



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Courthouse Drive

Ellicott City, Maryland 21043

410-313-2350

Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

November 10, 2015

Emmanuel UMC
10755 Scaggsville Road
Laurel, MD. 20723
Reverend Stephanie Vader

RE: WP-16-033 ("Emmanuel United Methodist Church")
[associated with SDP-15-067 ("Emmanuel United Methodist Church")]

Dear Reverend Vader:

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 16.1205(a)(7) and 16.1205(a)(10)** which requires the retention of specimen trees (30" dbh or greater) that are not contained within other priority forest retention areas as outlined in Section 16.1205(a)(1-10). A waiver to **Section 16.118 (c)** which prohibits grading or construction shall be permitted within 30 feet of a cemetery boundary or within 10 feet of individual grave sites.

Approval is subject to the following conditions:

1. Waiver approval is limited to the removal of specimen trees as depicted on the waiver exhibit. Any proposal to remove additional specimen trees will require a new waiver request or an amendment to this waiver request.
2. A minimum of 10 additional, native, 2-3" caliper trees shall be provided on site as part of the mitigation for the specimen tree removal. This mitigation will be addressed with the project known as "Emmanuel United Methodist Church" and will be in addition to any required landscape or forest conservation plantings. The mitigation will be shown on the associated Landscape Plan and surety for these additional trees will be required as part of the Site Development Plan (SDP-15-067).
3. Grading and construction shall be the least necessary and shall be no closer than 17 feet from the cemetery boundary. Any proposal to increase the impact on site will require an additional waiver petition to be submitted or a reconsideration of this waiver petition file.

The Planning Director's decision was made based on the following:

Extraordinary hardships or practical difficulties:

Denial of the waiver petition with regard to specimen tree removal would result in undue hardship because it would require re-design and new location for the church/school expansion which would prove "impractical for the church's use. Relocation to another area of the site would also result in the removal of additional forest resource. The proposed improvements have been designed to expand areas of the property that were previously developed (contain impervious surfaces), thus leaving the large wooded area mostly undisturbed. Two of the remaining trees adjacent to the cemetery could also become hazards to existing graves. The cherry tree is located near the eastern corner of the existing building. This tree is located in the most obvious spot for expansion, without requiring additional, unnecessary disturbance to the surrounding property."

Denial of the waiver petition with regard to grading limitations adjacent to a cemetery would result in a practical difficulty. Per the applicant's justification, "in Phase I of the project, the design works within the restraints created by the size of the property and the existing building to provide needed parking within a reasonable distance to the church. The design also incorporates a retaining wall of modest height, approximately 17 feet from the existing cemetery, which would provide additional protection from the existing graves. With future Phase II, existing grades would be used, the existing building would be removed and a new multipurpose church building would be erected at a greater distance away from the existing cemetery. The retaining wall would also be extended during Phase II, allowing the parking area to remain close to the building. The retaining wall extension would be the same or a greater distance from the cemetery. Any deviation from the current proposal, would require a greater area of disturbance which would affect the existing on-site forest. This forest serves as a buffer from the proposed improvements to two streams and the Rocky Gorge Reservoir. It is the applicant's contention that maintaining the full 30' cemetery setback would result in an undesirable design and unnecessarily force needed parking into an impractical space and distance from the church."

Detrimental to the Public Interest or Nullifies the Intent or Purpose of the Regulations:

With regard to the waiver to specimen tree removal, "the developer intends to utilize existing structures and limit disturbance so that the bulk of the property will be allowed to be encumbered by Forest Conservation Easements (retention). These easements will address required forest conservation requirements for the project, will provide for an additional forest retention bank and will provide a buffer between the proposed improvements and the two on-site streams."

The applicant also notes that the proposal as designed (and shown on the waiver exhibit and SDP-15-067) "was approved by the Hearings Examiner. Design details were influenced by the outcomes of multiple hearings, at which time the project was viewed in its entirety and subject to cross examination and both pro and con testimony".

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 Tanya Krista-Maenhardt, AICP at (410) 313-2350 or email at tmaenhardt@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

attachment

KS/TKM/waivers 2015/Emmanuel United Methodist Church WP-16-033 approved 11-10-15

cc: Research
DED
Real Estate Services
SDP-15-067 file