



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

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November 26, 2012

Frank Okafor
6285 Washington Boulevard
Elkridge, Maryland 21075

RE: WP-13-037, Tire Express
Request for Reconsideration

Dear Mr. Okafor:

The Director of the Department of Planning and Zoning considered your request for reconsideration of the previous denial 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 for reconsideration of the previous denial to waive **Section 16.155(a)(1)** of the Subdivision and Land Development Regulations, which states that a site development plan is required for new or expanded nonresidential development. The applicant is proposing to construct a 30' by 45' prefabricated metal storage shed for storage of approximately 300 tires.

Approval is subject to the following conditions:

1. The wavier petition plan exhibit dated October 18, 2012 shall serve as the substitute for a site development plan for development. No additional improvements are permitted beyond the improvements as shown on the waiver exhibit unless otherwise requested per the following conditions of approval.
2. The proposed structure is for the use of storage of tires. No other use is being endorsed by the approval of this waiver petition.
3. The proposed storage shed shall comply with the minimum bulk requirements including the building setbacks and height requirements for the B-2 Zoning District in accordance with Section 119 of the Howard County Zoning Regulations. The proposed structure may not encroach within the 30 foot rear setback from the residential zoning district.
4. The inside storage of tires must be in accordance with NFPA 1 2009 Chapter 34 (see the attached comments from the Department of Fire and Rescue Services).
5. The emergency access must remain open and unobstructed from storage, parking, dumpsters, etc. (see the attached comments from the Department of Fire and Rescue Services).
6. The petitioner shall comply with all applicable County and State regulations and obtain all necessary permits from the Department of Inspections, Licenses and Permits. The proposed storage building shall comply with all applicable building codes.

Our decision was made based on the following:

Extraordinary Hardship or Practical Difficulty

The proposed improvements would generally be processed via a Redline Revision (2 week review), but at the time of construction of the existing structure a site development plan was not required; therefore a SDP or waiver to the SDP is required to meet the County requirements. The time and expense required with the submission and processing of a formal site development plan would create a hardship on the applicant as the improvement is required to meet the current County Regulations for storage of tires. The applicant is submitting a waiver petition because there is no significant alteration to access, parking, circulation, drainage, or stormwater management.

Alternative Proposal

The only alternative to providing a storage structure would be to expand the existing structure or remove the tires from the site. Given the nature of the existing company, storage of tires is needed to run a successful business, and expansion of the existing structure is unnecessary because the storage area does not require direct connection to the existing use or connection to utilities.

Not Detrimental to the Public Interest

In accordance with the County Code outdoor storage of tires in a B-2 district is prohibited. In order to abate the current zoning violation, the applicant is requesting to construct a storage structure to mask the tires. The proposed structure will not be detrimental to the public interest since the applicant is trying to comply with the Zoning Regulations.

Will not Nullify the Intent or Purpose of the Regulations

The proposed waiver exhibit does not nullify the intent of the Regulations because the waiver exhibit has been reviewed by multiple agencies for compliance with the current County and State Regulations. The structure will be designed to Maryland adopted IBC codes and NFPA 1 2009 Regulations. The proposed structure requires no site disturbance (grading or vegetative disturbance), no on-site utility extensions or connections, no stormwater management, no demolition or relocation of other buildings, and no additional paving. The site does not contain any environmental features and forest conservation is not required. The improvement is only for storage of tires and no other use is endorsed with this waiver petition.

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 building permit is in active processing.

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

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/JB;jb

cc: Research
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Zoning – Tony LaRose
Zoning – Annette Merson
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