



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

October 30, 2024

Mark Hemmis
8308 Main Street
Ellicott City, MD 21043

Sent via email to phoenixemporium@msn.com

RE: WP-25-033 Phoenix Emporium Courtyard

Dear Mr. Hemmis:

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 October 30, 2024, 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 16.155(a)(1)(i)** of the Subdivision and Land Development Regulations to use the alternative compliance process in lieu of a site development plan process to obtain permits to permanently establish an outdoor seating area for an existing restaurant.

The Department of Planning and Zoning hereby determines that you have demonstrated to its satisfaction that strict enforcement of Section 16.155(a)(1)(i) would result in an unreasonable hardship or practical difficulty. This determination is made with consideration of your alternative compliance application and one (1) item you were required to address, pursuant to Section 16.104(a)(1):

1. Unreasonable hardship or practical difficulties may result from strict compliance with the regulations.

The applicant proposes to permanently establish an outdoor seating area on the west side of the building for the restaurant and brewery/bar use. This area was previously owned by the County as an alleyway between public parking and Main Street and was temporarily permitted as outdoor seating for the restaurant during the COVID-19 Pandemic. The owner has acquired a portion of the property from the County to permanently establish and outdoor seating area. This proposed change-in-use would typically be addressed as a minor modification to an existing site development plan; however, this historic site predates the County's development regulations and the requirement for a site development plan. Strict compliance with the regulations would require the applicant to submit a formal Site Development Plan for the proposed project. This would result in an unreasonable hardship since the alternative compliance plan exhibit contains all necessary information for permitting. Approval of the alternative compliance promotes efficiency of the plan review process as the alternative compliance drawings include all relevant information needed for this project's minor improvements.

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


1. This approval is to establish an outdoor seating area for the restaurant and brewery/bar use.
2. Compliance with the Historic Preservation Commission requirements for HPC-21-023.

3. The applicant shall comply with all applicable County and State regulations, including the Americans with Disabilities Act (ADA), and obtain all necessary permits from the Department of Inspections, Licenses and Permits and Howard County Liquor Board.

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 Julia Sauer at (410) 313-4342 or email at jsauer@howardcountymd.gov.

Sincerely,

DocuSigned by:

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Anthony Cataldo, AICP, Chief
Division of Land Development

AC/js

cc: Research
DLD - Julia Sauer
Zoning – Steve Rolls, Annette Merson

□

Alternative Compliance Application Form Submitted
Howard County Department of Planning and Zoning
3430 Court House Drive | Ellicott City | MD | 21043
TEL: 410.313.2350

The following Application has been submitted: AC-278

PROJECT IDENTIFICATION

Site Description: Phoenix Courtyard Alternative Compliance
Location Address: 8308 Main St., Ellicott City, MD, 21043
Existing Use: Outdoor restaurant seating
Proposed Use: Outdoor restaurant seating
Tax Map: 25
Grid: 9
Parcel No: 181
Election District: 2
Zoning: HC
Total Site Area: 0.0383

PREVIOUSLY SUBMITTED OR CURRENTLY ACTIVE PLANS ON FILE

F-23-17

SECTION REFERENCE INFORMATION

Your initial Application Fees cover up to 2 Section References for this application.

1.) Section Reference No.: 16.155(a)(1)
Brief Summary of Request: Waiver of Site Development Plan Requirement to allow outdoor seating

2.) Section Reference No.:
Brief Summary of Request:

Adding more than 2 Section Reference Numbers will incur an additional fee. You can the additional Section Reference Numbers below.

3.) Section Reference No.:
Brief Summary of Request:

4.) Section Reference No.:
Brief Summary of Request:

5.) Section Reference No.:
Brief Summary of Request:

6.) Section Reference No.:
Brief Summary of Request:

7.) Section Reference No.:
Brief Summary of Request:

8.) Section Reference No.:
Brief Summary of Request:

PROPERTY OWNER INFORMATION

Name: Mark Hemmis
Owner Company Name: 8308 Main Street, LLC
Address: 8308 Main St., Ellicott City, MD, 21043
Phone: 4438508799
Email: phoenixemporium@msn.com

PREPARER INFORMATION

Preparer Company Name: 8308 Main Street, LLC
Name: Mark Hemmis
Address: 8308 Main St., Ellicott City, MD, 21043
Phone: 4438508799
Email: phoenixemporium@msn.com

CONTACT US

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TEL: 410.313.2350