



Non-Residential District Variance Petition To the Howard County Hearing Examiner

1. Variance Request

Section Reference No: 118.0.D.2.b

Request (Describe):

Reduce the 30' Structure and Use Setback to a residential zoning district to 5.8' for a parking lot

2. Petitioner Information

Petitioner's Name: Shree Hari Krishna, LLC

Trading As (if applicable)

Address: 8640 Vintage Earth Path, Laurel, MD 20723

Phone No. (W) 240-529-4312

(H)

Email Address: denish.j.patel@gmail.com

3. Council Information

Council for Petitioner: (Engineer) Robert H. Vogel, P.E

Counsel's Address: 3300 N. Ridge Road, Ellicott City MD

Council Phone No.: 410-461-7666

Email Address: rob.vogel@timmons.com

4. Property Identification

Address of Subject Property: 9002 Baltimore Street, Savage MD 20763

Total Acreage of Property: 0.915

Election District: 2nd

Zoning District: B-1

Tax Map # 0047

Grid 0011

Parcel/Lot No: 458/691

Subdivision Name: (if applicable)

Plat number and date:

5. Petitioner's Interest in Subject Property:



Owner (including joint ownership)



Other (describe and give name and address of owner and attach owner's authorization)



PLEASE READ CAREFULLY DATA TO ACCOMPANY PETITION

6. Variance plan:

No application for a variance shall be considered complete unless the plan indicates the required setback or other requirement, and the requested variance from the subject setback or other requirement. The submitted plans shall be folded to approximately 8 ½ x 14 inches. **The plan must be drawn to scale and must include the items listed below.**

- ✓ (a) Courses and distances of outline boundary lines and the size of the property
- ✓ (b) North Arrow
- ✓ (c) Zoning of subject property and adjoining property
- ✓ (d) Scale of Plan
- ✓ (e) Existing and proposed uses, structures, natural features and landscaping
- ✓ (f) Location and surface material of existing and proposed parking spaces, driveways, and points of access; number of existing and proposed parking spaces
- ✓ (g) Location of all building and use restriction lines
- ✓ (h) Same as (a) through (g) above, of any adjoining, confronting and vicinal properties as necessary for proper examination of the petition, or, if applicable, a copy of the subdivision plat for the community
- ✓ (i) Location of well and private sewerage easement area, if property is to be served by private water and sewer
- ✓ (j) Election district in which the subject property is located
- ✓ (k) Tax Map and parcel number on which the subject property is located
- ✓ (l) Name of local community in which the subject property is located or name of nearby community
- ✓ (m) Name, mailing address, telephone number (and e-mail address, if any) of the petitioner
- ✓ (n) Name, mailing address, telephone number (and e-mail address, if any) of attorney, if any
- ✓ (o) Name and mailing address of property owner
- ✓ (p) Floor area and height of structures, setback distances from property lines, and other numerical values necessary for the examination of the petition
- ✓ (q) Location of subject property in relation, by approximate dimension, to the center line of nearest intersection of two public roads
- ✓ (r) Ownership of affected roads
- ✓ (s) A detailed description of all exterior building materials for all proposed structures
- ✓ (t) Any other information as may be necessary for full and proper consideration of the petition

7. Variance

- (a) Describe why the application of the Zoning Regulations in question to your particular property would result in practical difficulties or unnecessary hardships in complying strictly with the bulk requirements:
1. The physical character of the property is different from the character of the surrounding properties because of its

Narrowness Shallowness Shape Topography

Other (explain):

Size and orientation of the parcel combined with 30' setbacks on all four sides

2. The uniqueness of the property prevents me from making a reasonable use of the property because:

The setback areas (0.42 acres) accounts for 46% of the property area (0.92 acres).

- (b) The intended use of the property, in the event the petition is granted:

See supplemental page

- (c) Any other factors which the Petitioner desires to have considered:

See supplemental page

- (d) Explain why the requested variance is the minimum necessary to afford relief:

See supplemental page

- (e) If the requested variance is granted, would it increase traffic to or from the site?

No Yes, if yes, explain:

See supplemental page

- (f) Describe in detail all means of vehicular access onto the site (i.e. width, type of paving, etc.)

See supplemental page

- (g) Describe the topography of the site:

See supplemental page

- (h) Will the existing or proposed structure be visible from adjacent properties? No Yes, if yes, explain:

- (i) Describe any existing buffering or landscaping:

See supplemental page

8. Prior Petitions

Has any petition for the same variance, or substantially the same variance as contained herein, for the same property as the subject of this petition, been disapproved by the Hearing Examiner within twenty-four (24) months of the date of this petition? No Yes

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SUPPLEMENTAL INFORMATION**

2b. The intended use of the property, in the event the petition is granted: The property currently contains two retail buildings (to remain) with an existing single family detached house and garage (to be removed) The existing asphalt driveway access to the house will also be removed. The petitioner is proposing to construct an additional structure which will include ground floor retail component (3,000 sf), a second story comprised of 3 apartment units (3,000 sf) and parking lot expansion. Landscaping will be provided to facilitate Zoning Regulation requirements and will buffer the proposed parking and building from the adjacent property.

2c. Any other factors which the Petitioner desires to have considered: The variance request is associated with the proposed parking lot expansion into the 30' Building and Use Setback adjacent to the western property line. The adjacent property to the west (Tax Map 47, P 231) is owned by the United Methodist Church of Savage and is utilized as a "Faith and Ministry Center". The proposed building is located within the building restriction lines; however the proposed additional parking encroaches up to 24.2' into the 30' Building and Use Setback. A Type 'C' landscape buffer will be provided along the western property line, which includes Columnar evergreen trees to buffer the proposed parking (and building). The runoff from the proposed building and parking will be treated within the site and discharged to the recently constructed public storm drainage system.

The adjacent property is zoned R-12, although it is used as a "Faith and Ministry Center" (institutional) and the structure is located approximately 80' west of the common property line.

2d. Explain why the requested variance is the minimum necessary to afford relief: The Petitioner proposes the construction of a 2-story building to accommodate 3,000 sf of retail (1st floor) and 3 residential apartments on the second floor. Due to the building and use setbacks, the site is constrained, resulting in the need for the variance. The accompanying exhibit also incorporates the adjacent on-street parking to fulfill the minimum parking requirements. The requested variance is the minimum required to accommodate the required parking. This property is disproportionately impacted by the setbacks on all 4 sides.

2e. If the requested variance is granted, would it increase traffic to or from the site? If yes, explain: The additional retail and apartment units will result in additional traffic which will be evaluated in conjunction with the Site Development Plan.

2f. Describe in detail all means of vehicular access onto the site (i.e., width, type of paving, etc.): The two existing 24' wide commercial entrances on Baltimore Street and Savage-Guilford Road will be retained. The existing residential driveway on Baltimore Street will be eliminated.

2g. Describe the topography of the site: The topography generally grades from the northeast corner to the southwest corner.

2h. Will the existing or proposed structure be visible from adjacent properties? The proposed structure will be visible from Baltimore Street and the adjacent United Methodist Church of Savage Property. However, significant landscaping is proposed to screen the proposed building (not the subject of the variance). The parking area, which is the subject of the variance, will not be visible from Baltimore Street and will be screened from the adjacent Church property by incorporating the proposed Columnar dense evergreen buffer.

2i. Describe any existing buffering or landscaping: There is an existing evergreen and deciduous tree close to the western property line which will be retained.

If yes, and six (6) months have elapsed since the last hearing, an affidavit setting forth new and different grounds on which re-submittal is based must be attached.


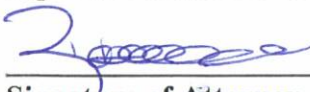
9. Additional Material, Fees, Posting, and Advertising:

- (a) If desired, supplemental pages may be attached to the petition. The following number of petitions, plans and supplemental pages must be submitted:
 - *If the subject property adjoins a State road – original and 19 copies (application & plans)*
 - *If the subject property adjoins a County road – original and 16 copies (applicant & plans)*
- (b) The undersigned agrees to furnish such additional plats, plans, reports or other material as may be required by the Department of Planning and Zoning and/or the Hearing Examiner in connection with the filing of this petition.
- (c) The undersigned agrees to pay all costs in accordance with the current schedule of fees.
- (d) The undersigned agrees to properly post the property at least thirty (30) days prior to the hearing and to maintain the property posters as required, and submit an affidavit of posting at, or before the time of the hearing.
- (e) The undersigned agrees to insert legal notices, to be published one (1) time in at least two (2) newspapers of general circulation in Howard County, as prepared and approved by the Department of Planning and Zoning, within at least thirty (30) days prior to the hearing, and to pay for such advertising costs; and further agrees to submit two (2) approved certificates of the text and publication date(s) of the advertisement at or before the time of the hearing.

10. Signatures

The undersigned hereby affirms that all of the statements and information contained in, or filed with, this petition are true and correct.

The undersigned has read the instructions on this form, filing herewith all of the required accompanying information.

 _____ Signature of Petitioner	<u>12/9/2022</u> _____ Date
 _____ Signature of Attorney <i>EXAMINEE</i>	<u>12/9/22</u> _____ Date

For DPZ office use only:

Filing fees are \$2375.00 plus \$25.00 per poster

Hearing fee: \$ Poster fee: \$ Total: \$ Receipt No.

Make checks payable to the "Director of Finance" County Website: www.howardcountymd.gov

TO SUBMIT YOUR APPLICATION, PLEASE CALL (410) 313-2350.

PETITIONER:

PROPERTY ADDRESS:

Affidavit made pursuant to the pertinent provisions of Title 22 of the Howard County Code as amended.

THE UNDERSIGNED DOES HEREBY DECLARE THAT NO OFFICER OR EMPLOYEE OF HOWARD COUNTY, WHETHER ELECTED OR APPOINTED, HAS RECEIVED PRIOR HERETO OR WILL RECEIVE SUBSEQUENT HERETO, ANY MONETARY OR MATERIAL CONSIDERATION, ANY SERVICE OR THING OF VALUE, DIRECTLY OR INDIRECTLY, UPON MORE FAVORABLE TERMS THAN THOSE GRANTED TO THE PUBLIC GENERALLY IN CONNECTION WITH THE SUBMISSION, PROCESSING, ISSUANCE, GRANT OR AWARD OF THE ATTACHED APPLICATION FOR A RESIDENTIAL DISTRICT VARIANCE AS REQUESTED FOR THE PROPERTY REFERENCED ABOVE.

I WE, DO SOLEMNLY DECLARE AND AFFIRD UNDER THE PENALTIES OF PERJURY THAT THE CONTENTS OF THE AFOREGOING AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY, OUR, KNOWLEDGE, INFORMATION AND BELIEF.



_____	_____	12-9-2022
WITNESS	SIGNATURE	DATE
_____	_____	_____
WITNESS	SIGNATURE	DATE
_____	_____	_____
WITNESS	SIGNATURE	DATE

HOW A REQUEST FOR A VARIANCE IS EVALUATED

All requests for variances are evaluated based upon the following criteria of Section 103.B.2.a.(1) through (5) of the Howard County Zoning Regulations:

- (1) That there are unique physical conditions, including irregularity, narrowness or shallowness of lot or shape, exceptional topography or other existing features peculiar to the particular lot; and that as a result of such unique physical conditions, practical difficulties or unnecessary hardships arise in complying strictly with the bulk provisions of these regulations.
- (2) That the variance, if granted, will not alter the essential character of the neighborhood or district in which the lot is located; will not substantially impair the appropriate use or development of adjacent property; and will not be detrimental to the public welfare.
- (3) That such practical difficulties or hardships have not been created by the owner provided, however, that where all other required findings are made, the purchase of a lot subject to the restrictions sought to be varied shall not itself constitute a self-created hardship.
- (4) That within the intent and purpose of these regulations, the variance, if granted, is the minimum variance necessary to afford relief.
- (5) That no variance be granted to the minimum criteria established in Section 131 for special exception uses, except where specifically provided therein or in an historic district. Nothing herein shall be construed to prevent the granting of variances in any zoning district other than to the minimum criteria established in Section 131 except as provided therein.

To be approved, a variance request must comply with all of the criteria noted above.

For an explanation of the official procedures that are followed in the processing, hearing and decision-making of a variance request, you may obtain a copy of the Rules of Procedure of the Hearing Examiner from the Department of Planning and Zoning.