



# HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Court House Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Voice/Relay

Amy Gowan, Director

FAX 410-313-3467

January 25, 2023

Roma Elhabashy  
10740 Route 108  
Ellicott City, MD 21042  
Email: [roma@bls21.com](mailto:roma@bls21.com)

RE: WP-23-020 Dar Al Taqwa Parking Lot Expansion

Dear Mr. Elhabashy:

This letter is to inform you that your request for alternative compliance to the Howard County Subdivision and Land Development Regulations for the subject project was reviewed.

On January 19, 2023 and pursuant to Section 16.1216, the Director of the Department of Planning and Zoning, Director of the Recreation and Parks and Administrator of the Office of Community Sustainability considered and **approved** your request for a variance with respect to **Section 16.1205(a)(3)** of the Subdivision and Land Development Regulations to develop the property per the approved BA-19-010C, which expands the parking lot into the eastern portion of the property. Please see the attached Final Decision Action Report for more information.

**Approval of this Alternative Compliance is subject to the following conditions:**

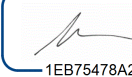
1. The alternative compliance approval is limited to the removal of Specimen Trees #10 and #14 only as depicted on the exhibit. Any proposal to remove any other specimen tree will require a new alternative compliance request or an amendment to this alternative compliance request.
2. A minimum of **4** native 3" DBH, shade trees shall be provided as mitigation for the removal of the two (2) specimen trees from the property. Landscaping surety in the amount of \$300.00 per tree shall be provided with the applicant's grading permit as part of the redline revision.

Indicate this alternative compliance 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 alternative compliance approval will remain valid for one year from the date of this letter or as long as a subdivision or site development plan is being actively processed in accordance with the processing provisions of the Regulations.

If you have any questions, please contact Kathryn Bolton at (410) 313-2350 or email at [kbolton@howardcountymd.gov](mailto:kbolton@howardcountymd.gov).

Sincerely,

DocuSigned by:



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Anthony Cataldo, AICP, Chief  
Division of Land Development

AC/kb

cc: Research  
DLD - Julia Sauer  
Real Estate Services  
Vogel + Timmons



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## ALTERNATIVE COMPLIANCE FINAL DECISION ACTION REPORT

DEPARTMENT OF PLANNING AND ZONING  
DEPARTMENT OF RECREATION AND PARKS  
OFFICE OF COMMUNITY SUSTAINABILITY

**RE:** **WP-23-020 Dar Al Taqwa Parking Lot Expansion**  
*Request for a variance to Section 16.1205(a)(3) of the Subdivision and Land Development Regulations.*

**Applicant:** Roma Elhabashy  
10740 Route 108  
Ellicott City, MD 21042  
Email: [roma@bls21.com](mailto:roma@bls21.com)

Pursuant to Section 16.1216, the Director of the Department of Planning Zoning, Director of the Department of Recreation and Parks and the Administrator of the Office of Community Sustainability considered and **approved** the applicants request for a variance with respect to **Section 16.1205(a)(3)** of the Forest Conservation Regulations. The purpose is to expand the parking lot into the eastern portion of the property. The Directors deliberated the application in a meeting on January 19, 2023.

Each Department hereby determines that the applicant has demonstrated to its satisfaction that strict enforcement of the above-cited regulation would result in an unwarranted hardship. This determination is made with consideration of the alternative compliance application and the six (6) items the applicant was required to address, pursuant to Section 16.1216:

**1. Describe the special conditions peculiar to the property which would cause the unwarranted hardship.**

The site is an 'L' shaped parcel which has multiple existing structures constructed in accordance with Phase I of SDP-02-004. These structures include the main religious facility, residential structure, paved parking and stormwater management facilities within the main portion of the site extending to the access along Rt 108. The property has a total of fourteen specimen trees onsite. These in combination with the existing structures, SWM facilities, and parking area reduce the developable area of the site to the northeast portion of the site. The location of the proposed parking lot expansion impacts two of the fourteen specimen trees. The applicant is requesting removal of the two trees to accommodate this parking expansion in order to adequately meet the needs of the existing congregation. The parking expansion in the proposed location also limits any impacts to specimen trees #1-8 along the northern portion of the site and focuses the impact within the CRZ of specimen tree #10 and 14 which are in fair to poor and good to fair condition, respectfully. Denying the removal of the two specimen trees would prevent the applicant from meeting the parking requirements associated with the approved Religious Facility use which would create an unwarranted hardship for the applicant.

**2. Describe how enforcement of the regulations would deprive the landowner of rights commonly enjoyed by others in similar areas.**

Strict conformance with the requirements would prohibit the applicant's ability to develop the site in conformance with their approved Conditional Use Plan for a religious facility and ancillary improvements. Parking, lighting and recreation areas are commonly enjoyed by religious institutions and requiring the trees to remain would deprive the owner of these ancillary uses. Also, allowing a property owner to remove a tree in poor health is commonly permitted, as the continued decline of the health of the tree could pose a safety hazard if it were to remain.

**3. Verify that the granting of a variance will not adversely affect water quality.**

There is no evidence that the granting of a variance will adversely affect water quality. The development is subject to the current Environmental Site Design criteria, which include small filtering processes to address water quality. Stormwater management and soil erosion and sediment control measures will be implemented under the grading permit.

**4. Verify that the granting of a variance will not confer on the applicant a special privilege that would be denied to other applicants.**

The provision of adequate parking and ancillary uses that are customary to a religious facility are not special privileges. Approval of this variance will allow the applicant to have adequate parking onsite for the congregants, while meeting the requirements of Howard County zoning regulations.

**5. Verify that the variance request is not based on conditions or circumstances which are the result of actions by the applicant.**

The proposed improvements are needed to bring an active code enforcement case into compliance with the law. To move forward and abate the violation for the site, adequate parking must be provided onsite. The location of the parking area was chosen to minimize additional disturbance to the site and to facilitate site circulation and safe pedestrian connections. These location of these two specimen trees within the overall "L" shaped site is not a condition that is the result of the applicant but rather the overall design of the site.

**6. Verify that the condition did not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property.**

There is no evidence that the conditions arose from a condition relating to land or building use, either permitted or nonconforming on a neighboring property. These conditions were a result of the uniqueness of the site, existing conditions, and environmental features.

**7. Provide any other information appropriate to support the request.**

The applicant provided a Specimen Tree Assessment prepared by a certified arborist, which includes images of all specimen trees onsite and detailed descriptions of their condition. An alternative layout was also included in the applicant's submission. The alternate location of the parking lot would require additional tree clearing outside of the previously disturbed gravel area and the impact to Specimen Tree #10 would remain the same. The location which has previously been impacted with the gravel parking area would be the least impact moving forward.

**Directors Action:** Approval of alternative compliance of Section 16.1205(a)(3) is subject to the following conditions:

1. The alternative compliance approval is limited to the removal of Specimen Trees #10 and #14 only as depicted on the exhibit. Any proposal to remove any other specimen tree will require a new alternative compliance request or an amendment to this alternative compliance request.
2. A minimum of **4** native 3" DBH, shade trees shall be provided as mitigation for the removal of the two (2) specimen trees from the property. Landscaping surety in the amount of \$300.00 per tree shall be provided with the applicant's grading permit as part of the redline revision.

DocuSigned by:

*Amy Gowan*

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Amy Gowan, Director  
Department of Planning and Zoning

DocuSigned by:

*Raul Delerme*

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Raul Delerme, Director  
Department of Recreation and Parks

DocuSigned by:

*Joshua Feldmark*

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Joshua Feldmark, Administrator  
Office of Community Sustainability

cc: Research  
OCS, Joshua Feldmark  
DRP, Raul Delerme  
Vogel + Timmons



**Howard County Maryland**  
**Department of Planning and Zoning**  
 3430 Courthouse Drive, Ellicott City, MD 21043

(410) 313-2350

**DPZ Office Use only:**  
 File No.  
 Date Filed

## ALTERNATIVE COMPLIANCE APPLICATION

**Site Description:** Dar Al- Taqwa Incorporated/ Phase III

**Subdivision Name/Property Identification:** Dar Al Taqwa Parking Lot Extension

**Location of property:** 10740 Clarksville Pike

**Existing Use:** Religious Facility      **Proposed Use:** Religious Facility

**Tax Map:** 0029      **Grid:** 0011      **Parcel No:** 12      **Election District:** 2nd

**Zoning District:** RC-DEO      **Total site area:**

**Please list all previously submitted or currently active plans on file with the County (subdivision plans, Board of Appeals petitions, alternative compliance petitions, etc.). If no previous plans have been submitted, please provide a brief history of the site and related information to the request:**

BA-19-010c  
 SDP-02-004 (redline)

**In the area below, the petitioner shall enumerate the specific numerical section(s) from the Subdivision and Land Development Regulations for which an alternative compliance is being requested and provide a brief summary of the request. Please use the additional page if needed.**

Section Reference No.	Brief Summary of Request
16.1205(a)(3)	Removal of Specimen Trees

Section Reference No.	Brief Summary of Request

**Signature of Property Owner:**

DocuSigned by:  
  
BF8EBBE9080D4E4

**Date:** 3/31/2022

**Signature of Petitioner Preparer:**



**Date:** 3/31/2022

**Name of Property Owner:** Dar-Al-Taqwa

**Name of Petition Preparer:** Vogel Engineering + Timmons Group

**Address:** 10740 Route 108

**Address:** 3300 North Ridge Road., Suite 110

**City, State, Zip:** Ellicott City, MD 21042

**City, State, Zip:** Ellicott City, Maryland 21043

**E-Mail:** roma@BLS21.com

**E-Mail:** Rob.Vogel@timmons.com

**Phone No.:** (301) 408-8877

**Phone No.:** 410-461-7666

**Contact Person:** Roma Elhabashy

**Contact Person:** Robert H. Vogel

**Owner's Authorization Attached**