



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

February 13, 2023

Pastor Lee
New Path Reformed Church
8074 Trotters Chase
Ellicott City, MD 21043

Dear Pastor Lee:

RE: WP-23-029, New Path Reformed Church

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 24, 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 remove 8 specimen trees. Please see the attached Final Decision Action Report for more information.

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 Brenda Lubber at (410) 313-2350 or email at BLubber@howardcountymd.gov.

Sincerely,

DocuSigned by:


1EB75478A22B49A...

Anthony Cataldo, AICP, Chief
Division of Land Development

AC/BL

cc: Research
DLD - Julia Sauer
Real Estate Services
Marian Honecny- DNR
Vogel + Timmons Engineering



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

ALTERNATIVE COMPLIANCE FINAL DECISION ACTION REPORT

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

RE: **WP-23-029, New Path Reformed Church**
Request for a variance to Section 16.1205(a)(3) of the Subdivision and Land Development Regulations.

Applicant: New Path Reformed Church
8074 Trotter Chase
Ellicott City, MD 21943

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 remove 8 specimen trees for the construction of a religious facility. Directors deliberated the application in a meeting on January 24, 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 applicant has submitted a site development plan for the approval of a 7,972 square foot building, 71 parking spaces and associated storm water management which is consistent with the approved conditional use for the site. This proposal would require the removal of eight (8) specimen trees. Four of the trees are listed in poor condition and should be removed because they could pose a safety hazard. These four trees are located close to the east and west property lines where their failure could cause property or structural damage to adjacent properties. The applicant submitted an alternative design for the site requiring the removal of only these 4 specimen trees, but this proposal would not accommodate the minimum needs of the congregation.

The four other trees are listed as good condition or good to fair condition and are located central to the property with their combined critical root zones spreading the entire width of the property. The CRZs of these trees would be significantly impacted by the proposed site improvements. Specimen tree #3 is in northern area of the site between the proposed religious facility and MD Route 108 and is in the location of the proposed stormwater management facility. Approximately 25% of the critical root zone is located on the adjacent property and has been previously disturbed by the off-site restaurant building and parking lot paving. Specimen trees #4, 5 & 6 are the most centrally located trees and are in the site's entrance, parking or religious facility. The critical root zone for these specimen trees spans approximately 75% of the total property width, which makes disturbance to over 30%

of the critical root zones unavoidable. The retention of any of these four trees would result in a major deviation from the approved conditional use plan and would impact on the ability to use the property for the intended congregation.

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

The property has eight (8) specimen trees, four of which are in poor condition. Allowing a property owner to remove a tree in poor condition is commonly permitted because the potential for continued decline could pose a safety hazard if the tree were to remain. The remaining 4 specimen trees and their critical root zone span the width of the property. Landowners in similar areas would be provided the opportunity to develop the central portions of their site. The location of these trees within the developable area of the site provide a challenge for any development program with strict application of the regulations.

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 includes stormwater management to address water quality. Stormwater management and soil erosion and sediment control measures will be implemented under the grading permit. The owner will replace the eight trees with sixteen native shade trees with a 3" DBH.

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

Approval of this variance will provide the applicant with the ability to develop the site with a religious facility as approved in BA-19-031C on February 26, 2020. Four of the specimen trees are in poor condition and are generally permitted to be removed by other applicants because the tree health could pose a safety hazard if it were to remain. The removal of the other four trees is required due to their central location on the site and inability to protect more than 30% of the critical root zone and develop the religious facility use. Granting removal of specimen trees within the central, developable area of the site would not be considered a special privilege.

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

The proposal has provided a design which requires the removal of the eight (8) specimen trees in various stages of health. The location of the specimen trees throughout the site is not a condition that is the result of the applicant but rather the overall condition of the site. Given the number of specimen trees and location, it is unlikely the site could be reasonably used if all of the trees were required to remain.

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.

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

1. The alternative compliance approval is to remove eight (8) Specimen Trees as depicted on the exhibit.

2. A minimum of 16 (sixteen) native shade trees with a 3" DBH shall be provided on-site as mitigation for the removal of the eight (8) specimen trees from the property. The mitigation for these trees must be provided on SDP-22-007 and will be bonded as part of the landscaping surety.

DocuSigned by:

Amy Gowan

5B4D5DD9470C4D4...

Amy Gowan, Director

Department of Planning and Zoning

DocuSigned by:

Raul Delerme

88D74370827248A...

Raul Delerme, Director

Department of Recreation and Parks

DocuSigned by:

Joshua Feldmark

3241B974513F4B7...

Joshua Feldmark, Administrator

Office of Community Sustainability

cc: Research
OCS, Joshua Feldmark
DRP, Raul Delerme



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

October 19, 2022

Pastor Lee
New Path Reformed Church
8074 Trotters Chase
Ellicott City, MD 21043

Dear Pastor Lee:

RE: WP-23-029, New Path Reformed Church

This letter is to inform you that your request for alternative compliance to the Howard County Subdivision and Land Development Regulations for the subject property was reviewed and no action can be taken until the enclosed comments have been addressed, and the following additional information is provided.

Copies of the exhibit/plan and the supplemental information and a response letter to the comments for each agency should be submitted to this Division for distribution in the following manner:

<u>Agency</u>	<u>#Copies</u>
DLD	1
DED	1
R&P	1
OCS	1

Also, the resubmission must sent electronically to Jennifer Wellen at JWellen@howardcountymd.gov or Justin Schleicher at JSchleicher@howardcountymd.gov. The requested information and revised plans must be submitted within **45 days of the date of this letter (**on or before December 3, 2022***), or this Division will recommend that the Planning Director or Director Committee deny this alternative compliance petition.**

Once the requested information has been received and reviewed, this office will coordinate agency comments and will prepare a recommendation for the Planning Director's action. If you have any questions regarding a specific comment, please contact the review agency prior to preparing the revised plans and information. Compliance with all items indicated above is required before the revised plans and information will be accepted.

In accordance with adopted Council Bill 51-2016, effective 10/05/16, if the deadline date is a Saturday, Sunday or holiday or if the County offices are not open, the deadline shall be extended to the end of the next open County office business day.

Submissions can be mailed to Howard County Planning and Zoning, 3430 Court House Drive, Ellicott City, MD 20143 or dropped in the bin labeled 'DLD' at the Department of Planning and Zoning Public Service Counter located on the first floor of the George Howard Building. Submission materials can also be emailed to planning@howardcountymd.gov for processing.

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

Sincerely,

DocuSigned by:



1EB75478A22B49A...

Anthony Cataldo, AICP, Chief
Division of Land Development

AC/BL

Attachments:

cc: Research
DLD - Julia Sauer
Real Estate Services



ALTERNATIVE COMPLIANCE APPLICATION

Site Description: New Path Reformed Church

Subdivision Name/Property Identification: New Path Reformed Church SDD-22-007

Location of property: 10425 Clarksville Pike Ellicott City MD

Existing Use: Vocant **Proposed Use:** Church

Tax Map: 29 **Grid:** 18 **Parcel No:** 106 **Election District:** 5th

Zoning District: B-20 **Total site area:** 1.70 ac

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:

SDD-22-007

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
<u>16.1205 (a)(3)</u>	<u>Forest Conservation Regulations Specimen Trees</u>

Section Reference No.	Brief Summary of Request

Signature of Property Owner: Taeboh Lee Date: 01/13/2021

Signature of Petitioner Preparer: [Signature] Date: 9/15/22

Name of Property Owner: New Path Reform Church Name of Petition Preparer: Joey Voce

Address: 8074 Trotters Chase Address: 3300 W Ridge Road, #110
Ellicott City MD 21043

City, State, Zip: Ellicott City MD 21043 City, State, Zip: Ellicott City MD 21043

E-Mail: nprchurch@gmail.com E-Mail: Joey Voce @ Timmons.com

Phone No.: 410-829-8829 Phone No.: 410 461-7666

Contact Person: Taeboh Lee (Pastor) Contact Person: Joey Voce

Owner's Authorization Attached