



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

November 28, 2022

Mr. Michael A. Comberiate
13973 Clarksville Pike
Highland, MD 20777

RE: WP-23-023 Clarksville Pike 13971 & 13973
Alternative Compliance Approved

Dear Mr. Comberiate:

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 November 28, 2022 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 lot lines between two parcels by adjointer deed granting approximately 0.5 acres to the smaller of the two lots.

**The application incorrectly lists Section 16-120(4) of the Subdivision Regulations as the section you are seeking relief from. Section 16.120 pertains to lot layout and this request has been updated to reflect the request from Section 16.147(a) which requires a final plat as the official record of the division of land.*

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 applicant is not creating any new lots and is merely transferring property from one parcel to the other in order to allow additional septic area reserves for Parcel 433. Typically, this could be addressed by re-recording a previously recorded plat with this minor revision through a process with a simplified, direct plat submission for review and processing to DPZ. However, no record plat currently exists for these parcels, which were legally created in 1973 by deed. Strict enforcement of the regulations would require additional plan, studies and report submittals from the applicant to submit a plat for approval and recordation by the County. The proposed lot line adjustment is the only change being made on the properties and strict enforcement requiring the submittals typical for a subdivision presents an unreasonable hardship. Approval of the alternative compliance promotes efficiency of the plan review process.

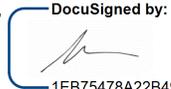
Approval of this Alternative Compliance is subject to the following conditions:

1. Through the adjointer deed process, Tax Map 40 Parcels 433 & 407 shall be reconfigured as shown on the exhibit dated October 14, 2022 submitted with WP-23-023.
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 February 26, 2023). A copy of the recorded Deed of reconfiguration shall be submitted to the Department of Planning Zoning for file retention purposes within 30 days of deed recording.
3. All existing structures must meet minimum setbacks from the proposed parcel lines per the Zoning Regulations or be removed prior to recordation of the adjointer deed.
4. WP-22-047 shall be referenced in the confirmatory adjointer deeds.
5. An exhibit is to be recorded with the adjointer deed to illustrate the lot line adjustment with all metes and bounds descriptions and include lines to be added and abandoned with the adjointer deed recordation.

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].

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

Sincerely,

 DocuSigned by:
1EB75478A22B49A...

Anthony Cataldo, AICP, Chief
Division of Land Development

AC/DD

cc: Research
DLD - Julia Sauer
Real Estate Services
Landtek Partners, LLC



DPZ Office Use only:
File No.
Date Filed

ALTERNATIVE COMPLIANCE APPLICATION

Site Description: 13971 & 13973 Clarksville Pike

Subdivision Name/Property Identification: Michael Comberiate, Plat of Survey for E.F. Cox - C-3955-3

Location of property: Highland, Maryland 20777

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

Tax Map: 40 **Grid:** 15 **Parcel No:** 407 & 433 **Election District:** 05

Zoning District: RR-DEO **Total site area:** 5 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 plans have been submitted and none are currently active. Petitioner/Owner purchased the property in 1973 and at that time it was subdivided into two lots; one smaller lot (1.474 acres) and one larger (3.526 acres) and a single family home was built on each. Not enough room was allowed for future septic replacement on the smaller lot and the owner is hereby requesting the boundary between the lots be adjusted to allow for future and likely pending replacement. This is a lot line (deed) adjustment only - No trees or shrubs will be impacted by this request. Similarly, existing existing Egress, Parking and Access to the parcels is not affected by this request.

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
<p>16-120(A) 10.102</p>	<p>Allow adjustment of the lot line between the two parcels owned by Mr. Comberiate as described by the attached plat and legal descriptions to reapportion the original 5 Acre plat so that future septic field replacement can be achieved. Approximately 0.5 of an acre will be allocated from the larger lot to the smaller lot (same owner) as described by the attached plat.</p>

Section Reference No.	Brief Summary of Request

Signature of Property Owner:

Date:

Signature of Petitioner Preparer:

Date:

Name of Property Owner:

Michael A. Comberiate

Name of Petitioner Preparer:

Landtek Partners, LLC

Address:

13973 Clarksville Pike

Address:

9841 Broken Land Parkway
Suite 110

City, State, Zip:

Highland, MD 20777

City, State, Zip:

Columbia, MD 21046

E-Mail:

nasamike@nasamike.com

E-Mail:

landteksurvey@gmail.com

Phone No.:

301-854-2937

Phone No.:

410-703-2679

Contact Person:

Michael Comberiate

Contact Person:

Patrick Sweeney, PE, FS

Owner's Authorization Attached