



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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March 31, 2011

Jim Truby
St. Barnabas Episcopal Church
7609 Main Street
Sykesville, Maryland 21784

Re: St. Barnabas Church
Waiver Petition WP-11-138

Dear Mr. Truby:

The Director of the Department of Planning and Zoning considered your request for a waiver of the Howard County Subdivision and Land Development Regulations. As of the date of this letter, the Planning Director approved your request to waive Subsections 16.118(c), 16.155(a)(1)(ii), and 16.155(a)(3) of the Howard County Code. Waiver approval is subject to the following conditions:

1. Waiver approval applies only to proposed walkway construction and change in use of the existing house from residential to religious activities. New structures and modifications to existing structures or parking areas are excluded from this waiver.
2. At the time of grading permit application, Petitioner shall submit proof of payment of \$327.00 to the Forest Conservation Fund, Section 16.1211, **SAP Account #2060000000-3000-3000000000-PWPW000000000000-432521**. Petitioner shall submit a Forest Conservation Data Summary (available at <http://www.howardcountymd.gov/DPZ/DPZDocs/FOCODATA.pdf>) to the DPZ, Division of Land Development.
3. Petitioner shall address DILP and Health Department comments, attached.
4. Petitioner is advised that the waiver of Subsections 16.155(a)(1)(ii) and 16.155(a)(3) obviates the need to address Section 16.1304 (*Development or Subdivision in a Cemetery*) since development may proceed without submission of a site development plan.

Our decision was made based on the following:

Extraordinary Hardship or Practical Difficulty

Extraordinary hardship and practical difficulty to the Petitioner would result if the waiver was denied and strict compliance with the regulations enforced. Although the pathway is proposed within 30 feet of the cemetery boundary, it is greater than 10 feet from individual grave sites, which complies with Subsection 16.118(c). Additionally, the DPZ, Resource Conservation Division stated that the proposed construction would not affect the cemetery and that the work adhered to the required setbacks. The

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scope of the project is limited to construction of a 4-foot macadam pathway connecting an existing chapel to an existing house, resulting in 2,844 square feet of disturbance. The use of the house is being changed from residential to religious activities. It has been demonstrated that no alterations to access, parking, circulation, SWM, landscaping, or structures are proposed, or required, at this time. Requirement of the Petitioner to submit a site development plan for a project of limited scope and small area of disturbance would result in the imposition of extraordinary hardship and practical difficulty on the Petitioner.

Not Detrimental to the Public Interest

Waiver approval will not be detrimental to the public interest. Review of the waiver petition revealed that the project either complies with all current regulations, will comply once conditions of waiver approval are observed, or is exempt from compliance by virtue of this waiver. Waiver approval will result in no adverse impact on surrounding properties or the adjacent community.

Will Not Nullify the Intent or Purpose of the Regulations

As implied by the justification above, approval of this waiver will not nullify the intent or purpose of the regulations. Conditional Use and Residential District Variance Petitions (BA 11-003C&V) were reviewed and it was clear that the proposal complied with applicable regulations or, through waiver approval, remaining regulations would be addressed or waived if justified.

Indicate this waiver petition file number, section of the regulations, action, conditions of approval, and date on all related grading plans and applications. This waiver will remain valid for one year from the date of this letter or as long as the grading plan remains in active processing.

Should you have any questions please contact Dave Boellner by telephone at 410-313-3956 or by e-mail at dboellner@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
DPZ, Division of Land Development

KS/DBB:dbb

Enclosures (DILP and Health Department comments)

CC: DPZ, Research
DPZ, DED
FSH Associates