



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Courthouse Drive

Ellicott City, Maryland 21043

410-313-2350

Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

May 19, 2016

Green Cross Garage, LLC
8318 Forrest Street- Suite 200
Ellicott City, MD 21043

RE: WP-16-122 Mutiny Restaurant

Dear Sir/Madam:

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)**, which requires a site development plan for new or expanded non-residential development to construct an exterior stairway, install a canopy roof and designate a valet parking drop-off area.

Approval is subject to the following conditions:

1. The petitioner shall provide adequate turning area at the top of the proposed curb ramp in accordance with the attached comments from the Department of Inspections, Licenses and Permits dated 5/17/16.
2. The petitioner shall comply with any conditions of approval from the Historic Preservation Commission (HPC), all applicable County and State regulations and obtain all necessary permits from the Department of Inspections, Licenses and Permits.

Our decision was made based on the following:

Extraordinary Hardships or Practical Difficulties:

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 make the proposed improvements to the property. The site area is constrained by the Tiber River, which flows underneath of the site, the sidewalk and the public right-of-way of Old Columbia Pike. The unique shape of the parcel has led to the configuration of the existing building. The topography, combined with historical regulations governing building limits and improvements, prohibits major renovations. Requiring a site development plan for the purpose of installing the proposed improvements would cause undue hardship and result in the applicant being unable to move forward in an expedient manner with public improvements. The waiver plan exhibit will serve as a suitable substitute for a site development plan since there are no major improvements proposed to the property.

Alternative Proposal:

The intent of the Regulations will be served to a greater extent through the implementation of an alternative proposal. The intent of the Regulations is to provide for orderly and safe development of land and to review the site for compliance with all required regulations. In this case, the building is existing and will not be expanded or new additions constructed. No grading, removal of vegetation, new roadways or additional parking will be required. The proposed improvements will not require landscaping or forest conservation obligations. There will

be less than 5,000 square feet of disturbance. The HPC has reviewed the proposed project and all review comments will be addressed at the building permit stage. The waiver plan exhibit demonstrates compliance with all necessary regulations and is a suitable replacement for a site development plan.

Not Detrimental to the Public Interest:

The applicant is proposing to construct the stairway to bring the building up to fire and life safety code requirements. The stairway is in the best interest of the public as it will provide quick evacuation of the upper level of the building in the event of an emergency. The proposed canopy roof will enhance the aesthetics of the structure. The valet parking drop-off area will be constructed to meet the handicap slope requirements, which will be an upgrade benefitting the public. The petitioner's exhibit is a suitable substitution for a site development plan and provides the details that are necessary to properly review the location of the proposed improvements. The proposed improvements will serve to safeguard the heritage of the cultural, social and architectural history of the site.

Will not nullify the intent or purpose of the regulations:

Approval of this waiver will not nullify the intent or purpose of the regulations. The petitioner's exhibit is a suitable substitution for a site development plan for the proposed minor improvements. The limit of disturbance will be less than 5,000 square feet and there are no significant alterations to access, parking, circulation, drainage or landscaping. The proposal does not qualify as redevelopment that would require stormwater management in accordance with the Design Manual.

Indicate this waiver petition file number, request, section of the regulations, action, conditions of approval, and date on all related plats, site development plans, and building permits. This requested waiver will remain valid for one year from the date of this letter.

If you have any questions, please contact Eric Buschman at (410) 313-2350 or email at ebuschman@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/eb

cc: Research
DED
Real Estate Services