

NOTICE

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Department of Public Works Design Manual Modification Application Requirements

Article 17 of the Anne Arundel County Code and the Department of Public Works (DPW) Design Manual require that certain criteria be met before modifications or exceptions to the DPW Design Manual standards can be approved.

The purpose of this Green Notice is to clarify the criteria that must be satisfied in order to secure a modification or exception approval. It is noted that a modification approval can only be obtained upon findings by the Planning and Zoning Officer that each criterion is satisfied.

Section 17-2-108(c) states that an application for a modification may be denied if requested solely because compliance would add significantly to development costs or if requested solely for the convenience of the developer, such as when the land is not usable because of error or poor assumptions on the part of the developer.

Steve Kaii-Ziegler,
AICP

*Planning & Zoning
Officer*





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M A R Y L A N D

Office of Planning and Zoning

Steve Kaii-Ziegler AICP, Planning and Zoning Officer

MEMORANDUM

TO: Maryland Building Industry Association (MBIA), Review Agencies, and the General Public

FROM: Steve Kaii-Ziegler AICP, Office of Planning and Zoning *Steve Kaii-Ziegler*
Greg Africa, Department of Inspections and Permits *Greg Africa*
Chris Phipps, Department of Public Works *Christopher J. Phipps*
Ramond Robinson, Office of Transportation *RAR*

Christopher J. Phipps (May 27, 2020 14:15 EDT)
Ramond A. Robinson (May 22, 2020 13:33 EDT)

SUBJECT: Design Manual Modification Application Requirements

DATE: May 21, 2020

This Green Notice is to notify all interested parties of what is required to be submitted, at a minimum, with an application for a modification request to the standards in the Department of Public Works (DPW) Design Manual.

Section 17-2-103 of the Anne Arundel County Code states that “all subdivision and development shall comply with all applicable Federal, State, and County law and regulations, the DPW Design Manual, and applicable environmental site design techniques.”

Section 17-2-108(a) states that the “Planning and Zoning Officer may approve an application for a modification to any provision” of Article 17 “and to any applicable regulations, manuals, or specifications, including the DPW Design Manual” that satisfies certain criteria.

The DPW Design Manual, I-1 of 31, 1.A.3., Exceptions, states that if the “design professional for any reason finds it necessary or desirable to use procedures, standards, or criteria other than those include in this Manual, he/she must apply to the County for an exception.” The exception request must address certain noted criteria.

The DPW Design Manual, I-3 of 31, 1.B.7.a., Development Projects, states that “all development projects are submitted to the Department of Planning and Code Enforcement [PACE] for review and approval. PACE then refers the project to other appropriate agencies and departments, including DPW, Soil conservation Service, and the State Highway Administration for review and/or approval in their particular areas of authority.”

The DPW Design Manual, I-3 of 31, 1.B.7.b.2), Public Portion, states “the design of the public portion of a development project is required to be in strict accordance with the methods and criteria presented in this Manual.”

The DPW Design Manual, I-3 of 31, 1.B.7.c.2), Private Portion, states “the design of the private portion of a development project is required to be in general accordance with the Manual, the Anne Arundel County Standard Details, and Standard Specifications, the Anne Arundel County Code, and all applicable County regulations and ordinances.”

Therefore, all Design Manual modification applications made to the Office of Planning and Zoning must contain, at a minimum, a justification, enumerated in writing, which addresses each of the following Article 17 and Design Manual criteria:

Section 17-2-108(a) Criteria

1. Practical difficulties or unnecessary hardship will result from strict application of Article 17.
2. The purpose of Article 17, including minimization and mitigation of environmental impacts through the use of clustering or other available design alternatives to preserve the character of the impacted area, will be served by an alternative proposal.
3. The modification will not be detrimental to the public health, safety, or welfare or injurious to other properties.
4. The modification does not have the effect of nullifying the intent and purpose of Article 17, the General Development Plan, or Article 18.
5. The applicant has submitted written verification to the Office of Planning and Zoning that the requested modification was discussed at a community meeting required under Article 17 or all owners of property located within 300 feet of the affected property were mailed a notice explaining the reason for the modification, along with a copy of the request for modification.

Design Manual Criteria

1. A narrative indicating the design objective and the justification for the request. The narrative and justification may be accompanied by drawings, photographs, catalog cuts or publications which the design professional deems necessary or desirable to support his/her position;
2. The reason for the exception;
3. A statement of any hardships caused by adherence to the contents of the Design Manual;
4. A presentation of the proposed alternative(s) for exceptions to recommended procedure, equipment or materials;
5. A comparison of the service life, replacement cost, and maintenance costs of the alternative to the standard;
6. A performance history of proposed alternate procedure, equipment, or material(s); and
7. A history of usage of proposed alternate methods, standards, or criteria.

If a Design Manual modification application includes both public and private infrastructure, the application must clearly delineate the public and private infrastructure and the justification must address the Design Manual criteria for the private and public portions separately.