



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Court House Drive ■ Ellicott City, Maryland 21043 ■

410-313-2350

Lynda D. Eisenberg, AICP, Director

FAX 410-313-3467

TECHNICAL STAFF REPORT

Hearing Examiner hearing of July 13, 2023

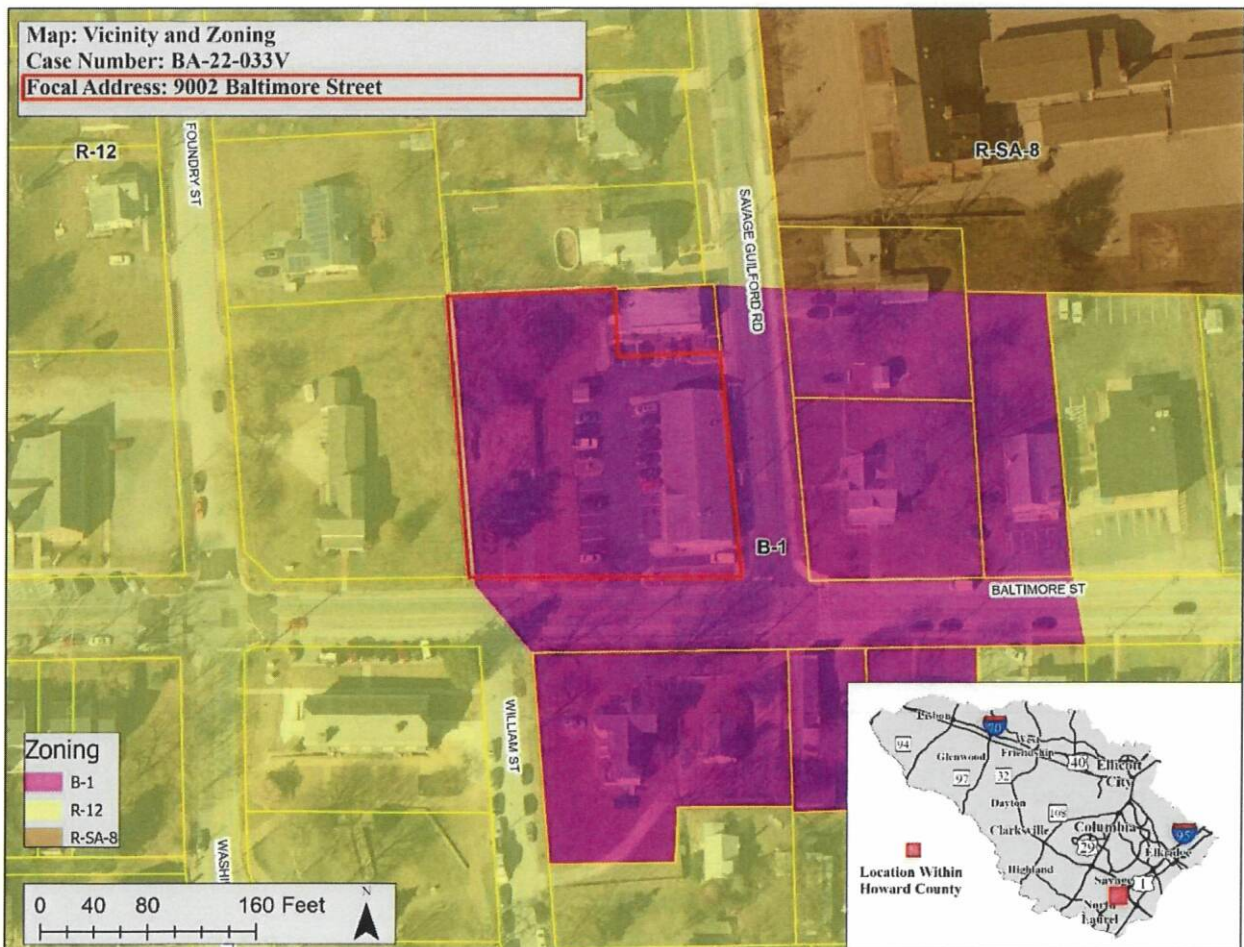
Case No./Petitioner: BA-22-033V – Shree Hari Krishna, LLC

Request: A variance from Section 118.0.D.2.b to reduce the structure and use setback from a residential zoning district from 30 feet to 5 feet for a parking lot.

Location: 9002 Baltimore Street, Savage, MD 20763
Tax Map 47, Grid 11, Parcel 458
(the "Property")

Area of Property: 0.92 acres

Zoning: B-1 (Business: Local)



I. VARIANCE PROPOSAL

The Petitioner is proposing to expand the existing retail center by adding a two-story mixed-use building with 1000 sq. ft. of ground floor retail, 2000 sq. ft. of ground floor office, and three apartments on the second floor. Additionally, 17 new required parking spaces are provided; however, five (5) spaces encroach 25 feet into the required 30-foot setback from the adjacent residential zoning district (R-12) to the west.

II. BACKGROUND INFORMATION

A. Site Description

The Property is 0.92-acres and currently contains 4,570 square feet of retail space for a laundry service and food market with associated parking. The Property is known as the Savage Strip Center or Savage Town Center, which was approved through SDP-82-137 on July 16, 1982.

B. Vicinal Properties

Direction	Zoning	Land Use
North	R-12 (Residential: Single)	Residential
West	R-12 (Residential: Single)	Religious Facility
South	B-1 (Business: General)	Baltimore Street
East	B-1 (Business: General)	Savage Guilford Road

C. Roads

Baltimore Street has two (2) lanes and on-street parking on both sides within a 60-foot-wide right-of-way. The speed limit is 25 miles per hour.

Savage Guilford Road has two (2) lanes within a 40-foot-wide right-of-way. The speed limit is 30 miles per hour.

D. Water and Sewer Service

The Property is within the Metropolitan District and the Planned Service Area for water and sewer.

E. General Plan

The Property is designated Established Community on the Designated Place Types Map of the PlanHoward 2030 General Plan.

Baltimore Street and Savage Guilford Road are classified as Minor Collectors.

F. Agency Comments

Agency comments are attached.

III. ZONING HISTORY

The Department of Planning and Zoning does not have record of any previous zoning petitions for this Property.

IV. EVALUATION AND CONCLUSIONS

A. Evaluation of petition according to Section 130.0.B.2.a. of the Zoning Regulations (general criteria for evaluating variances):

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.*

The 0.92-acre lot has an irregular shape as the north-east corner was subdivided to create Parcel 691 (8440 Savage Guilford Road). The Property is subject to a 30-foot structure and use setback on four (4) sides, which reduces the buildable area by approximately 45%. These conditions are unique to the Property, as the other B-1 properties in the area are not subject to these limitations, and result in practical difficulties in complying with the 30-foot required setback from the R-12 zoning district.

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 the adjacent property; and will not be detrimental to the public welfare.*

The proposed setback encroachment consists of five (5) parking spaces and associated vehicle maneuvering area. The adjacent property to the west is a religious facility, a single family detached dwelling is to the north, and public-street rights-of-way adjoin the Property to the east and south. To mitigate the potential visual impact of the parking lot, the Petitioner is proposing additional landscaping along the western portion of the Property. Therefore, the parking area encroachment will not alter the essential character of the neighborhood or district in which the lot is located, substantially impair the appropriate use or development of the adjacent property or 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.*

The existing retail center was approved through Site Development Plan (SDP-82-137) on July 16, 1982 and the building/parking lot were constructed in 1983. The practical difficulties resulting from the irregular lot shape and setback requirements were not created by the Petitioner who purchased the Property in 2015.

4. *That within the intent and purpose of these regulations, the variance, if granted, is the minimum variance necessary to afford relief.*

The irregular lot shape and overall setback requirements result in practical difficulties in complying with the 30-foot setback. The requested 25-foot setback variance is to accommodate parking required by Section 133.0 of the Howard County Zoning Regulations. The purpose of parking minimum requirements is to ensure that sufficient parking is provided on-site for users of the Property to prevent adverse impact on the public street rights-of-way and adjacent properties. Therefore, the variance is the minimum necessary to ensure that the required parking for the proposed mixed-use building is provided

5. *That no variance be granted to the minimum criteria established in Section 131.0 for Conditional 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 131.0.

Office, retail, and residential are permitted as a matter of right in the B-1 zoning district and the Property is not in a historic district; therefore, this criterion does not apply.

Approved by:

DocuSigned by:

42208635863042E
Lynda Eisenberg, AICP, Director 7/18/2023 Date



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

Agency Comment Form

Variance

Date: December 13, 2022
 Use: Commercial
 Zoning: B-1
 File No.: BA-22-033V
 Petitioner: Shree Hari Krishna, LLC
 Property Address: 9002 Baltimore Street
 Map No: 47
 Parcel: 458

COMMENT REQUEST	DLD	DED	RCD	DCCP	BEH	DRP	SHA	DILP	OOT	FD
Certification that the development shown on the proposed plan has the potential to comply with all technical requirements in subsequent Subdivision and Site Development Plan stages of review.	x	x	x		x			x	x	x

Comments Due: December 27, 2022

The Development Engineering Division recommends Deferral as the exhibit shows on-street parking in a public right-of-way required to meet off-street parking requirements. Prior to making a decision to the setback requirement for the parking lot, the site should meet minimum parking requirements or a parking needs study approved to reduce the number of required spaces.


 SIGNATURE



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

(410) 313-2350

DPZ Office Use only:
 Case No: BA-22-033V
 Date Filed 12/12/2022

ALTERNATIVE COMPLIANCE COMMENT FORM

Date: 12/14/2022 Comment Due Date: 12/19/22 DPZ File No: BA-22-033V

Plan Name: Shree Hari Krishna

This request for comments has been distributed to the following Departments.

DPZ – Comprehensive & Community Planning	DPZ – Development Engineering Division
DPZ – Research Division	DPZ – Resource Conservation Division
Department of Fire and Rescue Services	Recreation and Parks
Department of Inspections, Licenses & Permits	Office of Transportation
DPW, Real Estate Services & Directors Office	Office of Community Sustainability
Health Department	Soil Conservation District
Public School System	State Highway Administration

COMMENTS:

No Comments


James Hobson
 Print Name

12/14/2022
 Date


Howard County
Internal Memorandum

Subject: BA-22-033V, Shree Hari Krishna, LLC

To: Geoff Goins, Chief
Division of Public Service and Zoning Administration

Thru: Anthony Cataldo, AICP, Chief 
Division of Land Development

From: Donna Despres, Division of Land Development

Date: January 3, 2023

The Division of Land Development (DLD) has reviewed BA-22-033V variance petition and has no objection to the variance request. DLD offers the following comments based on the plan submitted with the variance application:

1. The subject property proposed similar improvements under SDP-19-017 – ‘Savage Strip Center’. The plan was ultimately withdrawn by the applicant from County Review. The plan exhibit should be updated to note that SDP-19-017 is void.
2. Environmental Concept Plan ECP-17-013 for the site was submitted for the improvements shown on SDP-19-017. Previous approval of ECP-17-013 do not constitute approvals for the current proposal. Applicant is advised to consult with the Division of Development Engineering to confirm if processing a new ECP will be required.
3. A Pre-submission Community Meeting will be required per Sections 16.147 and 16.156 of the Subdivision and Land Development Regulations.
4. A Plat of Revision will be required for the proposed updates to the setbacks and easements prior to submitting a Site Development Plan.
 - a. The Plat will need to reference the updated building and use setbacks and any adjustments approved under the Variance.
 - b. Any required easements will need to be shown for the proposed use.
 - c. DLD notes that the project area includes two separate properties that appear to share parking. The plat submission should address the shared parking by recording an easement and shared parking agreement, or by combining the properties.
5. A Site Development Plan for the proposed site improvements will be required prior to applying for permits with the Department of Inspections, Licenses and Permits.
 - a. Perimeter landscaping, internal landscaping, parking lot landscaping and street trees will be required in accordance with Section 16.124 of the Howard County Code and the Landscape Manual. The landscaping plan will be reviewed as part of the Site Development Plan.



Howard County

Internal Memorandum

- b. The building and parking location relating to the setbacks will need to be verified with the Site Development Plan. The setbacks should correspond to the related plat. It appears the existing Building B and the associated parking are within in the setback area. This petition does not address this conflict with the Regulations. The applicant should propose solutions for evaluation as part of the plat and site plan submittals.
 - c. The Site Development Plan must address Parking requirements in accordance with Section 133.0 of the Zoning Regulations. The plan exhibit provided with the variance application does not appear to provide adequate on-site parking. Approval of BA-22-033V should not be construed as approval of the parking as shown on the plan exhibit. The applicant should propose solutions for evaluation as part of the plat and site plan submittals.
 - d. The Site Development Plan must address Forest Conservation requirements in accordance with Section 16.1200 of the Howard County Code.
6. Please note that this plan is similar to SDP-19-017 – ‘Savage Strip Center’. After several review cycles of that plan, the applicant withdrew the plan from County review. DLD notes that the proposed layout is similar to some of the earlier variations and does not address some of the community concerns that were previously raised. DLD offers the following advisory comments:
- a. The existing building interferes with the intersection site distance.
 - b. While the community supported development of the site, they felt a better solution was possible. Their preference was to raze the existing building and build a new two-story building either more central or to the west side of the property to provide better intersection visibility and create an opportunity for community gathering and interaction.



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Agency Comment Form

Variance

Date: December 13, 2022
Use: Commercial
Zoning: B-1
File No.: BA-22-033V
Petitioner: Shree Hari Krishna, LLC
Property Address: 9002 Baltimore Street
Map No: 47
Parcel: 458

Table with 11 columns: COMMENT REQUEST, DLD, DED, RCD, DCCP, BEH, DRP, SHA, DILP, OOT, FD. Row 1: Certification that the development shown on the proposed plan has the potential to comply with all technical requirements in subsequent Subdivision and Site Development Plan stages of review. x, x, x, , x, , , x, x, x

Comments Due: December 27, 2022

COMMENTS: We have no comments on the variance petition.

For the record, RCD reviewed the historic preservation demolition clearance application for the house at 9004 Baltimore St (also called 9014). The Architectural Historian deemed the house to not be historic and the application was approved on June 6, 2017.

Handwritten signature of J. M. D. over the word SIGNATURE

RCD 12/14/22



Bureau of Environmental Health
8930 Stanford Blvd | Columbia, MD 21045
410.313.2640 - Voice/Relay
410.313.2648 - Fax
1.866.313.6300 - Toll Free

Maura J. Rossman, M.D., Health Officer

MEMORANDUM

TO: Department of Planning and Zoning

FROM: Jeff Williams
Deputy Director, Bureau of Environmental Health

RE: **BA-22-033V**

DATE: January 5, 2023

The Health Department has reviewed the above referenced petition submission and has no comments



Amy Gowan, Director

FAX 410-313-3467

Agency Comment Form

Variance

Date: December 13, 2022
 Use: Commercial
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COMMENT REQUEST	DLD	DED	RCD	DCCP	BEH	DRP	SHA	DILP	OOT	FD
Certification that the development shown on the proposed plan has the potential to comply with all technical requirements in subsequent Subdivision and Site Development Plan stages of review.	x	x	x		x			x	x	x

Comments Due: December 27, 2022

COMMENTS: _____

 NO COMMENT


 SIGNATURE