



Howard County Department Of Planning And Zoning
3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Marsha S. McLaughlin, Director

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December 22, 2010

Dar Al Taqwa, Inc.
10740 MD. Rt. 108
Ellicott City, MD 21042
ATT: Mumtaz Khan

RE: WP-11-84/Dar-Al-Taqwa, Phase 3

Dear Mr. Khan:

The Director of the Department of Planning and Zoning considered your request for waiver from the Howard County Subdivision and Land Development Regulations.

As of the date of this letter, the Planning Director **approved** your request for waiver to Section 16.1205(a)(7) to allow the removal of three specimen trees on the above referenced property, subject to the following conditions:

1. Removal of three specimen trees identified as a 39" Tulip Poplar, 50" Silver Maple and a 50" White Pine is approved for construction of Building C and for entrance improvements along MD Rt. 108.
2. Plantings of three shade trees or six ornamental trees along MD Rt. 108 will be required. Please show these plantings on the future site development plan for Phase 3 of this site.
3. Compliance with attached comments from the Development Engineering Division.

JUSTIFICATION FOR APPROVAL:

1. Extraordinary hardships or practical difficulties will result from strict compliance with the Regulations. The owner has received approval of a Conditional Use under BA 09-01C to enlarge an existing religious facility. This enlargement is Phase 2 of development so as to construct Building C to be used as a day care/nursery school and day treatment/care facility. Additionally, road improvements will be necessary along MD Rt. 108 as required by the MD State Highway Administration. The construction of Building C will require the removal of a 39" Tulip Poplar. Upgrades to the access drive intersection will require removal of a 50" Silver Maple and 50" White Pine.

Retention of all specimen trees is a goal of the Forest Conservation Act. However, practical difficulties exist on this site due to the unusual shape and topography of the parcel and frontage onto a restricted roadway. All of these features prohibit the ability to retain three of nine specimen trees located on the site. The owner has acknowledged retention of all specimen trees as top priority during site planning design. The limit of disturbance has been reduced to the greatest extent possible in order to save six existing specimen trees. Additionally, construction of Building C has been shifted southwest while still maintaining safe and useable functions of all buildings, parking and access intersection improvements. To approve the waiver request is the best possible solution and will allow development of this site to move forward while having the least impact to the existing forest and other protected features.

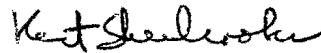
2. The intent of the Regulations will still be served to a greater extent through implementation of an alternative proposal and approval of the waiver request(s) will not nullify the intent of the Regulations. The property owner has considered relocation of Building C, parking and storm water management. However, due to lack of flexibility of a buildable area, existence of a forest conservation easement and limited sites for storm water management features, no

other alternative is possible except for removal of three specimen trees. The owner will be required to install three new shade trees or six ornamental trees to adequately replace the removal of existing specimen trees. These plantings shall be along MD Route 108 frontage. An Environmental Concept Plan shall be required (under review) prior to submission of a site development plan. All improvements and landscaping shall be in conformance with the latest editions of the Subdivision and Land Development Regulations, Zoning Regulations and Storm Water Management requirements. The owner shall also provide a concept plan illustrating the location of specimen trees, the existing/proposed SHA right-of-way and proposed access improvements to the MD State Highway Administration under the site development plan submission.


3. Approval of this waiver request will not be detrimental to the interests of the public. The owner is not circumventing the intent of the regulations, but is attempting to better protect existing trees while providing adequate and safe access to the property and all buildings. Consideration for proximity of Buildings B and C to each other is critical to mosque members during religious use and will provide flowing functionality between each. Shifting Building C any further to save one specimen tree would not, therefore, be practical based upon integrating uses of all buildings. Additionally, it was determined that driveway intersection improvements would be in the best interests of the public. Traffic control is required during high use periods of this site to insure safety of the intersection. The proposed grading will result in removal of two specimen trees along MD Rt. 108, however the entranceway will be widened and further sight distance provided. These improvements will better serve the safety and health of attending mosque members, as well as, travelers along this portion of MD Rt. 108 and residents of the neighborhood.

Indicate this waiver petition file number, request, section of the regulations, action taken, date and conditions of approval on all related plats, site development plans and building permits. This requested waiver will remain valid for as long as development plans remain active. Should you have any questions regarding this matter, please contact Brenda Barth at (410) 313-2350 or email: bbarth@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development



:btb/attachment
cc: Research/DED
Benchmark Engineering
Marion Honeczy, DNR