




Howard County
Health Department

Bureau of Environmental Health
7178 Columbia Gateway Drive, Columbia MD 21046
(410) 313-2640 Fax (410) 313-2648
TDD (410) 313-2323 Toll Free 1-866-313-6300
website: www.hchealth.org

Penny E. Borenstein, M.D., M.P.H., Health Officer

MEMORANDUM

TO: George Beisser, Chief
Division of Planning & Zoning Administration

FROM: Michael J Davis 
Director,
Well & Septic Programs

DATE: March 19, 2007

RE: Petition # BA07-001V

The Department of Health has no objection to the variance request. Please be advised that all existing wells and septic systems serving existing structures on the property must be properly abandoned prior to approval of the building permit(s).

MJD

Department of Planning and Zoning
Howard County, Maryland
Recommendations/Comments

Date: 2/22/07

Planning Board _____ Hearing Examiner 4/9/07
Board of Appeals _____ Zoning Board _____

Petition No. BA07-001V Map No. 47 Block 11 Parcel 93 Lot _____

Return Comments by 3/19/07 to Public Service and Zoning Administration

Location of Property: S. of Fair St. & Washington St and west of Commercial St.

Applicant: Summit Associates, LLC

Applicant's Address: _____

Owner: (if other than applicant) Savage Mill Remainder, LLC

Owner's Address: _____

Petition: see application

- To:
- _____ Department of Education
 - _____ **Bureau of Environmental Health**
 - _____ Development Engineering Division
 - _____ Department of Inspections, Licenses and Permits
 - _____ Department of Recreation and Parks
 - _____ Department of Fire and Rescue Services
 - _____ State Highway Administration
 - _____ Sgt. Karen Shinham, Howard County Police Dept.
 - _____ James Irvin, Department of Public Works
 - _____ MD Dept. of Human Resources, Janice Burris
(Child Day Care)
 - _____ Office on Aging, Betty Totaro (senior assisted living)
 - _____ Police Dept., Animal Control, Deborah Baracco, (kennels)
 - _____ Susan Fitzpatrick, Health Dept. (Nursing & Res. Care)
 - _____ Land Development - (Religious Facility & Age-Restricted
Adult Housing)

COMMENTS:

DPZ office use only:

Case No.

07 JAN 2011
BA 07-00211

Date Filed

Date Accepted
For Scheduling

**NON-RESIDENTIAL DISTRICT VARIANCE PETITION
TO THE HOWARD COUNTY HEARING EXAMINER**

1. **PETITIONER'S NAME** Summit Associates, LLC

TRADING AS (IF APPLICABLE) _____

ADDRESS _____

PHONE NO. (W) 301-570-0747 (H) _____

2. **COUNSEL FOR PETITIONER** Thomas M. Meachum, Esquire, Reese and Carney, LLP

COUNSEL'S ADDRESS 10715 Charter Drive, Columbia, Maryland 21044

COUNSEL'S PHONE NO. 410-740-4600

EMAIL tmm@reese-carney.com

3. **PROPERTY IDENTIFICATION:**

ADDRESS OF SUBJECT PROPERTY None

TOTAL ACREAGE OF PROPERTY 10.061

ELECTION DISTRICT: 6th ZONING DISTRICT: B-2

TAX MAP # 47 GRID # 11 PARCEL 93 LOT _____

SUBDIVISION NAME (if applicable): _____

PLAT NUMBER AND DATE: _____

4. **PETITIONER'S INTEREST IN SUBJECT PROPERTY:**

OWNER (including joint ownership)

OTHER (describe and give name and address of owner)

Lessee

If the Petitioner is not the owner of the subject property, documentation from the owner authorizing the petition must accompany this petition.

PLEASE READ CAREFULLY
DATA TO ACCOMPANY PETITION:

5. **VARIANCE PLAN:**

No application for a variance shall be considered complete unless the plan indicates the required setback or other requirement, and the requested variance from the subject setback or other requirement. The submitted plans shall be folded to approximately 8 ½ x 14 inches. **The plan must be drawn to scale and must include the items listed below:**

- (a) Courses and distances of outline boundary lines and the size of the property.
- (b) North arrow.
- (c) Zoning of subject property and adjoining property.
- (d) Scale of plan.
- (e) Existing and proposed uses, structures, natural features and landscaping.
- (f) Location and surface material of existing and proposed parking spaces, driveways, and points of access; number of existing and proposed parking spaces.
- (g) Location of all building and use restriction lines.

- (h) Same as (a) and (g) above, of any adjoining, confronting and vicinal properties as necessary for proper examination of the petition; or, if applicable, a copy of the subdivision plat for the community.
- (i) Location of well and private sewerage easement area, if property is to be served by private water and sewer.
- (j) Election District in which the subject property is located.
- (k) Tax Map and parcel number on which the subject property is located.
- (l) Name of local community in which the subject property is located or name of nearby community.
- (m) Name and mailing address of the petitioner.
- (n) Name and mailing address of attorney, if any.
- (o) Name and mailing address of property owner.
- (p) Floor area and height of structures, setback distances from property lines, and other numerical values necessary for the examination of the petition.
- (q) Location of subject property in relation, by approximate dimension, to the center line of nearest intersection of two public roads.
- (r) Ownership of affected roads.
- (s) A detailed description of all exterior building materials for all proposed structures.
- (t) Any other information as may be necessary for full and proper consideration of the petition.

6. VARIANCE REQUEST.

The undersigned hereby petition the Hearing Examiner for a variance from the requirement(s) of Section 119D.2.b. of the Zoning Regulations to: request a variance from the 30-foot use setback to 12.8 feet for parking on the north and south sides of the property, and 10 feet for a retaining wall up to 14.4 feet in height on the southeast corner of the property.

A.) Describe why the application of the Zoning Regulations in question to your particular property would result in practical difficulties or unnecessary hardships in complying strictly with the bulk requirements:

1. The physical character of the property is different from the character of the surrounding properties because of its: (X) narrowness, () shallowness, () shape, () topography () other;
explain: _____

2. The uniqueness of the property prevents me from making a reasonable use of the property because: the narrowness of the property causes two of the four parking locations to be placed in the use setback areas. The retaining wall is necessary because of the steep slope on the south side of the property.

B.) The intended use of the property, in the event the petition is granted: hotels

C.) Any other factors which the Petitioner desires to have considered: See Supplement

D.) Explain why the requested variance is the minimum necessary to afford relief: _____
See Supplement

E.) If the requested variance is granted, would it increase traffic to or from the site: Y N X;
if yes, explain: It would accommodate traffic already coming to the site.

F.) Describe in detail all means of vehicular access onto the site (i.e. width, type of paving, etc.): Asphalt paving, approximately 30 feet in width.

G.) Describe the topography of the site: Gently sloping, dropping off steeply on the south and west sides of the property

H.) Will the existing or proposed structure be visible from adjacent properties? Y X N ___; if yes, describe all proposed buffering or landscaping: a mixture of shrubs and trees in accordance with the County's Landscape Manual requirements.

I.) Describe any existing buffering or landscaping: Site is fully wooded. None is possible for retention because of the size and shape of the property.

7. **PRIOR PETITIONS:** Has any petition for the same variance, or substantially the same variance as contained herein, for the same property as the subject of this petition, been disapproved by the Hearing Examiner within twenty-four (24) months of the date of this petition?
() YES (X) NO

If yes, and six (6) months have elapsed since the last hearing, an affidavit setting forth new and different grounds on which re-submittal is based must be attached.

8. ADDITIONAL MATERIAL, FEES, POSTING, AND ADVERTISING:

A) If desired, supplemental pages may be attached to the petition. The following number of petitions, plans and supplemental pages must be submitted:

19 copies plus the original if the subject property adjoins a State road.

16 copies plus the original if the subject property adjoins a County road.

B) The undersigned agrees to furnish such additional plats, plans, reports or other material as may be required by the Department of Planning and Zoning and/or the Hearing Examiner in connection with the filing of this petition.

The undersigned agrees to pay all costs in accordance with the current schedule of fees.

The undersigned agrees to properly post the property at least thirty (30) days prior to the hearing and to maintain the property posters as required, and submit an affidavit of posting at, or before the time of the hearing.

The undersigned agrees to insert legal notices, to be published one (1) time in at least two (2) newspapers of general circulation in Howard County, as prepared and approved by the Department of Planning and Zoning, within at least thirty (30) days prior to the hearing, and to pay for such advertising costs; and further agrees to submit two (2) approved certificates of the text and publication date(s) of the advertisement at or before the time of the hearing.

9. SIGNATURES:

The undersigned hereby affirms that all of the statements and information contained in, or filed with, this petition are true and correct.

The undersigned has read the instructions on this form, filing herewith all of the required accompanying information.

SUMMIT ASSOCIATES, LLC

CE SINGLETON
Petitioner's Name (please print)

CE Singleton 1.19.07
Petitioner's Signature Date

Thomas M. Meachum
Counsel's Name (please print)

Thomas M. Meachum 1/22/07
Counsel's Signature Date

For DPZ office use only: (Filing fee is \$500.00 plus \$15.00 per poster.)

Hearing fee: \$ _____
Poster fee: \$ _____
TOTAL: \$ _____
Receipt No. _____

(Make checks payable to "Director of Finance")
County Website: www.co.ho.md.us

HOW A REQUEST FOR A VARIANCE IS EVALUATED:

All requests for variances are evaluated based upon the following criteria of Section 130.B.2.a.(1) through (5) of the Howard County Zoning Regulations:

- (1) That there are unique physical conditions, including irregularity, narrowness or shallowness of lot or shape, exceptional topography or other existing features peculiar to the particular lot; and that as a result of such unique physical conditions, practical difficulties or unnecessary hardships arise in complying strictly with the bulk provisions of these regulations.
- (2) That the variance, if granted, will not alter the essential character of the neighborhood or district in which the lot is located; will not substantially impair the appropriate use or development of adjacent property; and will not be detrimental to the public welfare.
- (3) That such practical difficulties or hardships have not been created by the owner provided, however, that where all other required findings are made, the purchase of a lot subject to the restrictions sought to be varied shall not itself constitute a self-created hardship.
- (4) That within the intent and purpose of these regulations, the variance, if granted, is the minimum variance necessary to afford relief.
- (5) That no variance be granted to the minimum criteria established in Section 131 for special exception uses, except where specifically provided therein or in an historic district.
Nothing herein shall be construed to prevent the granting of variances in any zoning district other than to the minimum criteria established in Section 131 except as provided therein.

To be approved, a variance request must comply with all of the criteria noted above.

For an explanation of the official procedures that are followed in the processing, hearing and decision-making of a variance request, you may obtain a copy of the Rules of Procedure of the Hearing Examiner from the Department of Planning and Zoning.


PETITIONER Summit Associates, LLC

PROPERTY ADDRESS Tax Map 47, Parcel 93

Affidavit made pursuant to the pertinent provisions of Title 22 of the Howard County Code as amended.

THE UNDERSIGNED DOES HEREBY DECLARE THAT NO OFFICER OR EMPLOYEE OF HOWARD COUNTY, WHETHER ELECTED OR APPOINTED, HAS RECEIVED PRIOR HERETO OR WILL RECEIVE SUBSEQUENT HERETO, ANY MONETARY OR MATERIAL CONSIDERATION, ANY SERVICE OR THING OF VALUE, DIRECTLY OR INDIRECTLY, UPON MORE FAVORABLE TERMS THAN THOSE GRANTED TO THE PUBLIC GENERALLY IN CONNECTION WITH THE SUBMISSION, PROCESSING, ISSUANCE, GRANT OR AWARD OF THE WITHIN APPLICATION FOR A RESIDENTIAL DISTRICT VARIANCE AS REQUESTED FOR THE PROPERTY REFERENCED ABOVE.

I, WE, DO SOLEMNLY DECLARE AND AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE CONTENTS OF THE AFOREGOING AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY, OUR, KNOWLEDGE, INFORMATION AND BELIEF.



Witness

 1.19.07

Signature Date

Witness

Signature Date

Witness

Signature Date

IN THE MATTER OF THE PETITION * BEFORE THE
OF SUMMIT ASSOCIATES, LLC * HOWARD COUNTY
FOR A NON-RESIDENTIAL * HEARING EXAMINER
DISTRICT VARIANCE PETITION *
 *

SUPPLEMENT TO PETITION

Summit Associates, LLC, Petitioner, by its attorneys, Thomas M. Meachum and Reese & Carney, LLP, respectfully submits this Supplement in support of its Petition for a Non-Residential District Variance Petition.

Summit Associates, LLC (“Summit”) is in the business of developing, constructing, owning and operating hotels. It works in conjunction with the premier hotel companies through a license agreement to develop and own various branded hotels with these companies.

Summit is working with Marriott to provide two hotel buildings for this site in Savage. The specific location is the property just west of the parking lot on the west side of the historic Savage Mill complex. The two buildings will provide different types of accommodations for its guests. One would consist of suites for corporate extended stays. The other hotel building will offer traditional hotel rooms.

It is a well-known fact that Howard County is under served in the way of hotel accommodations. The County’s unique location in relation to Baltimore, Washington, Fort Meade, and the Baltimore/Washington Thurgood Marshall International Airport makes Howard County a prime location for hotels. This location also complements Savage Mill and many specific design features are incorporated into the hotels, including higher ceilings for

the rooms, and brick in the exterior building material for the hotel buildings to complement the Savage Mill buildings.

The hotels would be situated on approximately five (5) acres of this ten (10) acre parcel. The other five acres is used for the parking necessary for the Mill, with some other acreage being located in flood plain.

Five acres is smaller than the typical amount of land necessary for a standard hotel; however, because of the limited availability of suitable land in Howard County, this property was selected for a hotel location. To take into account the more limited land available, Summit and Marriott are proposing a hotel smaller in square footage and footprint than the average in the industry for these brands. Notwithstanding this reduction, the Petitioner still requires some relief from setbacks on two of the four sides of the site because of the narrowness of the property compared to other B-2 properties in the area.

Copies of two zoning maps are enclosed with this Petition. The map designated as Map 1 shows the subject property, as well as the Savage Mill property also zoned B-2. A review of the Savage Mill property shows that it is wider than the subject property.

This same map also shows the B-2 property at the corner of Gorman Road and U.S. 1 which is a shopping center. That property is wider than the subject property.

Finally, in the upper right hand of Map 1 is a B-2 property, which continues onto the upper left side of Map 2, and is a shopping center located at Guilford Road and Route 1. That property is also wider than the subject property.

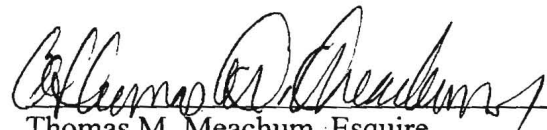
Thus, this property is uniquely narrow in comparison to similarly zoned properties in this area, and it is this unique physical condition which causes the need for a variance.

This is the minimum necessary to afford relief because the length of the parking spaces and width of the drive aisles are required by County law, and the Petitioner has no ability to reduce them.

The hardship has not been created by the owner. The property has always been this narrow.

The essential character of the neighborhood will not be altered. This use will be adjacent to the parking lot for Savage Mill. The surrounding properties are owned by the County. In the same respect, the use and development of the County's property will not be impaired in any way by the location of two sections of parking and the retaining wall, and the property to the east is already used for a parking lot and the Savage Mill.

The Petitioner is requesting this relief in order to bring much needed hotel space to Howard County. The location is an ideal complement to the historic tourist attraction of the Savage Mill, and the hotels on this site will enhance the economic development of Howard County and this area of Howard County specifically. For all of these reasons, the Petitioner requests that the relief requested in relation to the parking spaces and retaining wall be granted.



Thomas M. Meachum, Esquire
REESE & CARNEY, LLP
10715 Charter Drive, Suite 200
Columbia, Maryland 21044
Attorney for Petitioner
Summit Associates, LLC

IN THE MATTER OF THE PETITION * BEFORE THE
OF SUMMIT ASSOCIATES, LLC * HOWARD COUNTY
FOR A NON-RESIDENTIAL * HEARING EXAMINER
DISTRICT VARIANCE *

* * * * *

AUTHORIZATION OF OWNER

Savage Mill Remainder, LLC, owner of the property known as Tax Map 47, Parcel 93,
hereby authorizes the filing of this Non-Residential District Variance Petition for Summit
Associates, LLC.

Dated: January 18, 2007

Savage Mill Remainder, LLC

By: Jay Warner, member

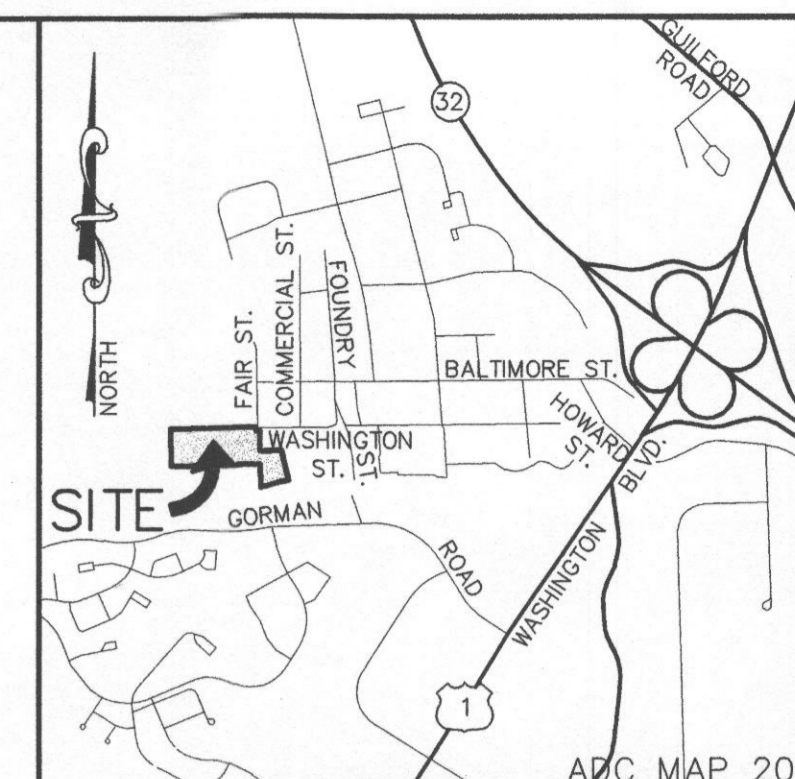
P:\TMM\WPDATA\Summit.Auth of Owner.wpd



Map 1

PROPERTY OF
BOARD OF COUNTY COMMISSIONERS
OF HOWARD COUNTY
L. 501, F. 704
PARCEL 92
ZONED: R-20

PROPERTY OF
BOARD OF COUNTY COMMISSIONERS
OF HOWARD COUNTY
L. 501, F. 704
PARCEL 92
ZONED: R-20



VICINITY MAP
SCALE: 1" = 2000'

GENERAL NOTES

- WE REQUEST A VARIANCE FROM THE 30' STRUCTURE AND USE SETBACK LINE WITHIN THE B2 ZONE TO A REDUCTION OF 10' TO ALLOW PARKING AND RETAINING WALLS.
- STORMWATER MANAGEMENT SHALL BE PROVIDED PER MDE REGULATIONS (ORCA 2000). THIS SHALL INCLUDE A STORM WATER POND AS SHOWN.
- THE EXTERIOR OF THE PROPOSED BUILDING SHALL BE BRICK TO MATCH THE EXISTING MILL BUILDING.
- EXISTING BOUNDARY AND TOPOGRAPHY PROVIDED BY A BOUNDARY AND TOPOGRAPHIC SURVEY BY PHR+A DATED NOVEMBER 2006.
- EXISTING PARKING LOT IS ASPHALT. PROPOSED PARKING LOT AND DRIVE AISLES TO BE ASPHALT PAVING.
- ACCESS TO SITE IS FROM WASHINGTON STREET, A HOWARD COUNTY LOCAL ROAD. SITE IS LOCATED APPROXIMATELY 300' FROM THE INTERSECTION OF WASHINGTON STREET AND FAIR STREET.
- PROPERTY WILL BE SERVED BY PUBLIC WATER AND SEWER.

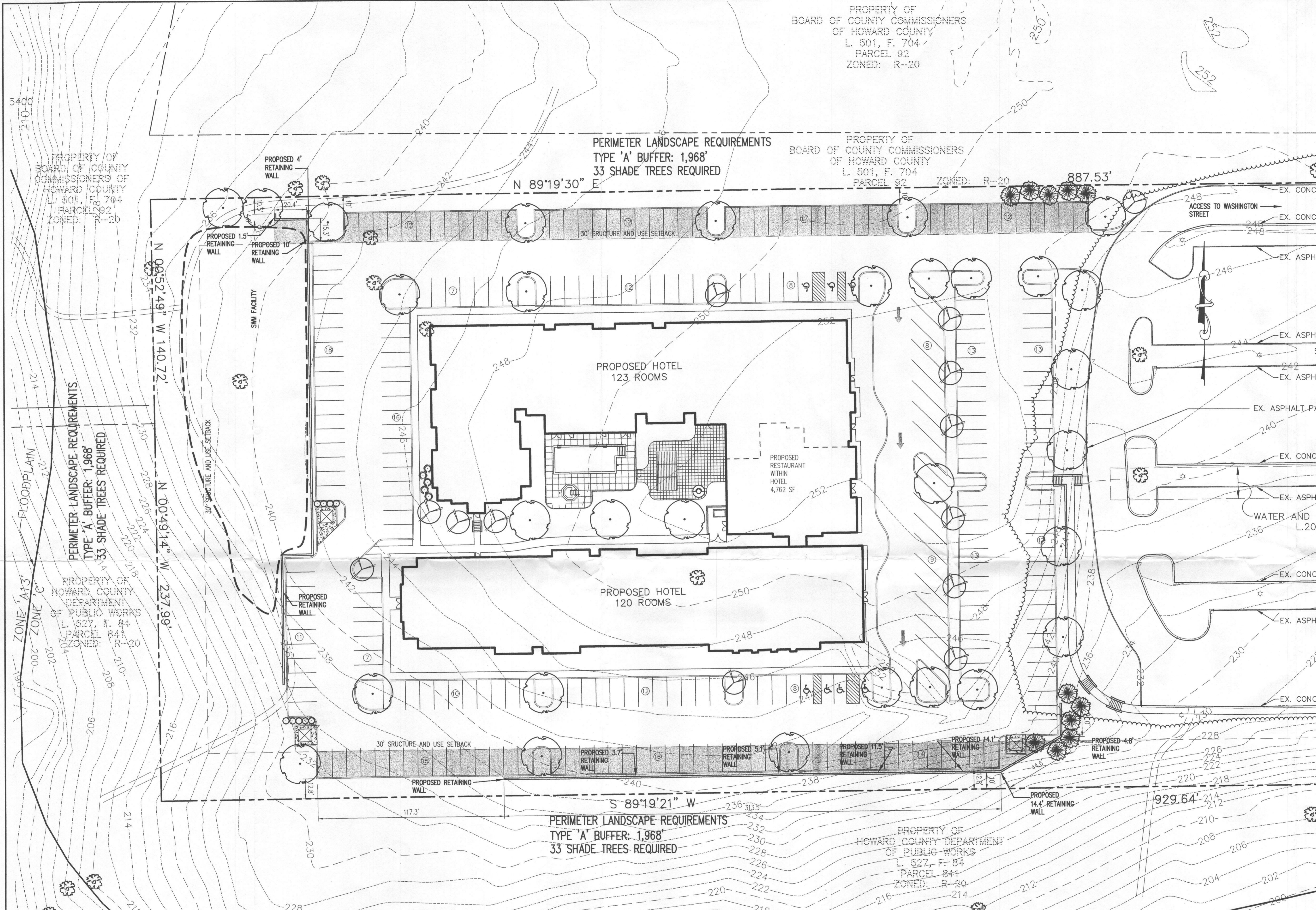
LEGEND:

- VARIANCE REQUESTED
- PROPERTY LINE
- EXISTING 10' CONTOURS
- EXISTING 2' CONTOURS
- PROPOSED 10' CONTOURS
- PROPOSED 2' CONTOURS
- EXISTING CURB AND GUTTER
- PROPOSED CURB & GUTTER
- PROPOSED SHADE TREE
- PROPOSED ORNAMENTAL TREE
- PROPOSED EVERGREEN TREE

DATE	NO.	REVISION
		ATTORNEY: REESE & CARNEY THOMAS MEACHUM 10715 CHARTER DRIVE, SUITE 200 COLUMBIA, MD 21044 (410) 740.4600
		OWNER: SAVAGE MILL REMAINDER, LLC JAY WINER 8373 PINEY ORCHARD PKWY SUITE 102 ODENTON, MD 21113-1580
		PETITIONER: SUMMIT ASSOCIATES, LLC GENE SINGLETON 2200 SUMMITT PARK LANE SUITE 2000 RALEIGH, NC 27612 (919) 279.3031
		PROJECT: SAVAGE MILL HOTELS
		AREA: TAX MAP 47 PARCEL 93 ZONING: B2 GRID 11 6TH ELECTION DISTRICT HOWARD COUNTY, MARYLAND PROPOSED 243 ROOM HOTEL COMPLEX
		TITLE: VARIANCE PLAN

Patton Harris Rust & Associates, pc
Engineers, Surveyors, Planners, Landscape Architects.
8818 Centre Park Drive
Columbia, MD 21045
T 410.997.8900
F 410.997.9282

DESIGNED BY: PJS/JSN
DRAWN BY: ALC
PROJECT NO.: 12014-2-0
DATE: JANUARY 19, 2007
SCALE: 1"=30'
DRAWING NO. 1 OF 1



PERIMETER LANDSCAPE REQUIREMENTS
TYPE 'A' BUFFER: 1,968'
33 SHADE TREES REQUIRED

PERIMETER LANDSCAPE REQUIREMENTS
TYPE 'A' BUFFER: 1,968'
33 SHADE TREES REQUIRED

SITE DATA:

1. ZONING: ADJOINING PROPERTIES ZONING:	B2 (BUSINESS: GENERAL) R-20
2. GROSS SITE AREA:	10.061 ACRES (438,277 SF)
3. NEARBY LOCAL COMMUNITY:	RIVER ISLAND, SAVAGE
4. EXISTING USE: PROPOSED USE:	FOREST AND PARKING LOT 2 HOTELS, RESTAURANT (WITHIN HOTEL) AND ASSOCIATED PARKING
ADJACENT LAND USE:	UNDEVELOPED (FOREST, COUNTY PARK)

5. EXISTING PARKING: REQUIRED PARKING:	HOTEL: 0 SPACES 1 SPACE PER GUEST ROOM 1 SP ROOM X 243 ROOMS = 243 SPACES REQUIRED FOR HOTEL
	RESTAURANT: 14 SPACES PER 1,000 SF 14 SPACES X 4,762 SF / 1,000 SF = 66.67 SPACES = 67 SPACES REQUIRED FOR RESTAURANT 48% = 32 SPACES*
	*SHARED PARKING FOR RESTAURANT IS UTILIZED DUE TO USE OF RESTAURANT BY HOTEL GUESTS.
	243 SPACES (HOTEL) + 32 SPACES (RESTAURANT) = 275 SPACES REQUIRED TOTAL
PROPOSED PARKING:	275 SPACES

6. FLOOR AREA OF PROPOSED 123 ROOM HOTEL:	24,185 SF PER FLOOR 96,740 SF TOTAL (4 FLOORS)
FLOOR AREA OF PROPOSED 120 ROOM HOTEL:	17,370 SF PER FLOOR 69,480 SF TOTAL (4 FLOORS)
FLOOR AREA OF PROPOSED RESTAURANT:	4,762 SF
7. COUNTY MAXIMUM ALLOWABLE HEIGHT:	40 FEET
HEIGHT OF PROPOSED 123 ROOM HOTEL:	47 FEET*
HEIGHT OF PROPOSED 120 ROOM HOTEL:	47 FEET*
HEIGHT OF PROPOSED RESTAURANT:	RESTAURANT WITHIN HOTEL
	*AN ADMINISTRATIVE ADJUSTMENT WILL BE SOUGHT FOR HEIGHT IN EXCESS OF THAT PERMITTED BY ZONING.
8. STRUCTURE AND USE SETBACKS:	
REQUIRED:	PROVIDED:
FRONT 30'	FRONT 10'
SIDE 30'	SIDE 78'
REAR 30'	REAR 10'