

Howard County Department of Planning and Zoning
Division of Land Development
WAIVER PETITION APPLICATION
[Waiver from Subdivision and Land Development Regulations]

Date Submitted/Accepted 9/11/14 DPZ File Number WP-15-032

I. Site Description

Subdivision Name/Property Identification: 14290 Triadelphia Road

Location of property: northwest corner of Triadelphia and Sharp Roads
(Street Address and/or Road Name)

Old Church
(Existing Use)

Interior Design Business (BA 14-004C&V)
(Proposed Use)

21
(Tax Map No.)

18
(Grid/Block No.)

104 & 135
(Parcel No.)

Fourth
(Election District)

RC-DEO
(Zoning District)

1.49
(Total Site Area)

Provide a brief site history including reference to all previously submitted or currently active plans on file with the County (subdivision plans, Board of Appeals petitions, waiver petitions, etc.)

BA-14-004C&V; ECP-15-010; SDP-15-010

II. Waiver Request

In accordance with Section 16.104 of the Howard County Subdivision and Land Development Regulations, the Department of Planning and Zoning, in conjunction with the Subdivision Review Committee **may grant waivers or modifications to the minimum requirements stipulated within the Regulations if it is determined that extraordinary hardships or practical difficulties may result from strict compliance with the regulations, or if it is determined that the regulations may be served to a greater extent by an alternative proposal.**

In the area below, the petitioner shall enumerate the specific numerical section(s) from the Subdivision and Land Development Regulations for which a waiver is being requested and provide a brief summary of the regulation. Attach a separate sheet if additional information is appropriate.

<u>Section Reference No.</u>	<u>Summary of Regulation</u>
1. <u>16.118(c)</u>	<u>No grading or construction shall be permitted within 30 feet of a cemetery or within 10 feet of individual gravesites.</u>
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____

III. *Justification*

· **All waiver requests must be fully justified by the petitioner. Incomplete or inadequate justification may result in rejection of the application at the time of submission.** Justification must be specific to the subject property. The justification provided by the petitioner should include all factors which rationalize or substantiate the request in accordance with the following criteria:

- a. Summarize any extraordinary hardships or practical difficulties which may result from strict compliance with the Regulations.
- b. Verify that the intent of the Regulations will be served to a greater extent through the implementation of the alternative proposal.
- c. Substantiate that approval of the waiver will not be detrimental to the public interests.
- d. Confirm that approval of the waiver will not nullify the intent of the Regulations.

PLEASE ATTACH A SEPARATE LETTER OF JUSTIFICATION TO SUPPORT THE WAIVER REQUESTS.

IV. *Pre-Submission Meeting Requirements*

- a. **Community Meeting Requirement** - If no previous subdivision plans and/or zoning or conditional use petitions were processed, a pre-submission community meeting is required for the initial plan submittal of all new residential development and for new non-residential development located within 200 feet of a residential zoning district or an existing non-residential development which is located within 200 feet of a residential zoning district and proposed for a floor area expansion of more than 25% in accordance with Sections 16.156(a) and 16.128 of the Subdivision and Land Development Regulations for waivers of the site development plan requirement. [See DPZ policy memo dated 3/22/04 for existing lots/parcels]. The property owner/developer must provide 3 weeks advance notice regarding the community meeting's date, time and location to all adjoining property owners identified in the records of the State Department of Assessments and Taxation and any community association that represents the geographic area of the subject property by first class mail; and sent electronically to any community association registered with the County for projects in a certain geographic area; the Howard County Council; and DPZ, which will place the meeting notice on the DPZ's website. The developer shall send a copy of the minutes and written responses to the meeting attendees and DPZ, either electronically or by first class mail. **A certification that meeting notices were mailed, contact information for the attendees and a copy of the minutes and a written response with a dated return mail receipt or dated email attached to all of the major comments recorded at the meeting must be submitted to DPZ along with the initial plan application. The meeting minutes, including a written response to all questions, shall be sent to all meeting attendees within 60 days of the meeting either electronically or by first class mail [Council Bill 6-2011].**
- b. **HDC Meeting Requirement** - A pre-submission advisory meeting with the Historic District Commission is required for new development located within a Historic District or if the site contains a historic structure (50 years or older) in accordance with Section 16.603A of the Howard County Code. Verify this requirement by checking the Historic Sites Inventory list and maps available at the DPZ public service desk or checking with the Resource Conservation Division. The property owner/developer must contact the DPZ, Resource Conservation Division for the HDC scheduling process and procedures. **The property owner/developer must submit a copy of the minutes from the HDC Advisory Meeting to DPZ along with the initial subdivision or site development plan application.**
- c. **MAA Meeting Requirement** - For all proposed subdivisions or developments located within the BWI Airport Noise Zone or the Airport Zoning District (4 mile radius from the center of the airport), the review and approval by the Maryland Aviation Administration is required prior to signature approval of final plan road and SWM construction drawings, and/or site development plans, or waiver approval of SDP. Please contact the MAA at P.O. Box 8766, BWI Airport, Maryland, 21240-0766, or (410) 859-7100. A copy of the MAA approval letter must accompany the submission of the final road/SWM construction plan original drawings, and/or site development plan original, or waiver petition application.

- d. **Design Advisory Panel (DAP)** – A pre-submission advisory meeting with the Design Advisory Panel is required for sketch and preliminary equivalent sketch plans that are submitted on or after November 3, 2008 for new development or redevelopment projects on parcels located in the U.S. Route 1 corridor that are zoned 'CE', 'CAC' or 'TOD' or that adjoin the Route 1 right-of-way and that are subject to the Route 1 Design Manual; on parcels located within the U.S. Route 40 corridor that are zoned 'TNC' or that are subject to the Route 40 Design Manual; on parcels which age-restricted adult housing is to be constructed pursuant to a conditional use; on redevelopment parcels located in the New Town Village Centers with boundaries proposed by a property owner or established by the Zoning Board or County Council; and for revitalization and redevelopment of Downtown Columbia in accordance with Sections 16.1501 and 16.1504 of the Howard County Code. The property owner/developer must contact the DPZ, Division of Comprehensive and Community Planning to verify this requirement and for information concerning the DAP meeting scheduling process and procedures. **The property owner/developer must submit a copy of the DAP project design recommendations to DPZ along with the initial subdivision plan application.**

V. Plan Exhibit

A. Number of Copies Required

The waiver petition application must be accompanied by copies of a detailed plot plan, subdivision plat or site development plan (**15 sets of the completed waiver application and plan exhibit if the subject property adjoins a County road; 19 sets for properties adjoining a State road**). In instances where the waiver request concerns an approval extension or if an associated plan is in active processing, only 2 sets of plans are required along with 15 or 19 copies of the application form. **Plans must be folded to a size no larger than 7-1/2" x 12". The pre-packaging of plans and supplemental reports by SRC agency will be permitted by DPZ provided that each package contains a cover letter which itemizes all plans, reports and documents included in the package.**

Please be advised that all plan application submissions are ACCEPTED BY APPOINTMENT ONLY. All plan submission appointments must be scheduled with the Division of Land Development at (410) 313-2350.

Plan applications are available on the DPZ website at <http://www.co.ho.md.us/DPZ/formsfeesapplications.htm>.

B. Plan Requirement Checklist

The detailed waiver petition exhibit, plot plan, subdivision plan or site development plan must indicate the following required information relevant to the waiver request to ensure acceptance of the waiver petition application for processing.

Legend:	<input checked="" type="checkbox"/> Information Provided	<input checked="" type="checkbox"/> Information Not Provided, Justification Attached
	<input checked="" type="checkbox"/> NA Not Applicable	

- ✓ 1. Vicinity map scale 1" = 2,000' indicating and identifying the total boundary of the property, exact site location, vicinity roads and north arrow.
- ✓ 2. Bearings and distances of property boundary lines for the entire tract and size of tract area.
- ✓ 3. North arrow and scale of plan.
- ✓ 4. Location, extent, boundary lines and area of any proposed lots.
- ✓ 5. Any existing or proposed building(s), structures, points of access, driveways, topography, natural features and other objects and/or uses on the subject and adjacent properties which may be relevant to the petition; i.e. historic structures, cemeteries or environmentally sensitive areas.
- ✓ 6. Delineation of building setback lines.
- ✓ 7. Delineation of all existing public road and/or proposed street systems.
- ✓ 8. Identification and location of all easements.

- N/A 9. Approximate delineation of floodplain, streams, wetland and forested areas, if applicable, and/or provide a professional certification that environmental features do not exist on the property.
- N/A 10. Road profile to evaluate sight distance, if the application includes a request for direct access to a major collector or more restrictive roadway classification.
- N/A 11. Any additional information to allow proper evaluation (e.g. for waivers to wetland buffers an alternative analysis and mitigation proposal are needed; for waivers to SDP requirements where there is no subdivision of land, an APFO Roads Test evaluation may be needed, for waivers of final plat or SDP, a copy of property deeds to confirm legal creation or status of property is needed).
- N/A 12. Photographs, perspective sketches or cross-sections as necessary to adequately portray the waiver request.
- √ 13. The exhibit plans should be highlighted to accurately illustrate the requested waiver(s) to allow proper evaluation (i.e. proposed grading, tree clearing or other disturbances within environmentally sensitive areas or buffers).
- √ 14. Submit 2 sets of photographs for all existing on-site structures.
- √ 15. Identify the location of any existing wells and/or private septic systems.

N/A 16. **Route 1 Manual**
Compliance with the Route 1 Manual is required for new development and some alterations or enlargements located in the CE, TOD and CAC zoning districts and for other zoning districts located within the Route 1 corridor. All plan submissions, beginning with the initial subdivision or site development plan, shall show all applicable streetscape, site and building designs responding to the Route 1 Manual's requirements and recommendations. All plan submissions shall provide a written summary of how the proposed design achieves the objectives of the Route 1 Manual. Also, building design and schematic architectural elevation details must be included with the initial subdivision or site development plan submission.

N/A 17. **Route 40 Design Manual**
Compliance with the Route 40 Design Manual is required for new development and redevelopment projects located in the Traditional Neighborhood Center (TNC) zoning districts and on parcels located within the Route 40 Corridor as defined in the Route 40 Design Manual. All plan submissions within the Route 40 corridor, beginning with the initial subdivision or site development plan, shall show all applicable streetscape, site and building designs responding to the Route 40 Design Manual's requirements and recommendations. All plan submissions within the Route 40 corridor shall provide a written summary of how the proposed design achieves the objectives of the Route 40 Design Manual. Also, building design and schematic architectural elevation details must be included with the initial subdivision or site development plan submission.

√ 18. **Property Deeds** – Information to confirm the legal creation or status of the property to be improved. (Copy of deeds from Howard County Land Records Office or record plat name and recording reference number). **A complete chronological deed history is required for all deeded residential properties. Provide 2 copies of the recorded deeds for the subject property tracing its history back to 1960.**

/A 19. Please complete the following:

A pre-submission meeting was held with DPZ on _____ with
[date] _____, if applicable.
[DPZ, Director, DLD Division Chief or other SRC representatives]

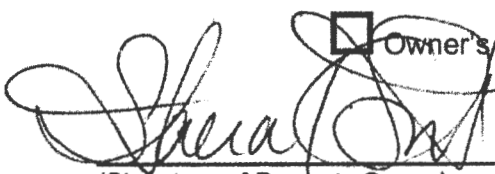
VI. Fees

The Waiver Petition application fee shall be in accordance with the adopted fee schedule. All checks shall be made payable to the *Director of Finance*. **The petition will not be accepted for processing until the fee has been paid. Incomplete, incorrect or missing information may result in the rejection of the application and could cause additional time to be required to revise the petition for resubmittal and re-review. For more information or questions, contact DPZ at (410) 313-2350.**

VII. **Owner's/Petitioner's Certification**

I/WE the undersigned fee simple owner(s) hereby make application to the Howard County Department of Planning and Zoning to relax the minimum requirements of the Howard County Subdivision and Land Development Regulations. The undersigned hereby certifies the information supplied herewith is correct and complete, confirms that the regulations and policies as referred to in the attached are understood, and authorizes periodic on-site inspections by the Howard County Subdivision Review Committee agencies. ***If the applicant is the owner's agent, written documentation from owner granting that authority is required at the time of the submission.**

☒ Owner's authorization attached *



(Signature of Property Owner)
(Fee Simple Owner Only)

9.8.14
(Date)



(Signature of Petition Preparer) * (Date)

Homewood Properties, LLC
(Name of Property Owner)

FISHER, COLLINS & CARTER, PA
(Name of Petition Preparer, Surveyor/Engineering/Architect or Agent/Developer)

14290 Triad (Philly) Road
(Address)

10272 BALTIMORE NATIONAL PIKE
(Address)

Glenely MD 21037
(City, State, Zip Code)

ELICOTT CITY, MD
(City, State, Zip Code) 21042

E-Mail stacia@homewoodinteriorscape.com

E-Mail STEPHANIE@FCC-ENG.COM

410-489-5600
(Telephone) (Fax)

410-461-2855 410-750-3112
(Telephone) (Fax)

Contact Person: Stacia Smith

Contact Person: STEPHANIE TUIE

Howard County Department of Planning and Zoning
Division of Land Development

INITIAL SUBMISSION
WAIVER PETITION WORKSHEET
(For DPZ Use Only)

Project Name 14290 Triadelphia Road DPZ File No. _____
DPZ Plan Reviewer _____ Submission Date _____
Plan Consultant Representative _____ Time _____

- I. **Application Requirements** *Indicate Yes, No or N/A*
- a. Application is complete _____
- b. Required number of plans and applications are provided _____
 ___ Plans (15 sets on County Road or
 ___ Applications 19 sets on State Road)
- c. Supplemental Information is provided _____
- d. Certification of pre-submission community meeting and summary of community comments with dated responses to all meeting attendees within 60 days is provided and three week notice given to DPZ and County Council, if applicable _____
- e. Certification of pre-submission HDC advisory meeting for new projects in Historic District or listed in Historic Sites Inventory _____
- f. Photographs of existing structures (for Historic Preservation Review) _____
- g. MAA Approval Letter (if applicable) _____
- h. Written summary of Route 1 Manual/Route 40 Design Manual compliance (if applic) _____
- i. DAP project design recommendation for Route 1/Route 40 projects _____

- II. **Fee Computation** **Fee**
- Number of waivers requested _____
- * Base Fee for first two waiver sections (**\$450**) _____
- Fee for each additional waiver section (___ additional waivers x **\$50** each) _____
- * (Maximum fee of **\$350** for Agricultural Preservation parcels)
- TOTAL** _____

- III. **Certification**
- Cash Receipt No. _____ Amount _____
- SAP Acct 1000000000-3000-3000000000-PWPW000000000000-432530**

Check issued by _____

___ Waiver petition application is accepted for processing.

___ Scheduled SRC meeting date.

___ Waiver petition application is rejected.

Reason: _____

___ Resubmission is accepted. Date _____ Staff initials _____

Comments/Notes _____

14290 Triadelphia Road **Waiver Petition Justification**

On behalf of our client, Homewood Properties, LLC, owner/developer of the property at 14290 Triadelphia Road, we are requesting a waiver from the following Section of the Howard County Subdivision and Land Development Regulations (Regulations):

Section 16.118(c) Cemeteries: Cemeteries shall be dealt with in accordance with Subtitle 13 of this Title. In any case, no grading or construction shall be permitted within 30 feet of a cemetery boundary or within 10 feet of individual grave sites.

14290 Triadelphia Road is located at the northwest corner of the intersection of Triadelphia and Sharp Roads, both county public roads. Site contains a Historic Church Building (HO-209) and gravel access drives onto both Triadelphia and Sharp Roads. A Site Development Plan has been submitted to reconfigure some of the parking area, horizontally and somewhat vertically and top pave with asphalt along with providing a stormwater management facility.

This waiver request is to permit disturbance less than 30 feet from the property line / boundary of the cemetery (located off-site). This is required in order to modify the existing gravel access and parking area.

Justification for the waiver from Section 16.118(c) is as follows:

a. “Summarize any extraordinary hardships or practical difficulties which may result from strict compliance with the Regulations.”

The existing gravel drive and parking area are located within 30 feet of the adjacent cemetery. The site development plan submitted simply proposes to reconfigure the existing driveway and parking and provide handicap accessible space at the existing ramp to the existing structure. In order to do so, it means grading within 30 feet of the off-site cemetery that has fencing along its perimeter and is offset from the property line by a minimum of 19 feet. The cemetery limits are also edged with large specimen trees providing additional confirmation of the cemetery limits. Although disturbance is proposed approximately 22 feet from the fence line, this area was previously disturbed and only minor changes are proposed in this area.

b. “Verify that the intent of the Regulations will be served to a greater extent through the implementation of the alternative proposal.”

Although the intent of the regulations is to not disturb ground within 30 feet of a cemetery, this cemetery is delineated by existing fencing and large trees and prior disturbance is less than 30 feet of the cemetery. It is assumed that the intent of this regulation is to not disturb this area, due to potential existence of graves. Since cemetery limits are defined and located off-site, the intent of the regulations is being honored.

- c. “Substantiate that approval of the waiver will not be detrimental to the public interests.”

Approval of this waiver would not be detrimental to the public interest since the disturbance is proposed approximately 22 feet from the fence line delineating the limits of the cemetery and the area of proposed disturbance was previously disturbed. Only minor changes are proposed to this existing gravel parking and driveway, therefore approval of this waiver should not be seen as detrimental to the public interests.

- d. “Confirm that approval of the waiver will not nullify the intent of the Regulations.”

As stated above, the intent of the regulations would not be nullified. Allowing the disturbance within a distance less than the required 30 feet will not nullify the intent of the regulations since the area of disturbance was previously disturbed and the off-site cemetery and existing fencing that delineates the cemetery is setback from the property line by more 19 feet.

W.O. 13034-6001

PROPERTY LINE

10' BRL

OUTLINE OF EXISTING
DECK TO BE REMOVED

PROPOSED 410 S.F.
WOOD DECK

30' BRL

EXPANDED
RESIDENCE

PORTION OF EXISTING
STRUCTURE SCHEDULED
FOR DEMOLITION

Foundation to
Remain new
Framing etc

PORTION OF EXISTING
STRUCTURE SCHEDULED
FOR DEMOLITION

PROPERTY LINE

EXISTING RESIDENCE

PORTION OF EXISTING
STRUCTURE SCHEDULED
FOR DEMOLITION

EXISTING SEPTIC
TANK LOCATION

PROPERTY LINE

NEW PAVER
PATHWAY

EXIST
SHEI

NEW
ENT

30' BR

EXISTING BASEMENT
AREAWAY TO REMAIN

EXISTING STEPS AND
ENTRY TO REMAIN

EXISTING WELL LOCATION
TAG NO: H0811848

LOT #1