



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 August 30, 2023

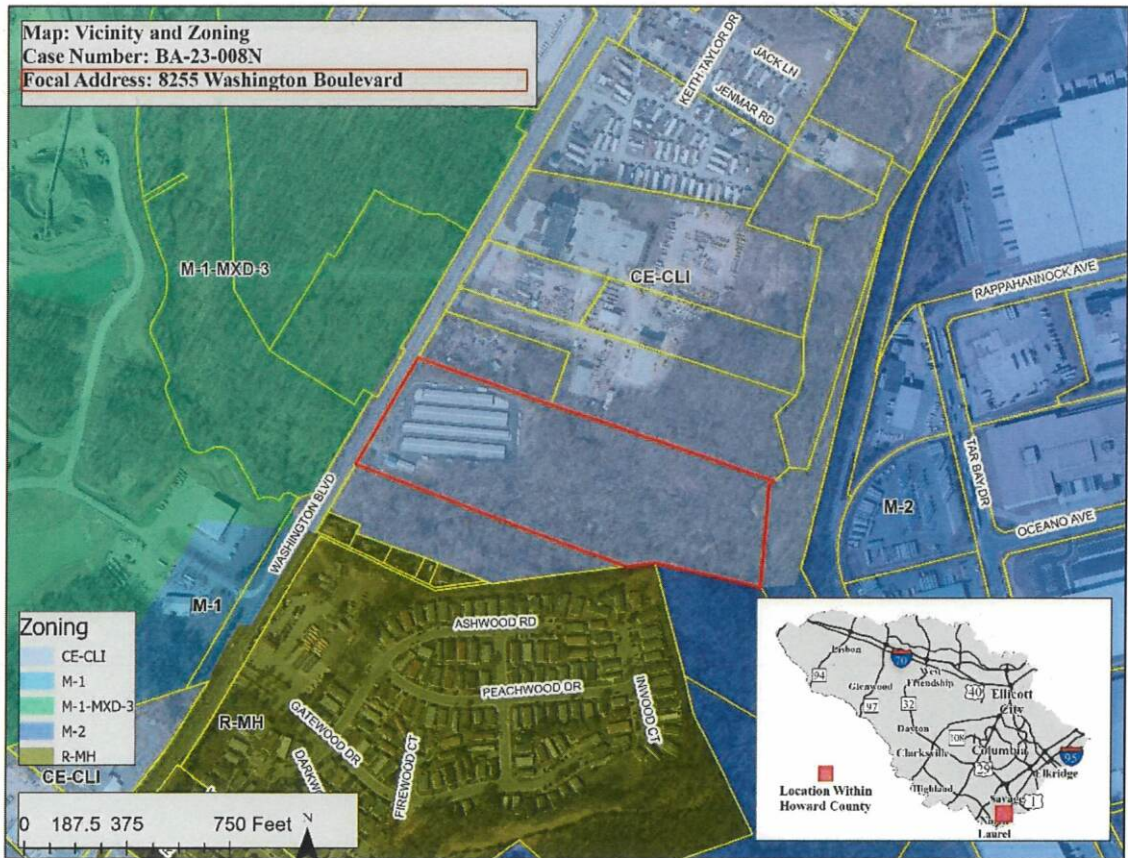
Case No./Petitioner: BA-23-008N Life Storage

Request: Non-conforming use confirmation and enlargement for a self-storage facility.

Location: 8255 Washington Boulevard;
Tax Map 43, Parcel 231 (the "Property")

Area of Property: 14.47 acres

Zoning: CE-CLI (Corridor Employment – Continuing Light Industrial) District



I. NONCONFORMING USE CONFIRMATION and ENLARGEMENT PROPOSAL

The Petitioner is requesting non-conforming use confirmation and enlargement of a self-storage facility to allow construction of a new two-story, 23,302-square foot building, increasing the total square footage of all the structures on the parcel from 51,003 square feet to 74,305 square feet.

II. BACKGROUND INFORMATION

A. Site Description

The Property consists of a 14.47-acre commercial self-storage facility that includes five (5) existing one (1) story self-storage buildings and a two-story structure office building. The Property was developed under Site Development Plan SDP-87-153, approved May 22, 1987.

The eastern portion of the site is encumbered by vegetation, streams/buffer, and wetlands. The site rises from an elevation of 170 feet in the southeast corner to 200 feet at the northwest corner.

B. Vicinal Properties

Direction	Zoning	Land Use
North	CE-CLI	Commercial
South	CE-CLI/R-MH	Single Family Detached Dwellings/Undeveloped Commercial
East	M-2	Industrial
West	CE-CLI/M-1-MXD-3	Washington Blvd. R.O.W./Commercial

C. Roads

Washington Boulevard has four travel lanes within a varying width right-of-way. The speed limit is 50 miles per hour.

According to the State Highway Administration records, the current AADT for Washington Boulevard is over 50,000 vehicles.

D. Water and Sewer Service

The Property is within the Planned Service Area for Water and Sewer.

E. General Plan

The Property is designated Growth and Revitalization on the Designated Place Types Map of the *PlanHoward 2030* General Plan.

Washington Boulevard is an Intermediate Arterial.

F. Agency Comments

Agency comments are attached.

III. ZONING HISTORY

Case No. BA-87-012V
Request: Commercial Variance to reduce setbacks from Washington Boulevard for an 8-foot tall security fence.
Action: Approved September 3, 1987

IV. EVALUATION AND CONCLUSIONS

A. Evaluation of petition according to Section 129.0.D of the Zoning Regulations. (Confirmation of Nonconforming Uses).

Nonconforming use confirmations do not have specific criteria, but rather they are based on evaluations of the following items:

1. *A statement and plans or other illustrations fully describing the magnitude and extent of the nonconforming use.*

The petitioner submitted a statement describing the existing self-storage facility and SDP-87-153 approved on March 18, 1987, for a self-storage facility consisting of five (5) structures with a total square footage of approximately 51,003 square feet.

2. *A statement identifying the date the use became nonconforming to the use provisions of the Zoning Regulations.*

The petitioner asserts that the self-storage facility became non-conforming on April 13, 2004, the effective date of the 2004 Comprehensive Zoning Plan, when the Property was rezoned from the M-2 (Manufacturing: Heavy) zoning district to the CE-CLI (Corridor Employment - Continuing Light Industrial) zoning district, which does not allow self-storage facilities.

3. *Documentation substantiating the existence of the use on the date it became nonconforming and clearly demonstrating the continued and uninterrupted use or operation thereof from the specified date to the time of filing the application. The burden shall be on the property owner to establish the existence of the nonconforming use.*

The petitioner submitted SDP-87-153 and a Zoning Verification letter from 2019 to substantiate the existence of the self-storage facility on April 13, 2004. Aerial photographs from 2004 to 2022 were submitted to demonstrate continued and uninterrupted use as a self-storage facility.

J. Evaluation of petition according to Section 129.0.E of the Zoning Regulations. (Extension, Enlargement or Alteration of a Nonconforming Use).

1. *That any changes or additions to the activities taking place in connection with the nonconforming use will not change the use in any substantial way.*

The proposed enlargement consists of an 23,302 square foot, two-story self-storage building. The use will remain a self-storage facility; therefore, the proposed enlargement will not change the use in any substantial way.

2. *That an enlargement may not exceed 100% of the gross floor area of structures or 100% of the gross acreage in the case of nonconforming land, above that which legally existed at the time the use first became nonconforming.*

The plan indicates that the cumulative gross floor area of the confirmed buildings is 51,003 square feet and the proposed enlargement is 23,302 square feet, which equates to an increase of 45.7%.

3. *That the boundaries of a nonconforming use may be enlarged only to provide additional parking area.*

The Petitioner is not requesting an enlargement of the boundaries; therefore, this criterion does not apply.

4. *That an enlargement would not cause a violation of the bulk regulations for the zoning district in which the property is located.*

The height of the proposed building is 26-feet, which is less than the 100-foot height limit in the CE zoning district. The adjacent properties are zoned CE; therefore, no setbacks are required. The proposed building is over 400 feet from the Washington Blvd public street right-of-way, which exceeds the 30-foot requirement.

5. *That the extension, enlargement or structural alteration would not cause an adverse effect on vicinal properties.*

The properties to the north contain commercial uses. The residential properties to the south are over 500 feet from the proposed building and are buffered by existing dense vegetation. There are parcels to the east and immediate south of the Property that are undeveloped, and the Property fronts on the Washington Boulevard right-of-way to the west. Therefore, the enlargement is unlikely to cause adverse effect on vicinal properties.

Approved by:

DocuSigned by:

Mary Kendall

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Mary Kendall, Acting Director

8/9/2023

Date



Amy Gowan, Director

FAX 410-313-3467

Agency Comment Form
 Nonconforming Use Expansion

Date: May 8, 2023
 Use: Storage Facility
 File No.: BA-23-008N
 Petitioner: Life Storage
 Property Address: 8255 Old Washington Boulevard
 Map No: 43
 Parcel: 231

COMMENT REQUEST	DLD	DED	RCD	OCCP	BEH	DRP	SHA	MLP	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: May 22, 2023

COMMENTS: *Approved - Be advised building to have a Fire
 sprinkler ~~sprinkler~~ system*

J. Nelson
 SIGNATURE



Amy Gowan, Director

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Comments Due: May 22, 2023

The Development Engineering Division takes NO EXCEPTION to the request to add a building to the existing storage facility subject to the submission of a SECP addressing the SWM needs for the improvements and a redline revision to the existing SDP-87-153 addressing the changes including the required APFO Study for the increase in square footage of the new building.


 SIGNATURE



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Voice/Relay

Amy Gowan, Director

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Comments Due: May 22, 2023

COMMENTS: We have no comments.

Jamie Dall
 SIGNATURE RCD
 5/11/23



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Comments Due: May 22, 2023

COMMENTS: NO COMMENT NOR OBJECTION TO APPROVAL. EXISTING ACCESS
 MEETS CURRENT COMMERCIAL STANDARD.

 MDOT SHA 07
 SIGNATURE



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

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

Mary Kendall, Acting Director

FAX 410-313-3467

Subject: BA-23-008N, Life Storage (Non-Conforming Use Expansion)

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

Through: Anthony Cataldo, Chief
Division of Land Development

From: Eric Buschman, Division of Land Development

Date: May 10, 2023

The Division of Land Development has reviewed the non-conforming use petition and has no objection to the request to expand the existing non-conforming use for a commercial self-storage facility at 8255 Washington Road (US Route 1), Jessup, MD 20794. Our recommendation is based on the following analysis:

1. If the Non-Conforming Use Petition is approved, the applicant will be required to obtain approval of a Site Development Plan from the Department of Planning & Zoning prior to issuance of building permits for the proposed 2-story building and associated improvements. A proposed Site Development Plan is currently in review by the Department of Planning & Zoning (SDP-22-006) and the plan appears to be consistent with the plan exhibit submitted with this non-conforming use petition.
2. This site is subject to review by the Design Advisory Panel (DAP) and improvements to the site must reflect the conditions of the administrative review and approval of this project.
3. In accordance with Section 16.116(a)(1) of the Subdivision & Land Development Regulations, no grading, removal of vegetation, paving or structures are permitted within 25' of a wetland. Construction of the proposed 2-story building will impact the non-tidal wetlands and 25' wetland buffer as shown on the plan exhibit. Approval of Alternative Compliance to Section 16.116(a)(1) will be required prior to approval of a Site Development Plan. The applicant shall obtain all required authorizations from Maryland Department of the Environment and the US Army Corps of Engineers for the proposed impacts to regulated resources.
4. Please be informed that approval of a Non-Conforming Use expansion and specific site design does not serve as unreasonable hardship, practical difficulties, or unwarranted hardship justification for any potential alternative compliance requests to the Subdivision and Land Development Regulations. Future review of the site development plan for compliance with the development regulations may cause changes to the plan layout. If such changes do not constitute "minor modifications" as defined in Section 131.0.I.2.c, these changes may require a new hearing by the Hearing Authority, unless otherwise specified in the Decision and Order.



Amy Gowan, Director

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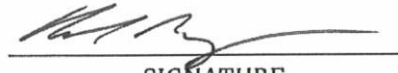
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Comments Due: May 22, 2023

COMMENTS: FIRE AND RESCUE HAS NO COMMENT OR OBJECTION.

 5/15/2023
 SIGNATURE
 BC ROBERT FERGUSON