



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 28, 2018

Elise K. Lyons
10688 Scaggsville Road
Laurel, Maryland 20723

RE: WP-19-005 Properties of Elsie K. Lyons

Dear Ms. Lyons:

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 of **Section 16.147. Final subdivision plan and final plat** which requires the submission of a final subdivision plan for all divisions of land in Howard County to be approved by the Department of Planning and Zoning and recorded in the Land Records Office. The applicant is proposing to reconfigure two (2) existing deeded parcels of land, Parcels 14 and 15, to establish as buildable parcels around two existing dwellings.

Approval is subject to the following conditions:

1. Approval for this Alternative Compliance request is for the reconfiguration of two adjoining deeded parcels under the same ownership as described in Liber 280, Folio 130 dated March 19, 1956 and Liber 270, Folio 75 dated July 16, 1955. No other parcels are being endorsed and no other parcels will be created.
2. The two parcels shall be reconfigured by utilization of the Adjoinder Deed process. The Adjoinder Deed shall be recorded at Land Records of Howard County, Maryland within 120-days of the date of this Alternative Compliance request approval (**on or before December 26, 2018**).
3. A recorded copy of the Adjoinder Deed shall be submitted to the Department of Planning and Zoning for file retention purposes within 140-days of the date of the Alternative Compliance request approval (**on or before January 15, 2019**).
4. The Adjoinder Deed shall reference this Alternative Compliance request file number, WP-19-005, and its approval date. The addition of this reference helps anyone who may be reviewing the deed to readily determine that the deed adjoinder was done with the acknowledgement of the Department of Planning and Zoning.
5. A similar Alternative Compliance Request Exhibit (smaller size) shall be recorded with the Adjoinder Deed.
6. Compliance with all applicable County and State regulations is required.
7. Subject to compliance with the attached comments from the Development Engineering Division comments 1, 3, and 4 and Howard County Department of Fire and Rescue Services, both dated August 15, 2018.
8. Please make corrections to the Alternative Compliance Request Exhibit based on Division of Land Development comments, dated August 20th, and resubmit to the office within two weeks of the approval date for file retention purposes.
9. The reconfigured parcels shall comply with the minimum "R-20" lot size required and the existing houses shall comply with the setback requirements.

Our Decision was Made Based on the Following:

Extraordinary Hardships or Practical Difficulties: Currently, there are two dwelling on Parcel 14 which have been in existence since the early 1960s. Parcel 15 was reconfigured in 1955 to allow access to the adjoining Parcel 100, which would be landlocked without the easement. The purpose of the reconfiguration of the parcels is to place each dwelling on its own parcel. If the applicant was required to go through the typical process of a subdivision plat it would come with considerable costs and an extended time frame. This issue was created before our current regulations were set in place. The most efficient and simple solution would be to allow the reconfiguration through the Adjoinder Deed process.

Alternative Proposal: Alternatively, the utilization of the Adjoinder Deed process, along with the submitted exhibit, could act in place of the submission of the final plat. The proposal only reconfigures the existing deeded parcels, and does not create any new parcels. The petitioner is not trying to circumvent the regulations, but is trying to correct a property that is out of compliance of current code standards with the most efficient solution to place the two existing houses on their own parcel in compliance with the minimum lot size requirements.

Not Detrimental to the Public Interest: The approval of this Alternative Compliance will not be detrimental to public interest because the Adjoinder Deed is only to reconfigure parcels so that there is only one existing house on each parcel. The approval will not create additional parcels and will bring the properties into compliance with current regulations. This will not create any impacts to public water and sewer, housing allocations, or traffic. Approval will also eliminate the need to use additional County time and resources to review final plans, which would not impart greater information than what is provided with this submission.

Will Not Nullify the Intent or Purpose of the Regulations: Approval of this Alternative Compliance will better serve the intent of the current regulations. Reconfiguration of parcel lines will make it so there is only one house per parcel. The proposed properties meet the minimum lot size requirements and the house footprints are within minimum setback requirements for the R-20 zoning district. The approval will bring the property into compliance with current regulations in the fastest and most efficient manner.

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 alternative compliance approval will remain valid for the time period specified in the conditions of approval from the date of this letter or as long as a subdivision or site development plan is being actively processed in accordance with the processing provisions of the Regulations.

If you have any questions, please contact Kathryn Bolton at (410) 313-2350 or email at kbolton@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/ktb

cc: Research
DED
Real Estate Services
Benchmark Engineering