



# HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Court House Drive

Ellicott City, Maryland 21043

410-313-2350

Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

March 7, 2019

Mary Cugle  
c/o Mary Tovenner  
812 Klee Mill Road  
Westminster MD 21157

RE: **WP-19-026 6480 Anderson Avenue** (Village of Anderson)  
RECONSIDERATION REQUEST

Dear Ms. Tovenner:

The Director of the Department of Planning and Zoning reconsidered your request for an alternative compliance from the Howard County Subdivision and Land Development Regulations. This request was initially denied by the Director, per our letter dated January 14, 2019.

As of the date of this letter, the Planning Director **approved** your reconsideration request for an alternative compliance of **Section 16.147** of the Subdivision and Land Development Regulations.

Approval is subject to the following conditions:

- 1) An adjoinder deed to adjust/reconfigure Lots 13, 14 and 15 (0.45 acres) stated in this request must be recorded with the Howard County Land Records within 120 days of the date of this alternative compliance petition approval (on or before **July 5, 2019**). The deed shall reference this alternative compliance petition file number (WP-19-026). \* A copy of the recorded deed with an exhibit that displays the reconfigured lots must be submitted to the Division of Land Development after the deed is recorded.
- 2) Approval of this alternative compliance petition is for the stated 3 lots (Lots 13, 14 and 15) included in this petition. **This approval does not grant the petitioner/property owner the ability to create additional lots.**
- 3) Each of the 3 reconfigured lots must remain at 6,600 SF and may not be reduced in size.
- 4) Prior to application for land development, the petitioner/property owner must submit an Environmental Concept Plan (ECP) to demonstrate that stormwater management practices on these lots can comply with Regulations and to identify all environmental features on site.
- 5) A Site Development Plan (SDP) will be required for the development of the 3 lots. As part of that application.
- 6) The existing house (6480 Anderson Avenue) must be removed/demolished prior to the recordation of the new adjoinder deed transfer. Photos of the house removal must be submitted to this Division as proof.

**Our decision was made based on the following:**

This Petition was initially denied due to the necessity of filing a record plat for right-of-way dedication of Anderson Avenue. Secondly, the Petition did not provide justification to substantiate an extraordinary hardship or practical difficulty for providing a plat. After the Petition was denied, a meeting between the petitioner's consultant and the Department of Public Works (Real Estate Services Division) was held to discuss the road dedication/right-of-way issue. It was determined that the property owner/petitioner does not own any of the 60-foot Anderson Avenue right-of-way depicted on the Village of Anderson plat and, therefore, right-of-way dedication of this area is not possible. Because of this fact, the property owner/petitioner has a practical difficulty of complying with the Regulations. The petitioner has provided a detailed justification as part of the reconsideration request.

By granting this alternative compliance, it 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, because no new lots will be created; this request is to reconfigure 3 existing lots so that they shall front on Anderson Avenue; and this reconfiguration will be recorded by deed at the Land Records office of Howard County and properly documented at this Department.

Based upon the above justifications, approval of this alternative compliance request will not nullify the intent of the Regulations, which to ensure that the adjustment/reconfiguration of recorded lots follow uniform procedures and standards for review and processing prior to approval and recording in the Land Records office. This Department had initially denied this request; however, it was later determined that right-of-way dedication was not possible and, therefore, this Department will support an alternative compliance of lot line adjustment/reconfiguration by the ajoinder deed process.

The Development Engineering Division had no objection to this request, provided that the petitioner files an Environmental Concept Plan and a Site Development Plan for review and approval.

\* \* \* \*

Indicate this alternative compliance petition file number, request, section of the regulations, action, conditions of approval, and date of approval on the ajoinder deed, ECP, SDP, 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 Derrick Jones at (410) 313-2350 or email at [djones@howardcountymd.gov](mailto:djones@howardcountymd.gov).

Sincerely,



Kent Sheubrooks, Chief  
Division of Land Development

KSdj/  
cc: **Research**  
DED  
Real Estate Services  
Vogel+Timmons