



Howard County Department Of Planning And Zoning
3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Valdis Lazdins, Director

www.howardcountymd.gov
FAX 410-313-3467
TDD 410-313-2323

August 28, 2018

Todd Gue
2385 Route 97
Cooksville MD 21723

RE: WP-19-006 Property at 2385 Route 97

Dear Mr. Gue:

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 section of the Subdivision and Land Development Regulation:

Section 16.147(a) of the Subdivision and Land Development Regulations (Amended Fifth Edition) – The final subdivision plan is the culmination of the subdivision process; the final plat becomes the official record of the division of land.

Approval is subject to the following four (4) conditions:

1. The Alternative Compliance request approval from the final subdivision plat requirements in this case is only a mechanism for Department of Planning and Zoning to recognize the present property configuration for Parcel 253 as a 2.71-acre separate building parcel.
2. Comments provided by the Development Engineering Division (DED), dated July 25, 2018, must be complied with prior to filing for permits.
3. The property owner must comply with all permitting standards as required by the Department of Inspections, Licenses and Permits and the Soils Conservation District.
4. Attach a copy of the Alternative Compliance Petition to the building permit application and reference WP-19-006 on the same application.

The decision of this alternative compliance petition is based on the following justification:

Extraordinary Hardship

The petitioner states that efforts to re-subdivide the subject parcel with two adjoining recorded lots (Lots 1 and 2 of the Patrick's Place subdivision) to attain the necessary 3 acres went unsuccessful. The owner of Lot 1 would not agree to the re-subdivision proposal and, therefore, the subject parcel could not conform to the 3-acre minimum lot size requirement through subdivision. The petitioner also provided a letter from an adjoining property owner who is willing to re-subdivide their lot to help the petitioner achieve the 3-acres needed. In that same letter, the owner of Lot 1 confirmed that efforts were made to

engage the owner Lot 2 to re-subdivide, but the owner of Lot 2 was not willing to agree to this proposal. Because the petitioner was unsuccessful in acquiring the additional acreage to bring the subject parcel into compliance with the 3-acre minimum size requirement, this request is to recognize the existing parcel as a legal parcel.

Alternative Proposal

The only other alternative is to file a plat of re-subdivision between the subject parcel and adjoining Lots 1 and 2 of the Patrick's Place subdivision. As stated above, the petitioner was unable to get approval from the owner of Lot 2 to agree to a re-subdivision. The petitioner is not attempting to circumvent the Regulations by the approval of this alternative compliance petition request, but are requesting relief from circumstances out of his control. Therefore, the processing of this alternative compliance petition should be viewed as a reasonable alternative to re-subdivision.

Not Detrimental to the Public Interest

The petitioner has stated that this parcel has been in its current configuration since 1982, where it appears an attempt was made at an adjoinder transfer for its creation. The approval of this alternative compliance petition will not be detrimental to the public interest, since the property is zoned for residential use and is capable of complying with other regulations and standards for development. The owner has been paying property taxes for the past 36 years.

Will Not Nullify the Intent or Purpose of the Regulations

This request will not nullify the intent or purpose of the Regulations. The petitioner is seeking to apply for a building permit to construct a single-family detached house. The petitioner states that a Simplified Environmental Concept Plan and a Grading Plan has been approved by the County and, in addition, the approval of the proposed house will be subject to complying with setbacks, stormwater management, drainage, sediment and erosion control and well/septic requirements.

* Indicate this alternative compliance petition file number, request, section of the regulations, action, conditions of approval, and date of approval on the all permits pertaining the construction of the future home on this parcel.

This requested alternative compliance will remain valid for one year from the date of this approval letter. If building permits for the above reference property is not applied for within a year (on or before August 28, 2019), this alternative compliance petition will no longer be valid.

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

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/dj
att: DED Comments
cc: Research
Zoning Administration
DED
F.C.C.