



**Howard County Department Of Planning And Zoning**  
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Valdis Lazdins, Director

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November 9, 2016

Howard County Housing Commission  
c/o Marcus Ervin  
6751 Columbia Gateway Dr.  
3<sup>rd</sup> Floor  
Columbia MD 21046

**RE: WP-17-030 Burgess Mill Station - Phase 2 (SDP-16-016)**

Dear Mr. Ervin:

The Director of the Department of Planning and Zoning considered your request for an alternative compliance from the Howard County Subdivision and Land Development Regulations.

As of the date of this letter, the Planning Director **approved** your request for an alternative compliance to the following three sections of the Subdivision and Land Development Regulations:

Sections 16.102 and 16.147 of the Amended Fifth Edition – All divisions of land shall be in compliance with the Subdivision Regulations requiring a final subdivision plat. The owner of adjacent Parcel 121 has agreed to transfer 640 square feet of land to subject Parcel 120 to accommodate the existing driveway curb and paving to Fels Lane.

Section 16.156(g)(2) of the Amended Fifth Edition – if the Department of Planning and Zoning or the review committee indicates that additional information is needed in order to approve the plan, the developer shall provide the information within 45 days of receiving such indication.

**Approval is subject** to the following five (5) conditions:

- 1) A deed of land conveyance “adjoinder transfer” for the stated 640 square feet of land from abutting Parcel 121 to subject Parcel 120 must be recorded with the Howard County Land Records within 120 days of the date of this alternative compliance petition approval (**on or before March 9, 2017**). *\* A copy of the recorded deed “adjoinder transfer” must be submitted to the Division of Land Development within 30 days of recording the deed. A copy of the alternative compliance plan exhibit shall be attached to the deed for recording.*
- 2) The additional information (as a revised SDP) must be submitted to the Division of Land Development (and other pertinent agencies that requested additional information) within 90 days of the date of this alternative compliance petition approval (**on or before February 7, 2017**).
- 3) The additional 640 square feet acquired through this “adjoinder transfer” must be applied to SDP-16-016’s gross acreage for Parcel 120 and the project’s density calculations.

- 4) Provide as a general note, on SDP-16-016, this alternative compliance petition request, approval date, conditions of approval.
- 5) Approval of this alternative compliance petition is only for the land transfer of 640 square feet; no new lots or parcels are to be created or endorsed under this request.

### **Justification for Recommendation**

#### Hardship:

The petitioner has provided justification stating that additional time is necessary to acquire technical waiver approvals through the County's Bureau of Engineering regarding public water and sewer. In addition, the petitioner has stated that the Bureau has not completed its analysis regarding this project's proposals for retaining walls and building foundations. The Bureau has been requesting additional information during the SDP review process and until their concerns are satisfied, the corresponding SDP cannot be resubmitted for reviews.

Subject Parcel 120 and adjacent Parcel 121 have never been platted; each parcel has retained their lot line configurations since the inception of the County's Subdivision Regulations. Because the petitioner needs 640 square feet of adjacent Parcel 121 land to accommodate the existing driveway curb and paving from Fels Lane to Parcel 120, there is an inherent hardship associated with these two parcels since no record plat exists to resubdivide the two parcels. Therefore, the petitioner is requesting to process the land conveyance by an "adjoinder transfer" of land by deed in lieu of plat – for only the area that accommodates Parcel's 120 driveway curb and paving from Fels Lane.

#### Alternative proposal:

The only other alternative proposal is to resubmit the SDP without the Bureau of Engineering requirements being met. This would create an additional hardship for both the petitioner (developer) and the County review agencies. In addition, by complying with Section 16.102, the petitioner would have to prepare a new subdivision plat that would re-subdivide the parcel lines between abutting Parcels 120 and 121 for 640 square feet of land. Since there are no new lots or new land being included as part of the resubdivision and because the acreage in question is minimal (640 square feet), a new plat would not be an efficient or reasonable method.

#### Not detrimental to public interest:

Granting this alternative compliance petition will not have any detrimental impacts to the public interests, will not alter the essential character of the area and will not impair the use or development of the surrounding properties. The site is currently being evaluated for a new apartment project; County review agencies have requested that additional information be submitted to help evaluate the merit of this development proposal. By granting the petitioner additional time, the County's Bureau of Engineering can thoroughly evaluate the infrastructure components associated with this development proposal.

#### Not nullify the intent or purpose of the regulations:

Based upon all of the above justifications, approval of this alternative compliance petition will not nullify the intent of the Regulations. For this project, the most prudent and efficient way to remedy a lot line adjustment (for two abutting parcels) to accommodate an existing driveway and curb that shall provide access to the subject site would be through the approval of an "adjoinder transfer" by deed in lieu of a subdivision plat. In addition, the additional time requested shall provide both the petitioner and the County the ample time to thoroughly evaluate this project's infrastructure improvements.

\* Indicate this alternative compliance petition file number, request, section of the regulations, action, conditions of approval, and date of approval on the site development plan (SDP-16-016). **This requested alternative compliance petition will remain valid for those time periods stated in the above conditions of approval.**

If you have any questions, please contact Derrick Jones at (410) 313-2350.

Sincerely,



Kent Sheubrooks, Chief  
Division of Land Development

KS/dj  
cc: Research  
DED  
Real Estate Services  
File: SDP-16-016  
Vogel Engineering