



# 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

March 16, 2021

**Daniel J. Espenshade**  
**12390 Hall Shop Road**  
**Fulton, MD 20759**

**Thomas F. Pue**  
**168 Doyle Street**  
**Morgantown, WV 26505**

RE: WP-21-046 Pue Espenshade  
Alternative Compliance Approved

Dear Sirs:

This letter is to inform you that your request for alternative compliance to the Howard County Subdivision and Land Development Regulations for the subject project was reviewed.

On March 12, 2021 and pursuant to Section 16.104, the Director of the Department of Planning and Zoning, considered and **approved** your request for alternative compliance with respect to **Section 16.147(a)** of the Subdivision and Land Development Regulations to adjust a property line between Parcels 513 and 274 and thus transfer 0.4959 acres from Parcel 274 to Parcel 513. No new lots are proposed.

The Department of Planning and Zoning hereby determines that you have demonstrated to its satisfaction that strict enforcement of Section 16.147(a) would result in an unreasonable hardship or practical difficulty. This determination is made with consideration of your alternative compliance application and the (1) item you were required to address, pursuant to Section 16.104(a)(1):

**1. Unreasonable hardship or practical difficulties may result from strict compliance with the regulations.**

The owner of Parcel 513 wishes to adjust his lot line with Parcel 274 to improve the setback from his existing house to the property line. Parcel 274 has limited to no subdivision potential because it is encumbered by environmental features that limit developable area and complicate approval for septic disposal areas. The lot line adjustment does not propose creating any new lots. Lot 274 will remain a buildable lot meeting the minimum lot size requirements for the RR Zone. Strict compliance with the regulations would require processing of an ECP and Final Plan and Plat including APFO studies. Since no new lots are proposed. The processing and review of these plans will not benefit the public interest and will require additional effort and resources by County staff with no change in the proposal. The added time to process plans creates a practical difficulty with no benefit to either the applicant or the County. No improvements are proposed with this application and any future improvements require processing of plans and permits through DPZ and DILP. Approval of the alternative compliance promotes efficiency of the plan review process.

Furthermore, research by staff concludes that both Parcel 274 and 513 are legally created and buildable parcels. The deed history for Parcel 274 is straight forward, the status of P 513 is summarized here for clarity:

- Liber 533, Folio 746 dated May 27, 1970 referenced two parcels; Parcel 1 was 5.073 acres and Parcel 2 was 10,535SF. These parcels together were known as Parcel 285 on the Tax Map. The 5.073 acre parcel was created legally because the regulations in effect in 1970 allowed parcels greater than 5 acres to be created by deed. However, the 10,535SF parcel did not qualify for the same exemption to the subdivision plat requirement and was created in violation of the subdivision regulations and zoning regulations because it did not meet the minimum 40,000SF lot size requirement in the R-40 zoning district.
- Before the builder applied for a building permit for Parcel 513, the 2 parcels were modified via an adjointer deed (Liber 4182, Folio 277 – February 3, 1998) to increase the 10,535SF parcel to 1.36 acres and decrease the 5.073 acre parcel to 4.08 acres. Section 16.137D of the Subdivision Regulations permitted adjointer deed conveyances; however, the 10,535SF parcel was never legally created, therefore the adjointer deed was not valid.
- DPZ denied the building permit application for Parcel 513 because the original 10,535 parcel was not legally created. DPZ advised the applicant to submit a waiver petition to recognize the 10,535SF parcel as a valid lot; therefore, allowing the subsequent adjointer deed conveyance (Liber 4182, Folio 277) as legal. DPZ approved the waiver (WP-98-107) on May 20, 1998.
- DPZ issued a buildable lot letter for Parcel 285 on August 17, 2001 that was meant to apply to Parcel 513.

Approval of this Alternative Compliance is subject to the following conditions:

1. Through the adjointer deed process, Tax Map 40 Parcels 513 and 274 shall be reconfigured as shown on the exhibit submitted with WP-21-046 and signed by Howard County Health Department January 22, 2021; 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 June 13, 2021\***). 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 both parcels on the new adjointer deeds when recorded.
4. WP-21-046 (and all conditions of approval) shall be referenced in the adjointer deeds.
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.

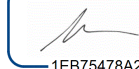
Indicate this alternative compliance petition file number, request, section of the regulations, action, conditions of approval, and date on all related plats, and site development plans, and building permits. This requested alternative compliance will remain valid for the time period specified in the conditions of approval.

\*Deadlines for submission are pursuant to the Fifth Edition of the Subdivision and Land Development Regulations. **Pursuant to Executive Order 2020-04, and as per DPZ Director Department Order dated April 14, 2020, certain deadlines are reinstated. Should those deadlines lapse while Executive Order 2020-03 is in effect, those deadlines are automatically extended to (30 days) beyond the termination of the order.**

If you have any questions, please contact Donna Despres at (410) 313-3429 or email at [ddepres@howardcountymd.gov](mailto:ddepres@howardcountymd.gov).

Sincerely,

DocuSigned by:



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Anthony Cataldo, AICP, Chief  
Division of Land Development

AC/DD

cc: Research  
DED  
DLD - Julia Sauer  
Real Estate Services  
NJR, Najib Roshan  
MD Real Estate Development, Gregory Phillips



**Howard County Maryland**  
**Department of Planning and Zoning**  
 3430 Courthouse Drive, Ellicott City, MD 21043

(410) 313-2350

DPZ Office Use only:  
 File No. *WP-21-016*  
 Date Filed *10/20/20*

**ALTERNATIVE COMPLIANCE APPLICATION**

**Site Description:** Parcels 274 & 513, 3rd Election District, Howard County, Maryland

**Subdivision Name/Property Identification:** Pue and Espenshade properties

**Location of property:** 12370 & 12390 Hall Shop Road

**Existing Use:** Residential      **Proposed Use:** Residential

**Tax Map:** 40      **Grid:** 6      **Parcel No:** 274 & 513      **Election District:** X 5 DE

**Zoning District:** RR-DEO      **Total site area:** 9.1978 Acres

Please list all previously submitted or currently active plans on file with the County (subdivision plans, Board of Appeals petitions, alternative compliance petitions, etc.). If no previous plans have been submitted, please provide a brief history of the site and related information to the request:

No previous documents. Parcel 513 has an existing house and Parcel 274 is vacant. The owner of Parcel 513 (Mr. Espenshade) would like to acquire a pies of Parcel 274 (0.4959 Ac.) without going through the full subdivision process.

In the area below, the petitioner shall enumerate the specific numerical section(s) from the Subdivision and Land Development Regulations for which an alternative compliance is being requested and provide a brief summary of the request. Please use the additional page if needed.

Section Reference No.	Brief Summary of Request
SEC.16.102(c) <i>16.147(a)</i> <i>DE</i>	With a mutual agreement between the owners of both parcels, Mr. Daniel J. Espenshade, the owner of Parcel 513 would like to annex a 0.4959 acres part of the property of Mr. Thomas Franklin Pue or Parcel 274. By submitting this application, they are requesting a waiver of the standard subdivision process and record this transfer by revising their property deeds.

Section Reference No.	Brief Summary of Request
30 2X	

Signature of Property Owner:

*D. J. Espenshade*

Date:

10/9/2020

Signature of Petitioner Preparer:

Date:

Name of Property Owner:

Daniel J. Espenshade

Name of Petition Preparer:

Address:

12390 Hall Shop Rd.

Address:

(0) 12390 Hall Shop Rd.  
30

City, State, Zip:

Fulton, MD 20759

City, State, Zip:

E-Mail:

djacopy@gmail.com

E-Mail:

Phone No.:

410-916-4747

Phone No.:

Contact Person:

Daniel Espenshade

Contact Person:



Owner's Authorization Attached