



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 3, 2013

Sungai Kim
2796 Rogers Avenue
Ellicott City, MD 21043

Dear Ms. Kim:

RE: WP-14-045, 2796 Rogers Avenue, Shalom
Miracle Center (BA-12-029C)

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 **denied** your request to waive **Section 16.155(a)(1)(i) and (ii)** which requires a site development plan for all non-residential development.

Denial was based on the following reasons:

Our decision was made based on the following:

1. The application submitted does not contain sufficient justification to substantiate extraordinary hardship or practical difficulties with compliance for providing a professionally prepared site development plan for conversion of a residential property to a religious facility.
2. The waiver plan exhibit submitted is not an adequate substitute for the required site development plan which must comply with the Subdivision, Land Development and Zoning Regulations, the Forest Conservation Manual and the Landscaping Manual. A Site Development Plan is necessary to adequately examine the following:
 - a. The waiver petition exhibit does not accurately depict the required parking spaces. The proposed parking spaces must be paved surface parking and their 9' x 18' size must be dimensioned on the plan. In addition, the parking spaces must be striped on site. Parking areas, loading areas and driveways and refuse areas should be properly located and screened from public roads and residential uses to minimize impacts on adjacent properties. The site development plan must include parking computations, in accordance with Section 133.0.D.7.g. of the Zoning Regulations (10 spaces per 1,000 square feet of assembly area). In addition, the parking spaces must comply with the 20' parking and use setback and the accessory structures must comply with the required setbacks. Also, the parking spaces and accessory structures must be dimensioned to the closest property lines.
 - b. The expanded development must address the landscaping requirements in accordance with Section 16.124 of the Howard County Code, and the Landscape Manual. Please be advised that the required internal parking lot islands must be a minimum size of 12 feet wide (face of curb to face of curb) and a minimum area of 200 square feet in accordance with Chapter IV, Page 26 of the Landscape Manual.
 - c. Condition No. 2 of the Decision and Order for BA 12-029C required the installation of a five-foot high open fence. The open fence detail must be provided on the plan.
 - d. No grading, removal of vegetative cover and trees, paving and new structures is permitted within the wetlands, streams, or their required buffers in accordance with Section 16.116 of the Subdivision and Land Development Regulations. All protected environmental features should be added to the plan and respected by the development.

- e. The exterior lighting proposed for this site will be subject to compliance with Section 134 of the Zoning Regulations.
3. In accordance with the attached comments from the Development Engineering Division dated November 27, 2013.
4. In accordance the attached comments from the Department of Inspections, Licenses and Permits dated October 28, 2013.
5. The waiver, if approved, would violate the intent and purpose of Section 16.101 of the Subdivision and Land Development Regulation which is to ensure that the establishment of a non-residential use follows uniform rules, procedures and established standards for the review and approval of a site development plan. Please note that it is not just the site improvements proposed by a developer or property owners for a change-in-use that determine if a Site Development Plan is needed, but also the site improvements required by the Subdivision Review Committee agencies to bring the site into compliance with the minimum code requirements.

Indicate this waiver petition file number, request, section of the regulations and action and date of denial on all related plats, and site development plans, and building permits.

If you have any questions, please contact Brenda Luber at (410) 313-2350 or email at BLuber@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/BL

Enclosures

cc: Research
DED
Real Estate Services