



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Court House Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Lynda D. Eisenberg, AICP, Director

FAX 410-313-3467

November 29, 2023

Waverly Investors, LC
8318 Forrest Street, Suite 200
Ellicott City, MD 21043

RE: WP-23-102, Friendly Inn

Dear Sir or Madam:

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

On November 20, 2023, 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 16.120(b)(4)(iii)(d)** of the Subdivision and Land Development Regulations to permit condominium units to be within 16 feet from protected environmental features. The applicant proposes to construct buildings containing condominium units containing Units 5-12 and a community building between 4' to 14' from a wetland buffer on the subject property.

The Department of Planning and Zoning hereby determines that you have demonstrated to its satisfaction that strict enforcement of Section 16.120(b)(4)(iii)(d) would result in an unreasonable hardship or practical difficulty. 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 subject property is relatively narrow and deep making strict conformance of the regulations challenging. In order to meet the universal design criteria for age-restricted housing, the proposed units are limited to two stories. The units are therefore deeper, bringing the units and community building closer to the site design offset to the wetland buffer along the western boundary and northwestern boundary. Strict conformance of the regulations would hinder the ability to construct the site with residential development that is in keeping with the nature of the surrounding residential area and meets the universal design standards on this narrow site.

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 property is 150 feet wide and 507 feet deep. Wetlands and their buffers exist along the north and west boundaries of the property. The property is even more narrow at the public road right-of-way, at 95 feet. The private road accessing the site is proposed along the east property line to avoid the wetland buffer. The property is the only B-1 zoned site in the area and is surrounded by existing residential development. The surrounding residents expressed a desire for this site to be developed with a residential use rather than a commercial use. The 15-foot design setback from the wetland buffers creates an additional constraint that would not be required for

a commercial development. The combination of these factors creates a unique situation that results in a barrier to strict adherence of the regulations.

- 3. The Variance will not confer to the applicant a special privilege that would be denied to other applicants and;**
In consideration of the site constraints and the conditional use of approval of this site for age-restricted housing, granting this alternative compliance does not create a special private that would be denied to other applicants. There are no impacts to the wetlands and nor their regulated buffer, the proposal is only to the residential offset to the regulatory buffer within the subdivision and land development regulations. As the property will have a common owner, the open space area will be managed to ensure that there are no future encroachments within the offset nor impacts to the regulated environmental buffer.
- 4. The modification is not detrimental to the public health; safety or welfare, or injurious to other properties.**
The proposed modification does not create a detriment to the public health, safety or welfare and is not injurious to other properties. The proposed structures will meet required building restriction lines and the wetland and buffer will not be impacted.

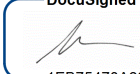
Approval of this Alternative Compliance is subject to the following conditions:

- 1. The reduction of the setback from environmental features are limited to 4' to 14' for Units 5-12 and the community building as shown on the exhibit submitted with this alternative compliance.**

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 approval will remain valid for one year from the date of this letter or as long as a subdivision or site development plan is being actively processed in accordance with the processing provisions of the Regulations.

If you have any questions, please contact Jill Manion at (410) 313-2350 or email at jmanion@howardcountymd.gov.

Sincerely,

DocuSigned by:

1EB75478A22B49A...

Anthony Cataldo, AICP, Chief
Division of Land Development

AC/jam

cc: Research
DLD - Julia Sauer
Real Estate Services
Mildenberg, Boender and Associates



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Court House Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Lynda D. Eisenberg, AICP, Director

FAX 410-313-3467

July 13, 2023

Don Reuwer
Waverly Investors, LLC
8318 Forrest Street, Suite 200
Ellicott City, MD 21043

RE: WP-23-102, Friendly Inn – Deferral

Dear Mr. Reuwer:

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 and no action can be taken until the enclosed comments have been addressed, and the following additional information is provided.

Two copies of the exhibit/plan and the supplemental information and a response letter to the comments should be submitted to this Division for distribution.

The requested information and revised plans must be submitted within **45 days** of the date of this letter (**on or before August 27, 2023***), or this Division will recommend that the Planning Director or Director Committee deny this alternative compliance petition.

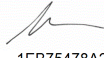
Once the requested information has been received and reviewed, this office will coordinate agency comments and will prepare a recommendation for the Planning Director's action. If you have any questions regarding a specific comment, please contact the review agency prior to preparing the revised plans and information. Compliance with all items indicated above is required before the revised plans and information will be accepted.

In accordance with adopted Council Bill 51-2016, effective 10/05/16, if the deadline date is a Saturday, Sunday or holiday or if the County offices are not open, the deadline shall be extended to the end of the next open County office business day.

Submissions can be mailed to Howard County Planning and Zoning, 3430 Court House Drive, Ellicott City, MD 21043 or dropped in the bin labeled 'DLD' at the Department of Planning and Zoning Public Service Counter located on the first floor of the George Howard Building. Submission materials must be received on or before the due date. Submission materials can also be emailed to planning@howardcountymd.gov for processing. **Please include this letter with your submission as it will serve as the checklist for staff.**

If you have any questions, please contact Jill Manion at (410) 313-2350 or email at jmanion@howardcountymd.gov.

Sincerely,

DocuSigned by:


Anthony Cataldo, AICP, Chief
Division of Land Development

AC/jam

Attachments: DLD, DED

cc: Research
DLD - Julia Sauer
Real Estate Services
Sam Alomer, Mildenberg, Boender & Associates



DPZ Office Use only:
 File No. *WP-23-102*
 Date Filed *5/17/23*

ALTERNATIVE COMPLIANCE APPLICATION

Site Description: 11074 Fredrick Road
Subdivision Name/Property Identification: Friendly Inn ARAH
Location of property: ADC MAP: 10, GRID B-4
Existing Use: Commercial **Proposed Use:** RESIDENTIAL
Tax Map: 18 **Grid:** 22 **Parcel No:** 98 **Election District:** THIRD
Zoning District: B-1 **Total site area:** 1.84 ACRES

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:

ECP-22-060
 SDP-23-038

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.

Section Reference No.	Brief Summary of Request
16.120(b)(4)(iii)(d)	allow condominium attached units to be 14' to 4' from the 25' wetland buffer Vs. 15'.

Signature of Property Owner:

Don Reuwer

Date:

5/16/23

Signature of Petitioner Preparer:

[Redacted Signature]

Date:

5/16/23

Name of Property Owner: WAVERLY INVESTORS

Name of Petition Preparer:

Mildenberg Boender & Assoc.

Address: 8318 FORREST ST. suite 200

Address: 8318 Forrest St., suite 300

City, State, Zip: ELLICOTT CITY, MD 21043

City, State, Zip: Ellicott City, MD 21043

E-Mail: dreuwer@ldandd.com

E-Mail: salomer@mba-eng.com

Phone No.:

Phone No.: 410-997-0296

Contact Person: Don Reuwer

Contact Person: Sam Alomer

Owner's Authorization Attached