



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

September 22, 2021

Adam Baker
Rosenberg, Martin, Greenberg LLP
25 S. Charles St., 21st Floor
Baltimore, MD 21201

Sent via email to abaker@rosenbergmartin.com

RE: WP-22-026, 9075 Baltimore National Pike
Virtual Meeting Request

Dear Mr. Baker:

This letter is to inform you that your request for alternative compliance to the Howard County Subdivision and Land Development Regulations for the subject property was reviewed.

As of the date of this letter, 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 16.128(c)(1)** of the Subdivision and Land Development Regulations to allow the petitioner to host a virtual presubmission community meeting during the COVID-19 Howard County State of Emergency.

The Department of Planning and Zoning hereby determines that you have demonstrated to its satisfaction that strict enforcement of Section 16.128(c)(1) would result in unwarranted hardship. This determination is made with consideration of your alternative compliance application and the four (4) items you were required to address, pursuant to Section 16.104(a)(1):

1. Strict conformance with the requirements will deprive the applicant of rights commonly enjoyed by others in similar areas.

The Centers for Disease Control and Prevention (CDC) guidelines recommends limiting indoor gatherings. To allow the continuity of operations and essential functions related to construction, the Department of Planning and Zoning developed guidelines for conducting virtual meetings that must be met for approval of alternative compliance. This alternative process will allow applicants the same rights as others, to submit development plans, during a time when in-person events are restricted due to public health concerns.

2. Uniqueness of the property or topographical conditions would result in practical difficulty; other than economic, or unreasonable hardship from strict adherence to the regulations.

The presubmission community meeting requirement is an administrative procedure required for most developments to begin the development process. Physical conditions of the property are not considered when applying the presubmission community meeting requirements. Therefore, this criterion does not apply.

3. The variance will not confer to the applicant a special privilege that would be denied to other applicants.

Alternative compliance to the physical meeting requirement will not confer a special privilege since it is the only means of conducting these meetings under CDC guidelines and will be needed for all applicants during this time. The pre-submission community will be held through virtual means and DPZ will require that guidelines be met to ensure that all necessary information is provided, and accommodations are made to assist people that may need assistance accessing technology.

4. The modification is not detrimental to the public health, safety or welfare, or injurious to other properties.

Conducting a virtual presubmission community meeting will comply with the CDC guidelines, allow for social distancing and the policies enacted to protect the public during the COVID-19 pandemic.

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

1. The petitioner must comply with the Department of Planning and Zoning's Virtual Presubmission Meeting Guidelines for applying and hosting a virtual public meeting (attached).

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 will remain valid as long as the Howard County State of Emergency is in effect.

If you have any questions, please contact Jennifer Wellen at (410) 313-2350 or email at jwellen@howardcountymd.gov.

Sincerely,

DocuSigned by:
Amy Gowan
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Amy Gowan, Director
Department of Planning and Zoning

AG/ac/js

cc: Research
DLD - Julia Sauer



DPZ Office Use only:
 File No.
 Date Filed

ALTERNATIVE COMPLIANCE APPLICATION

Site Description: 9075 Baltimore National Pike, Ellicott City, Maryland 21043

Subdivision Name/Property Identification:

Location of property: 9075 Baltimore National Pike, Ellicott City, Maryland 21043

Existing Use: Fuel Service Station with Car Wash and Convenience Store **Proposed Use:** Fuel Service Station with Car Wash and Convenience Store

Tax Map: 0024 **Grid:** 0005 **Parcel No:** 0112 **Election District:** 2nd

Zoning District: B-2 **Total site area:** 1.78 Ac or 77,660 SF

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:

A Fuel Service Station has operated from 9075 Baltimore National Pike since the 1970s. Over the years that it has operated from the property, the Fuel Service Station has been redeveloped and certain elements (e.g. convenience store and car wash) have been added. The current owner, Potomac Energy Holdings, desires to update the current operation in order to meet the contemporary needs of its customers. A Conditional Use approval is required in order to permit the proposed redevelopment.

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
16-128(C)(1) and 131.0.F.1 of the Howard County Zoning Regulations	Potomac Energy Holdings, LLC is preparing to file for a Conditional Use approval for the redevelopment of its existing Fuel Service Station, Car Wash and Convenience Store at 9075 Baltimore National Pike. A Presubmission Community Meeting is required prior to filing any Petition for Conditional Use in Howard County. In light of COVID-19, particularly the rise in cases from the Delta variant, we respectfully request an alternative compliance approval in order to hold the required Presubmission Community Meeting virtually using the Microsoft Teams virtual meeting platform.

Section Reference No.	Brief Summary of Request

Signature of Property Owner: Joseph M. Wills Date: 8/27/2021

Signature of Petitioner Preparer: Adam D. Baker Date: 8/27/2021

Name of Property Owner: Potomac Energy Holdings, LLC Name of Petition Preparer: Adam D. Baker

Address: P.O. Box 2810 Address: Rosenberg Martin Greenberg LLP
25 S. Charles Street, 21st Floor

City, State, Zip: La Plata, Maryland 20646 City, State, Zip: Baltimore, Maryland 21201

E-Mail: abaker@rosenbergmartin.com E-Mail: abaker@rosenbergmartin.com

Phone No.: 410-727-6600 Phone No.: 410-727-6600

Contact Person: Adam Baker Contact Person: Adam Baker

Owner's Authorization Attached