 or 113. Approval of this alternative compliance will allow the continuing design of the shared community septic system to provide suitable septic service to Parcel 28, 108, 110, 111 & 140.

Will not Nullify the Intent or Purpose of the Regulations

Approval of the alternative compliance will not nullify the intent of the Regulations because the adjoinder deed transfer will not alter the density potential of the property or provide for any avoidance of the Regulations, and the adjoinder deed will legally establish the property boundaries upon recordation of the deed in the Land Records Office of Howard County. Approval of this alternative compliance will allow the design of the shared community septic system. The design of the community shared septic system will required compliance with all County, State and Federal Regulations. Any future development of these parcels will require an approved Environmental Concept Plan and all necessary permits.

Indicate this alternative compliance 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 alternative compliance will remain valid for the time period specified in the conditions of approval. If you have any questions, please contact Julia Boone at (410) 313-2350 or email at jboone@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/jb

cc: Research
DED, DILP
Zoning, DEH
FCC