



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
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Marsha S. McLaughlin, Director

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March 28, 2011

New Life Mennonite Church
9580 Old Route 108
Ellicott City, MD 21042

RE: WP-11-148, New Life Mennonite Church, (ECP-11-032), consideration of a waiver to 16.116(a)(1) of the Subdivision Regulations

Dear Sir or Madam:

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

As of the date of this letter, the Planning Director **approved** your request to waive Section 16.116(a)(1) of the Subdivision Regulations which prohibits grading, removal of vegetative cover and trees, paving, and new structures within 25 feet of a wetland in any zoning district.

Approval is subject to the following conditions:

1. Any disturbances within the wetland buffer shall be the minimum disturbance necessary to afford relief and to comply with the conditions for BA-10-006C&V.
2. No improvements may be constructed within actual wetlands or ponds, and all improvements must be limited to the wetlands buffer.
3. Subject to obtaining all necessary wetland permits from the MDE and/or the U.S. Army Corp. of Engineers.

Our decision was made based on the following:

Extraordinary Hardship or Practical Difficulty - The site is long and narrow, relative to other area properties and the back section is comprised of steep slopes and wetlands. This unique condition impacts the property such that a practical difficulty arises in complying with the Bulk Regulations with regard to the provision of the required number of parking spaces for both the existing facility and the proposed addition. Should the Regulations be strictly enforced, it would prevent the property from being used for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome. The ECP Plan is in conformance with the Conditional Use Plan, which showed the proposed parking and grading within the wetland buffer.

Alternative Proposal - The only alternative for not granting the requested waiver would be to require the applicant to avoid all environmental features and their buffers around the wetlands when installing the parking lot. Due to the existing wetlands location and all of the environmental features associated with these bodies of water, the alternative requiring the applicant to avoid all environmental features and their buffers around the wetlands when installing the parking lot for the church is not feasible.

Not Detrimental to the Public Interest - The Church has operated this location for several decades and the proposed building extension and additional parking will not intensify the use. The waiver petition, if granted will not alter the essential character of the neighborhood, will not impair the use of adjacent property and will not be detrimental to the public welfare. In addition the proposed layout of the additional parking and the configuration of the stormwater management facility have been carefully designed to mitigate the impact on the adjacent wetland buffer. Additionally, the applicant is proposing to construct a 10 foot high retaining wall along the rear parking lot area to help minimize the wetland buffer impact disturbance. However, because of Design Manual design requirements for driveway aisle widths and turning movements for the required parking spaces, the applicant has no alternative but to impact the wetland buffer as shown on the Waiver Petition plan exhibit.

Will not Nullify the Intent or Purpose of the Regulations - Due to the unique shape and physical conditions of the site, compliance with the parking requirements means that several of the parking spaces will fall within the 25 foot wetland buffer. The encroachments are the minimum necessary for the parking spaces and retaining walls and are unique to this site. As such, approval of this waiver will not nullify the intent and purpose of the Regulations to ensure environmental protection of the existing wetlands.

Indicate this waiver 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 requested waiver will remain valid for one year from the date of this letter or as long as the site development plan remains in active processing.

If you have any questions, please contact J.J. Hartner at (410) 313-2350 or email at jehartner@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

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KS/TKM/JH

cc: Research
DED
Fisher, Collins, and Carter, Inc.
File# WP-11-148