



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Marsha S. McLaughlin, Director

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FAX 410-313-3467
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February 2, 2011

Alex Enterprises, LLC
7208 Honeybush Dr.
Mount Airy, MD. 21771
ATTN: Gary Myers

RE: WP-11-054 (Alex Enterprises, LLC)

Dear Mr. Myers:

The Director of the Department of Planning and Zoning considered your request for a waiver from the Howard County Subdivision and Land Development Regulations.

As of the date of this letter, the Planning Director **approved** your request to waive **Section 16.155(a)(1)(ii) Applicability** which requires a Site Development Plan for any establishment of a use or change of use unless the Department of Planning and Zoning determines that the establishment or change in use will cause less than 5,000 square feet of site disturbance, that no significant alteration to access, parking, circulation, drainage, landscaping, structures, or other site features is required, and that the proposed use does not qualify as redevelopment that requires stormwater management in accordance with the Design Manual.

Approval is subject to the following conditions:

1. Per the State Highway Administration and the Development Engineering Division, all public access must occur via MD 144. The existing access on MD 94 shall be used only for the loading and unloading of trucks. Therefore, the applicant shall gate the MD 94 access to prevent public use. Within 6 months of the approval (**on or before August 1, 2011**) and prior to the opening of the snowball stand, the applicant must provide photographic evidence that this access point has been gated and informational signs posted, limiting access to delivery trucks only.
2. The applicant must address handicapped parking for the site. Within 6 months of the approval (**on or before August 1, 2011**) and prior to the opening of the snowball stand, the applicant must provide photographic evidence that handicapped parking spaces have been posted. Contact the Department of Inspection, Licenses and Permits directly to (410-313-2455) to determine the minimum number of handicapped spaces required.
3. A copy of the updated shared parking agreement (not a lease agreement) must be provided. The parking agreement must address parking for the Serve-Pro Operation and the Myers Mini Barn Operation and snowball stand. A complete copy of document must be provided to the Department of Planning and Zoning within 6 months of the waiver approval (**on or before August 1, 2011**) and prior to the opening of the snowball stand.
4. Written confirmation from the Health Department that all Health Department issues have been addressed must be submitted within 6 months of waiver approval (**on or before August 1, 2011**) and prior to the opening of the snowball stand.
5. The applicant shall comply with all applicable County and State Regulations and obtain all necessary permits from the Department of Inspections, licenses and Permits prior to the opening of the snowball stand.

6. Approval of this waiver is only for the snowball stand, the applicant shall be advised that any additional development of the site will require the submission and approval of a site development plan.

7. Any further expansion may require stormwater management for the TOTAL impervious area.

8. The parking for the adjacent lot must be designated so as not to interfere with the temporary display area.

The Planning Director's decision was made based on the following:

Extraordinary hardships or practical difficulties:

The applicant would incur practical difficult and unnecessary hardship if the waiver request were not approved. Requiring a site development plan for to an existing building storage/display area and a new 288 square foot snowball stand would require an undue amount of time for preparation, processing and review. The waiver exhibit with its associated notes and parking information constitutes an acceptable substitution for a Site Development Plan.

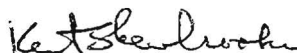
Detrimental to the Public Interest /Nullifies the Intent or Purpose of the Regulations:

Approval of this waiver request will not nullify the Intent of the Regulations nor be Detrimental to the Public Interest. The waiver petition exhibit, with its associated notes, is a suitable substitute for the requirements and provides all information necessary to satisfy the intent and purpose of the regulations. Per the submitted justification, "the project is exempt from stormwater management requirements because the limit of disturbance is less than 5,000 square feet. The land use within the display area for the snowball stand is temporary. All drainage from the site flows to an established grass swale running parallel to South Street. No significant alteration to vehicular access, parking or drainage has occurred or is required for the snowball stand use and the stand would be located within the previously shown display area approved under WP-09-061. Landscaping is not required as there will be no new site improvements and on-site structures are not permanent. Parking is adequately addressed on the adjacent "Serve Pro" site which is also owned by the applicant. The Petitioner's prior and continued use of his property does not impede, deter, or cause any safety or health issues to the public."

Indicate this waiver 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 waiver will remain valid for the time period specified in the conditions of approval.

If you have any questions, please contact Tanya Krista-Maenhardt, AICP at (410) 313-2350 or email at tmaenhardt@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

CH/tmaenhardt/waivers 2010/Alex Enterprises approval WP-11-054

cc: DED
Research
Zoning-Cindy Hamilton, Chief
LDE-Bruce Burton