



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING  
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Marsha S. McLaughlin, Director

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December 13, 2013

AT&T Mobility  
7380 Coca Cola Drive  
Hanover, Maryland 21076  
Attn: Mr. Salamone

RE: WP-14-041, AT&T Mobility  
3875 Route 97, Glenwood

Dear Mr. Salamone:

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)(i)** of the Subdivision and Land Development Regulations, which states that a site development plan is required for expanded nonresidential development, including utility development, and **Section 16.118(c)** of the Subdivision and Land Development Regulations which states that no grading or construction shall be permitted within 30 feet of a cemetery boundary or within 10 feet of individual grave sites.

Approval is subject to the following conditions:

1. Compliance with the Board of Appeals Case No. 13-021c Decision and Order approved on October 21, 2013. The waiver petition plan exhibit shall serve as the substitute for a site development plan for this Conditional Use site. The waiver shall apply only to the uses and structures as described in the Decision and Order and not to any other activities, uses, structures or additions.
2. Compliance with all applicable County and State Regulations and obtain all necessary permits from the Department of Inspections, Licenses and Permits prior to initiating development on-site.
3. Submission of a detailed plan similar to the approved waiver petition plan exhibit for any grading and building permits required by the Department of Inspections, Licenses and Permits. Reference and summarize this waiver petition decision on all relevant plan and permit application submissions.
4. The 78 square foot expansion to the existing compound, which includes new equipment on a 6 foot by 10 foot concrete pad, an 8 foot high fence and 6 foot high gate on the northeast side, shall not be constructed closer than 13 feet from the cemetery boundary. This condition of approval supersedes the previous condition of 20 feet from the cemetery boundary under WP-02-051.
5. Per the previously approved waiver petition, WP-02-051, landscaping was provided on the northeast side of the compound. Due to the expansion, existing landscaping will be removed. The applicant should retain and/or replant the Leyland Cypress's along the northeast side of the compound that is not encompassed by the gate.
6. The applicant shall be advised that any additional site improvements or expansions of this telecommunications facility may be required to address the forest conservation regulations.

7. The applicant shall be advised that any additional expansions to this telecommunications facility shall be designed to maintain the minimum 10 foot cemetery setback requirement from individual grave sites and may require approval from the Cemetery Advisory Board.

Our decision was made based on the following:

*Extraordinary Hardship or Practical Difficulty*

No site development plan exists for this site. The development of the initial telecommunications facility was granted by a previous waiver petition, WP-02-051. Due to the insignificant proposal, compliance with submitting a standard site development plan would provide an extraordinary hardship on the applicant.

Currently there is limited space within the existing compound, therefore an expansion is necessary. The applicant has explored different options for the expansion, however due to the established easement area and the location of existing church and its proximity to the existing compound, the only viable option for the expansion is on the northeast side adjacent to the cemetery boundary.

*Not Detrimental to the Public Interest*

It has been determined by the Hearing Examiner, under Board of Appeals Case BA-13-021c, that the small extension will have little to no adverse effects on the surrounding properties since it will not generate inordinate noise or other physical impacts detectable from adjacent properties, it will be screened by a fence and existing landscaping, and it would not discourage the development and/or use of the adjacent land.

*Will not Nullify the Intent or Purpose of the Regulations*

In accordance with the Division of Land Development policy memo dated May 1, 2011 an applicant may submit a waiver petition application for consideration to waive the standard SDP process when only minor alterations or additions are proposed to any existing structures. The proposed telecommunications expansion is 78 square feet and is exempt from stormwater management. The proposed improvements meet the current setbacks and no additional parking is required for the utility expansion. Landscaping will be required along the perimeter of the compound. Therefore, in compliance with the policy memo and the site proposal the intent of the requirement a site development plan is not being nullified.

The intent of Section 16.118(c) of the Subdivision Regulations is to protect the historic resources and existing gravesites. Although the expansion is within 30 feet of the cemetery boundary the expansion will not encroach within the 10 foot setback from individual gravesites.

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 one year from the date of this letter or as long as the associated permit remains in active processing.

If you have any questions, please contact Julia Boone at (410) 313-2350 or email at [jboone@howardcountymd.gov](mailto:jboone@howardcountymd.gov).

Sincerely,



Kent Sheubrooks, Chief  
Division of Land Development

KS/jb

cc: Research  
DED  
DILP  
DPZ, Zoning