



# 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

December 5, 2016

Bruce Pickett  
Stanley M. Pickett Revocable Trust  
10702-C Old National Pike  
New Market, MD 21774

RE: WP-17-037, Pickett Property

Dear Mr. Pickett:

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.

On December 1, 2016, the Planning Director **approved** your request for an alternative compliance of **Sections 16.102 and 16.147** of the Subdivision and Land Development Regulations, which determines applicability of the subdivision regulations and outlines the procedures and requirements for Final Subdivision Plans and Final Plats.

Approval is subject to the following conditions:

1. The "Adjoinder Deed" shall be recorded in the Land Records of Howard County, Maryland within 120 days of the date of this alternative compliance petition approval (on or before April 1, 2017).
2. Recorded copies of the "Adjoinder Deed" shall be submitted to this Department for file retention purposes within 120 days of the date of this alternative compliance petition approval (on or before April 1, 2017).
3. The "Adjoinder Deed" shall reference this alternative compliance petition file number.
4. Approval of this alternative compliance petition is for the removal of the internal parcel lines as identified in a deed recorded as Book 312, Page 320 so that the entire acreage is identified as one large contiguous parcel in a newly recorded deed. No other lots or parcels are being legally endorsed, no additional lots will be created and no new development, construction or improvements are permitted under this request.
5. The deed should include all land, including land identified for future road dedication, within the parcel boundary unless the land is being dedicated for a public road around the time of the deed adjoinder and/or separate deeds are created for the future dedicated land areas. If no dedication is to occur in the foreseeable future and no separate deeds for those lands are recorded, then the exhibit should be updated to have the solid dark property line along the outside of the future dedicated areas so that they are within the recorded parcel area. Care should be taken to ensure the property description includes the shaded future dedication areas as well. The Department recommends that the 1.615 acres of future road dedications area as shown on the plan exhibit be dedicated as part of this adjoinder deed transaction. Coordinate with DPW, Real Estate Services regarding the preparation and execution of the

appropriate deeds for the public road right-of-way dedication. If the property owner elects not to voluntarily dedicate the right-of-way as shown, a right-of-way reservation is required that will be excluded from the agricultural preservation easement area.

6. Provide a brief description of this alternative compliance petition as a general note, which should include the purpose of the alternative compliance request, the sections requested for alternative compliance, the action and date, and the conditions of approval on any future subdivision or site development plans.

Our decision was made based on the following:

**Extraordinary Hardship or Practical Difficulty** – A percolation certification, environmental reports, and application fees are often required for any subdivision of property (which includes the merging of the property). The processing time for a plat is also often longer than a deed modification. This site will be entered in the Howard County Agricultural Land Preservation Program and will not be further developed. No additional lots are being created with this transaction. In fact, merging the property removes the ability to build a residential unit on each individual parcel. In consideration of this information, it is clear that requiring a full subdivision plat would be excessive and create an extraordinary hardship for the property owner who only seeks to preserve this land for agricultural use.

**Implementation of an Alternative Proposal** – The property is being merged to satisfy a requirement for the Howard County Agricultural Preservation Program to transfer a singular property and remove the ability to building additional residential dwellings on the property. The adjoinder therefore facilitates the County's agricultural land preservation program goals.

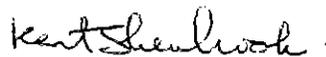
**Not Detrimental to the Public Interest** – No additional lots are being created and the potential for additional residential dwellings is diminished with this deed adjoinder. There is no detriment to the public interest to allow this transaction as proposed.

**Will Not Nullify the Intent or Purpose of the Regulations** - The purpose of the subdivision regulations is to promote orderly development of land. This proposal is merging property and reducing/eliminating development potential. No new lots are being created and no easements are established at this time. Therefore, merging the property by deed does not nullify the intent or purpose of the regulations.

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 Jill Manion-Farrar at (410) 313-2350 or email at [jfarrar@howardcountymd.gov](mailto:jfarrar@howardcountymd.gov).

Sincerely,



Kent Sheubrooks, Chief  
Division of Land Development

KS/JMF 

cc: Research  
DED  
Real Estate Services  
Fisher, Collins & Carter  
Joy Levy, DPZ-RCD-Agricultural Preservation