



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

October 27, 2020

EM-JA, LLC
c/o Jane Johnson
P.O. Box 105
Ellicott City, MD 21041

RE: WP-21-039 Judge's Bench; 8385 Main Street

Dear Ms. Johnson:

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 October 25, 2020 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 16.155(a)(1)(i)** of the Subdivision and Land Development Regulations to demolish the existing brick retaining wall located on the side of the building and rebuild it two feet over to the west in order to expand the patio and provide room for outdoor dining.

The Department of Planning and Zoning hereby determines that you have demonstrated to its satisfaction that strict enforcement of Section 16.155(a)(1)(i) would result in an unreasonable hardship or practical difficulty. This determination is made with consideration of your alternative compliance application and the one (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 proposes to demolish the existing brick retaining wall located on the side of the building and rebuild it two feet to the west in order to expand the patio and provide room for outdoor dining. These proposed minor improvements would typically be addressed as a minor modification to an existing site development plan; however, this historic site predates the County's development regulations and the requirement for a site development plan. The existing retaining wall is crumbling and is in bad repair due to the added strain of the yearly rains; particularly the 2016 and 2018 floods. The current COVID-19 pandemic has caused strain on the restaurant business and provided a need for outdoor dining space. Requiring a site development plan for the minor improvements to the existing outdoor area would extend the timeline for obtaining a building permit and would require additional effort and resources by County staff. Approval of the alternative compliance promotes efficiency of the plan review process.

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

1. This approval is for the construction of the retaining wall, expansion of the side patio and awning, and establishment of outdoor dining on site. Permission must be obtained by the Department of Public Works for outdoor tables and chairs within the County sidewalk.

2. Compliance with the Historic Preservation Commission requirements and the Decision and Order dated October 1, 2020.
3. The applicant shall comply with all applicable County and State regulations, including the Americans with Disabilities Act (ADA), and obtain all necessary permits from the Department of Inspections, Licenses and Permits.

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 one year from the date of this letter or as long as a subdivision or site development plan is being actively processed in accordance with the processing provisions of the Regulations.

If you have any questions, please contact Julia Sauer at (410) 313-2350 or email at jsauer@howardcountymd.gov.

Sincerely,

DocuSigned by:



1EB75478A22B49A...
Anthony Cataldo, AICP, Chief
Division of Land Development

AC/js

cc: Research
DED
DLD - Julia Sauer



DPZ Office Use only:

File No.

Date Filed

ALTERNATIVE COMPLIANCE APPLICATION

Site Description: On the right side of the building; address 8385 Main St.; is a sidewalk about 26 ft. long leading to a side entrance under an awning. The sidewalk is bordered on the left side by the building and on the right side by an average 3 ft high brick retaining wall.

Subdivision Name/Property Identification: Historic Ellicott City Main Street

Location of property: 8385 Main St., Ellicott City, MD 21043

Existing Use: Bar/Restaurant

Proposed Use: Bar/Restaurant with expanded area for outdoor tables

Tax Map: 25-A

Grid:

Parcel No: 89

Election District: 2nd

Zoning District:

Total site area: approx. 160 sq. ft.

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:

Howard County Historic Preservation Commission


DPZ


Alcoholic Beverage Hearing Board

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
Section 16.155(a)(1)(i)	The historic property does not have a formal site development plan. Request is to rebuild the brick retaining wall to match the existing wall as closely as possible; with currently accepted building practices; but to move it 2 feet to the right in order to expand the sidewalk area and make enough room for outdoor tables and chairs.

Section Reference No.	Brief Summary of Request

Signature of Property Owner:  Date: 10/7/2020

Signature of Petitioner Preparer:  Date: 10/7/2020

Name of Property Owner: EM-JA, LLC/Jane & Michael Johnson

Name of Petition Preparer: Jane Johnson

Address: P.O. Box 105

Address: 8385 Main St.

City, State, Zip: Ellicott City, MD 21041

City, State, Zip: Ellicott City, MD 21043

E-Mail: 8385main@ gmail.com

E-Mail: 8385main@ gmail.com

Phone No.: 410-499-5735

Phone No.: 410-499-5735

Contact Person: Jane Johnson

Contact Person: Jane Johnson

Owner's Authorization Attached