

Justification for Approval:

1. Extraordinary hardships or practical difficulties will result from strict compliance with the Regulations. This site is currently improved with a vacant truck terminal with associated parking and loading areas and is completely covered by asphalt except on the rear portion of environmental area. The environmental area consists of flood plain and a 50' stream bank buffer. The entire site has been graded, paved and developed with structures under the previously approved site development plans. The new owners will continue the trucking use and will raze a portion of the existing truck terminal. This area will be reconstructed with a new office addition and the parking areas will be re-stripped. A separate maintenance building for the trucks will be constructed behind the terminal to the southwest. The existing truck terminal building has been idle for years, subjected to vandalism and theft. Most copper wiring and piping has been ripped from the building, cabinets in the basement have been cut and removed and storm sewer grates have been stolen. The most economical way of updating this site is by redevelopment and to allow the net area of forest conservation to be based solely upon the limit of disturbance for new construction. The limit of disturbance based upon the applicant's worksheet will be 1.44 acres. No existing forest will be removed since the entire area of the LOD has been previously paved. A Fee-in-Lieu for an obligation of .22 acres of required afforestation will be permitted. This is the better solution rather than requiring the owner to compute forest conservation calculations on the entire 10 acre site.
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 intent of the Regulations is to preserve and protect existing forest. In this case, the entire site has been previously graded and no forest exists on the developed portion of the site. The southern section of the property contains a strip of environmental features of flood plain, a 50' Stream Bank Buffer and existing forest which will not be disturbed except as considered essential disturbance for an outfall and utility construction. Providing a Fee-in-Lieu of the required obligation will still serve to enhance the Forest Conservation Program by providing money to be utilized through implementation of the alternative solution.

3. Approval of the waiver request(s) will not be detrimental to the interests of the public. The owner is not circumventing the intent of the regulations, but is attempting to develop the property which has been vacant for years. By redevelopment the owner is enhancing the site and providing a better streetscape, as well as, upgrading the site in a safe and orderly manner. The environmental features to the south will remain undisturbed and provide a buffer from adjoining properties which are zoned M-2 (Manufacturing-Heavy). Property to the west and east have been developed with manufacturing uses and will not be affected by approval of this waiver.

Indicate this waiver petition file number, request, section of the regulations, action taken, date and conditions of approval on all related future plats, site development plans and and/or building permits. The requested waivers will remain valid for one year from the date of this letter or as long as the associated development plans remain in process. 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



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cc: Research/DED/FC Coordinator
Marion Honecny/MDNR
Christopher Consultants