



Howard County Department of Planning and Zoning
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Marsha S. McLaughlin, Director

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December 10, 2014

Donald Reuwer
5300 Dorsey Hall Drive, Suite 102
Ellicott City, MD 21042

RE: WP-15-076/Taylor's Department Store
And adjoining Retail Building (8197/3713 Old Columbia
Pike); Parcels 33 and 30

Dear Mr. Reuwer:

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

As of the date of this letter, the Planning Director approved your waiver request to Section 16.155(a)(1), requiring the submission of a site development plan for non-residential property so as to add exterior stairs to an existing building for compliance with the building and fire life safety codes and for a possible change-in-use of an existing office/retail store to a restaurant use and office space on the upper floor. Approval is subject to the following conditions:

1. Compliance with comments as applicable from the Historic Preservation Commission relating to exterior and/or interior alterations to the existing buildings on the subject site.
2. Compliance with comments from the Department of Inspections, Licenses and Permits, the Fire Department and the Health Department as they relate to interior alterations for the restaurant use and construction of the exterior steps and an ingress/egress easement from the rear stairway all the way to the public right-of-way of Old Columbia Pike (see attached).
3. The applicant shall file for all building permits with the Department of Inspections, Licenses and Permits for the exterior stairway construction and interior alterations of the subject building, as required.
4. An easement agreement for construction of the exterior steps across the adjoining Parcel 30 and for an ingress/egress easement from the rear stairway all the way to Old Columbia Pike, shall be required to be filed with the Land Records Office of Howard County and a copy of the recorded agreement(s) submitted to this Department within 45 days from recordation for file retention.

Justification for Approval:

1. Extraordinary hardships or practical difficulties will result from strict compliance with the Regulations. Several store "fronts" comprise the existing buildings located on Parcel 33 and date to the early 1900s. These buildings are identified as the Taylor's Department Store and consist of one to three story structures currently utilized as a retail outlet. The exterior of these structures have not been altered from much as they have always existed. The applicant is working in conjunction with the Historic Preservation Commission (HPC) to develop plans for renovation and preservation of the exterior of the site and to construct exterior stairs at the rear of the main building for safety purposes. The site area is

constrained by the existence of the Tiber River which flows directly underneath and behind the buildings, by the front sidewalk and public road right-of-way of Main Street, as well as, by abutting buildings on both sides. The unique shape of the parcel has led to the configuration of the existing buildings which now completely cover Parcel 33 and limits expansion. In addition, topography combined with strict historical regulations governing building limits and site improvements prohibits major renovations. Parcel 30 is divided by two different zoning classifications, however only the northwest portion which is zoned HC will be affected by construction of the exterior stairwell. Requiring a site development plan for the purpose of upgrading the subject building to be in compliance with safety and fire codes would cause undue hardship and result in the applicant being unable to move forward in an expedient manner with public improvements. Allowing the applicant to move to the building permit process for interior alterations in the change of use of the bottom floor of the main building at 8197 Main Street to a restaurant and to add exterior steps would be a better solution than requiring a site development plan which will serve no real purpose since there will be no major improvements or expansions to the property.


2. The intent of the Regulations will still be served to a greater extent through implementation of an alternative proposal and approval of the waiver request(s) will not nullify the intent of the Regulations. The intent of the Regulations is to provide for an orderly and safe development of the property and to review the site for compliance with all required regulations. In this case, the buildings are existing and will not be expanded or new additions constructed. No grading, removal of existing vegetation, no new roadways or parking will be required. The stairwell and interior alterations will not require landscaping or forest conservation obligations. The rear exit stairway will consist of a covered, two story-metal step construction which will be less than 5,000 sq.ft. in ground area. Because the existing building is located almost on the rear property line of Parcel 33, the stairs will extend across and onto the adjoining Parcel 30, however, the applicant is also the owner of that parcel. To avoid any future conflicts should Parcel 30 be transferred to a new owner, the applicant shall be required to record an easement agreement. A copy of the recorded easement agreement shall be submitted to this Department within 45 days of recordation. All other Howard County building permits and any Maryland Department of the Environment and/or Army Corp. of Engineer permits will be required and need approval as applicable. The HPC has reviewed this project. Compliance with all review comments at building permit stage will be applicable. The rear stairway located within the 50' stream bank buffer was determined essential or necessary disturbance per Section 16.116(c) of the Subdivision Regulations.

3. Approval of the waiver request(s) will not be detrimental to the interests of the public. The applicant is attempting to bring the building located at 8197 Main Street up to fire and life safety code requirements by construction of the exterior stairway to provide a rear exit. This stairway is in the best interest of the public since it will provide quick evacuation from the upper level of the building in the event of an emergency. The petitioners exhibit is a suitable substitution for the site development plan and provides details necessary in reviewing the location of the stairway. There are no setbacks requirements for the stairway so adjoining properties will not be affected by the location of the stairs. The change in use of the first floor of the existing office/retail building to a restaurant use does not require any new parking spaces or parking

expansion but in accordance with Section 114.3.E. of the Zoning Regulations, shall be reasonable and appropriate. In this case there is an existing parking lot located to the rear of the existing building and on part of Parcel 30 which may be available for the restaurant use. The exterior stairway extends across Parcel 30 and almost to the paved parking area which provides pedestrian access to Old Columbia Pike. A public parking lot is also available on the north side of Old Columbia Pike and within walking distance to 8197 Main Street. The proposed improvements will serve to safeguard the heritage of the cultural, social and architectural history of the site. The change in use to restaurant is a permitted use in the HC Zoning District and such use will serve to strengthen the local economy and improve property values thereby bring favorable change to the Ellicott City Historic District.

Indicate this waiver petition file number, request, section of the regulations, action taken, date and conditions of approval on all related future plats, site development plans and and/or building permits. This requested waiver will remain valid for as long as development plans and/or building permits are active. Should you have any questions regarding this matter, please contact Brenda Barth at (410) 313-2350 or email: bbarth@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development



.btb
cc: Research/DED
Don Mock/DILP
Dan Merson/Fire&Rescue