



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

Marsha S. McLaughlin, Director

www.howardcountymd.gov
FAX 410-313-3467
TDD 410-313-2323

November 4, 2014

Homewood Properties, LLC
14290 Triadelphia Road
Glenelg, MD 21737
Attn: Stacia Smith

RE: Homewood Properties Interior Design Studio
14290 Triadelphia Road, Glenelg, MD 21737
WP-15-032 (SDP-15-010)

Dear Ms. Smith:

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 16.118.(c)** which requires that no grading or construction shall be permitted within 30-feet of a cemetery boundary or within 10-feet of individual graves. Approval is subject to the following conditions:

1. Review and approval of a grave location survey is required with the subdivision plat, F-15-037. This survey is required to insure that the cemetery limits and no individual grave(s) exist on this site. If the findings of the grave location survey show that any portion of the cemetery or any individual grave(s) exist within this site, then the subdivision plat shall be designed to be in accordance with the Cemetery Preservation Requirements as outlined in Section 16.1304 of the Subdivision and Land Development Regulations and Planning Board approval will be required.
2. Waiver approval for construction within 30-feet of the cemetery boundary is to coincide with the limit of disturbance (LOD) as approved under SDP-15-010. The LOD for the proposed improvements shall coincide with the limits of the previous disturbed area for the existing gravel drive and parking areas which are shown on the Waiver Petition Exhibit to be located approximately 22-feet from the fence and boundary of the off-site cemetery at the closest point.
3. Grading or construction within 10-feet of an individual grave(s) has not been approved under this waiver petition request.
4. Based on the proposed LOD shown on the SDP and Waiver Petition Exhibit, no grading or construction to the area between the rear of the existing church structure and the cemetery is approved under this waiver petition request.
5. Under discovery of any evidence of burial or graves, the developer will be subject to Section 16.1305 of the Howard County Subdivision and Land Development Regulations. Burial grounds shall not be disturbed except as permitted by State Law.

Justification for our decision was made based on the following:

- Summary of the extraordinary hardship or practical difficulty resulting from strict compliance with the regulations: The existing gravel drive and parking area are located within 30-feet of the adjacent cemetery. The SDP proposes to reconfigure the existing driveway and parking and to provide handicap accessible space at the existing ramp to the existing historic church structure.

The proposed improvements require grading within 30-feet of the off-site cemetery which has fencing along its perimeter and is offset from the property line by a minimum of 19-feet. In this area, the perimeter of the cemetery is also edged with large specimen trees with provide additional confirmation of the cemetery limits. Although the required disturbance is proposed to occur approximately 22 feet from the fence line, this area was previously disturbed an only minor changes are proposed in this area.

- The 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 which delineates the limits of the cemetery; and, since the area of the 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.
- Approval of the waiver will not nullify the intent or purpose of the regulations: Although the intent of the regulations is to not disturb ground within 30-feet of a cemetery boundary, the prior disturbance for the existing driveway and parking area occurred within an area which is less than 30-feet from the cemetery boundary. It is assumed that the intent of this regulation is to not disturb this specified area due to potential existence of graves. Since the cemetery limits are located off-site and are defined by a fence and tree-line, the intent of the regulations will be honored. 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, since the off-site cemetery, and the existing fencing that delineates the limits of the cemetery, is setback from the property line by more than 19-feet.

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 site development plan remains in active processing.

If you have any questions, please contact Ms. Pat Britt-Fendlay at 410-313-3371 or via e-mail at pfendlay@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/MPB 

cc: Research
Jayesh V. Pancholi – Development Engineering Division
Resource Conservation Division (HO-209 & Cemetery #21-1)
Division of Public Service & Zoning Administration (BA-14-004C&V)
Real Estate Services Division, DPW
DPZ File # SDP-15-010 & F-15-037