



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Court House Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Voice/Relay

Amy Gowan, Director

FAX 410-313-3467

February 12, 2020

Char-Mar Land Corporation
8600 Frederick Road
Ellicott City, MD 21043

RE: WP-20-051 Char-Mar Land Corporation
Alternative Compliance Application Approved

Dear Sir or Madam:

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 Sections:

16.102 Applicability of Regulations for the division or development of land in Howard County.

16.147(a) The final plat becomes the official record of the division of land, and no lot within the subdivision may be sold legally until a final plat has been approved and recorded by the Department of Planning and Zoning.

Approval is subject to the following conditions:

1. Through the adjointer deed process, Tax Map 25 Parcels 18, 318, 334 and 335 shall be reconfigured as shown on the exhibit submitted with WP-20-051 and revised January 30, 2020; no new lots or parcels are to be created or endorsed under this approval.
2. The applicant must record the new deed of reconfiguration in the Land Records Office of Howard County, MD within 90 days of the date of alternative compliance approval (**on or before May 12, 2020**). A copy of the recorded Deed of reconfiguration shall be submitted to the Department of Planning and Zoning for file retention purposes within 30 days of deed recording.
3. Metes, bounds, bearings and distance information must be provided for ALL lot lines for all three parcels on the new adjointer deeds when recorded.
4. WP-20-051 (and all conditions of approval) shall be referenced in the confirmatory adjointer deeds, labeled as Conveyance Nos. 5, 11 and 12.
5. The adjointer deed exhibit that is to be recorded must show and label existing internal parcel lines to be "adjusted, removed, or modified" as part of the adjointer deed transfer and must show new parcel configuration as well.
6. Revise the file plan exhibits to include metes, bounds, bearings and distance information for all lot lines and include notes indicating all critical access easements with Liber/Folio reference.

Our decision was made based on the following:

Extraordinary Hardships or Practical Difficulties:

Howard County, Maryland has engaged an engineering firm to prepare construction drawings for the placement of new storm drain pipelines, structures and associated grading across part of the property owned by Char-Mar Land Corporation fronting Frederick Road (Main Street) in Ellicott City. The land containing these storm drain improvements is required to be purchased by Howard County in fee simple from Char-Mar Land Corporation immediately with associated drainage easements to be created at a later time.

Howard County Subdivision and Land Development Regulations require the creation of this fee simple parcel by preparations of either a formal subdivision plan or by adjoinder deed conveyances through the approval of an Alternative Compliance request to waive the requirement of a final plat. The submission of a final plat requires compliance with items listed in the Department of Planning and Zoning Final Plan Checklist including environmental reports for wetland, stream, floodplain and their associate buffers; traffic studies; landscape, etc. and other aspects of subdivision. In this specific case there is no proposes subdivision to create any new lots requested with this Alternative Compliance request.

Strict compliance to the regulations and recording a final record plat to reconfigure the common lot line between Tax Parcels #18, #318, #334 and #335 requires the owner to adhere to all items of subdivision which in this instance is not practical.

Because no residential or commercial development on these tax parcels is being proposed, complying with subdivision plan requirements for preparing a final plat are not warranted.

Alternative Proposal:

The intent of the Regulations will be served to a greater extent through the implementation of this alternative proposal because the reconfiguration of the outline of deeded Parcels #18, #318, #334 and #335 does not create any additional residential properties and results in the consolidation and reduction of the number of parcels from 4 to 3. Conveyances Nos. 5, 11 and 12 reflect the Confirmatory parcel outlines for the 3 re-configured parcels which will be recorded among the Land Records of Howard County.

Specifically, approval of the Alternative Compliance will:

1. Allow the relocation of existing deed lines that are presently crossing within existing structures in violation of current Zoning Regulations.
2. Remove the separation of the split B-2 and R-SC zoning within Tax Parcels #18 and #334 to be individually placed on separate deeded parcels (Conveyance Nos. 12 and 13).
3. Allow a separate deeded fee simple parcel to be created for the sole purpose of expediting transfer to Howard County, Maryland for the construction of the Capital Project for the flood remediation in Ellicott City along Frederick Road (Main Street).

Not Detrimental to the Public Interest:

It would not be detrimental to the public interest to approve this Alternative Compliance since the reconfiguration of Tax Parcels #18, #318, #334 and #335 will reduce the number of deed parcels from 4 to 3 without any new residential or commercial improvements being proposed. This approval will allow the creation of a fee simple parcel of land that Howard County will purchase for the construction of storm drain and storm water management associated with the remediation of the flood conditions in Ellicott City. Allowing the deed adjoinder process to proceed will minimize both costs to Howard County associated with the purchase of the property and the time frame to begin construction of the engineering contract.

Will Not Nullify the Intent or Purpose of the Regulations:

Approval of the Alternative Compliance will not nullify the intent of the Regulations because the adjoinder deed transfer will not alter the density potential of the property or provide for any avoidance of the Regulations. It is

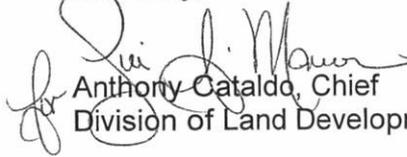
typically the Division of Land Development's concerns that in some instances the adjoining or reconfiguring of properties bypass final review of Howard County agencies.

Also, although the Regulations require submission of a final plat as an "official record of the division of land", the intent of the Regulations is to have an "official record" which can be achieved through a description with a new deed. It will not nullify the intent of the regulations since Tax Parcels #18, #318, #334 and #335 are being reconfigured in order to remove current Zoning encroachments; place the B-2 and R-SC zoned land on separate individual deeded parcels removing the existing split zoning and expedite the acquisition of fee simple land by Howard County to construct the storm drain and storm water management improvements along Frederick Road (Main Street) in Ellicott City.

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 Donna Despres at (410) 313-3429 or email at ddepres@howardcountymd.gov.

Sincerely,


Anthony Cataldo, Chief
Division of Land Development

JM/DD

cc: Research
DED
Real Estate Services
Fisher, Collins & Carter, Inc.

