



Howard County Department Of Planning And Zoning
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Valdis Lazdins, Director

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July 6, 2017

1415 Woodstock Road LLC
c/o Tony Braglio
1415 Woodstock Road
Woodstock MD 21163

RE: **WP-16-128 Woodstock Inn**

Dear Mr. Braglio:

The Director of the Department of Planning and Zoning considered your request for an alternative compliance from the Howard County Subdivision and Land Development Regulations.

As of the date of this letter, the Planning Director **approved** your request for an alternative compliance to the following two sections of the Subdivision and Land Development Regulations:

Section 16.155(a)(1)(i) – SDP requirement for a new or expanded nonresidential development, including commercial, industrial, institutional and utility development, plus public buildings, schools and other public facilities.

Section 16.115(c)(2) - No clearing, excavating, filling, altering drainage, or impervious paving, may occur on land located in the floodplain; any proposed construction located within a floodplain shall be subject to the requirements of the Howard County Building Code.

Approval is subject to the following six (6) conditions:

- 1) This approval is for a 240 square foot deck (12' x 20') to be located at the southern end of the existing restaurant building, as specified on the plan exhibit filed with this alternative compliance petition. Any deviation from this will void this alternative compliance approval.
- 2) The submittal of a plan drawing to the Department of Inspections, Licenses and Permits that provides the floodplain location and elevations.
- 3) Approval of a deck permit review (for a commercial use) by the Department of Inspections, Licenses and Permits.
- 4) The proposed deck addition is subject to BA-14-003N&V as approved by the Hearing Examiner and NCU-14-001 as approved by the Planning Director.
- 5) Compliance with the comments from DED dated June 21, 2017.
- 6) Any requirements imposed by the Howard County Health Department that's related to the expansion (240 square feet) of a restaurant use.

Justification for Approval

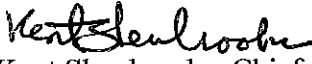
The petitioner is requesting to construct a 240 square foot deck within a floodplain area that will attach to an existing restaurant. Because the restaurant is a commercial use, Section 16.155(a)(1)(i) of the Regulations requires the approval of a SDP for any expanded non-residential development prior to the application for a building permit. The petitioner states that the requirement of a SDP approval is an extraordinary hardship for a minor site improvement as a deck. Minor building additions (a deck) are typically conducted through the filing of a plan (redline) revision to a previously approved SDP. However, there is no SDP on file to revise to add the deck. Secondly, the petitioner has stated that the purpose for the deck addition is to provide space for restaurant/tavern patrons to gather and dine outside without having to congregate in the front of the tavern, where space is minimal. The southern end of the property is the most feasible location for the deck addition and, although that area is a floodplain, ground disturbance will be limited only to deck footers (as featured on the plan exhibit). The petitioner states that the proposed improvements will be conservative in nature and will maintain the integrity of the floodplain. The deck shall sit close to 10 feet above the ground surface and will have access to/from the restaurant building and to/from outdoors by stairs. Thirdly, the petitioner has stated that he has received all zoning related approvals for the proposed deck addition – the Director of DPZ confirmed the restaurant as a non-conforming use and the Hearing Examiner granted/reconfirmed the restaurant as a non-conforming use, that included the deck addition, and variances to reduce the setbacks from Woodstock Road. Lastly, the petitioner states that he has received approval from the Health Department relating to COMAR's prohibition of the expansion of property that utilize sewage tanks. The petitioner satisfied this regulation by purchasing an adjacent property, demolishing its house and utilizing that property's sewage capacity to accommodate the restaurant's deck addition. These approvals were major obstacles that were addressed early on and helped to pave the way for the consideration of this alternative petition request.

Approval of this alternative compliance petition will not nullify the intent or purpose of the regulations since the overall purpose of the project is to add a deck within a floodplain area at the side of an existing restaurant building. Requiring the petitioner to prepare a SDP for a 240 square foot deck would not be practical, since the scope of work is limited to a small area at the side of a restaurant building. The proposed deck addition is detailed on the alternative compliance petition plan exhibit, which has been reviewed by County and State Highway Administration regulatory agencies. There are not any objections to this petition.

This alternative compliance approval will remain valid for one year from the date of this letter or for as long as the building permit application for the deck structure remains in active processing.

If you have any questions, please contact Derrick Jones at (410) 313-2350.

Sincerely,


Kent Sheubrooks, Chief
Division of Land Development

KS/dj

cc: Research

DILP - Jim Hobson

DILP - Permit Admin.

Zoning – Bob Lalush

DED

Sill Engineering, Whiteford, Taylor & Preston – Tim Kotroco