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1. The Conditional Use shall be conducted in conformance with and shall apply only to the proposed Tent Area as described in the petition and depicted on the plan submitted on April 9, 2015, subject to all conditions of approval, and not to any other activities, uses or structures on the Property.
2. Petitioner shall comply with all agency comments, including those of DILP and DPZ's DLD division, set forth in Finding #9. Petitioner shall submit a redline revision to SDP-87-200 within 60 calendar days of this decision and order.
3. Petitioner shall not erect the tent in the future without obtaining building permit approval.

¹ The Hearing Examiner misnumbered the last condition in the decision and order.

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4. Petitioner shall install the landscaping/planting required under SDP-87-200 no later than January 18, 2017 and complete all landscape installation, surety and certification requirements imposed by the Howard County Landscape Manual by this same date. To ensure Petitioner installs the requisite landscaping and comports with the Howard County Landscape Manual, Petitioner shall not apply for a building permit beyond the 2016 Easter season or set up the tent without a permit beyond the 2016 Easter season unless all landscaping requirements have been met and DPZ reviews the permit request for compliance; i.e., Petitioner shall not apply for a 2017 building permit or set up the tent in 2017 unless all landscaping requirements have been met.

By letter of July 20, 2015, Petitioner, through Thomas G. Coale, Esq., requested reconsideration of Condition 2 of the decision, pending a waiver determination by the Department of Planning and Zoning (DPZ), a hearing on the request and a stay of the time to appeal. On July 17, 2015, the Hearing Examiner stayed the time to appeal and agreed to hold a hearing on the request for reconsideration after DPZ and other relevant agencies had an opportunity to submit comments in relation to Petitioner's request for a waiver of the pertinent redline revision to the site development plan (SDP) and other matters.

At the December 14, 2015 reconsideration hearing, Mr. Coale proffered the following.

1. The Department of Inspections, Licensing and Permits (DILP), which issues permits for tent structures, is requiring Petitioner to obtain a yearly (seasonal/temporary) building permit for the tent.
2. DPZ required Petitioner to submit a redline revision to the site development plan, which has been approved. Petitioner introduced into evidence Exhibit 1, an October 15, 2015 speed memo from Chad Edmondson, Chief of DPZ's Development Engineering Decision, re: proposed Site Development Revision for SDP-87-200 (then Covenant Baptist Church), instructing

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Petitioner to provide submit a redline plan revision and providing a section for structural improvements for the tent "pad" in accordance with BA 15-00C. Exhibit 1 also includes the redline review made DPZ's Division of Land Development (DLD), which instructs the redline plan to depict certain information.

3. Mr. Coale also proffered that Exhibit 2 is a two-sheet redline revision to SDP 87-200. Sheet 1 (Sediment Control) depicts the location of the added tent pad and a revisory note stating that the tent pad was added per BOA Case # 15-009C. The date of the revision is August 31, 2015.

Based on this information, the "Order" section of the decision and order is revised as follows.

ORDER

Based upon the foregoing, it is this **12th day of January 2016**, by the Howard County Board of Appeals Hearing Examiner, **ORDERED:**

That the Petition of Mount Pisgah African Methodist Episcopal Church of Howard County (Petitioner) to retroactively modify and enlarge a religious facility conditional use through the addition of a 70'x35' (2,450sf) outdoor tent pad and a 20' high tent structure and use (the Tent Area) in an R-20 (Residential: Single) Zoning District, is hereby **GRANTED**;

Provided, however, that:

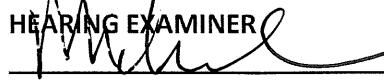
1. The Conditional Use shall be conducted in conformance with and shall apply only to the proposed Tent Area as described in the petition and depicted on the plan submitted on April 9, 2015, subject to all conditions of approval, and not to any other activities, uses or structures on the Property.

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2. Petitioner shall install the landscaping/planting required under SDP-87-200 no later than January 18, 2017 and complete all landscape installation, surety and certification requirements imposed by the Howard County Landscape Manual by this same date. Petitioner shall not apply for a 2017 yearly/seasonal/temporary building permit for the tent or set up the tent in 2017 unless all landscaping requirements have been met.

HOWARD COUNTY BOARD OF APPEALS

HEARING EXAMINER



Michele L. LeFaivre

Date Mailed: _____

Notice: A person aggrieved by this decision may appeal it to the Howard County Board of Appeals within 30 calendar days of the issuance of the decision. An appeal must be submitted to the Department of Planning and Zoning on a form provided by the Department. At the time the appeal petition is filed, the person filing the appeal must pay the appeal fees in accordance with the current schedule of fees. The appeal will be heard *de novo* by the Board. The person filing the appeal will bear the expense of providing notice and advertising the hearing.