



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-23-004
Date Filed 2/10/23

Residential District Variance Petition To the Howard County Hearing Examiner

1. Variance Request

Section Reference No: 117.3.E.3.a.(1); 117.3.E.3.a.(3)

Request (Describe):

See attached supplement.

2. Petitioner Information

Petitioner's Name: Veli Demirel

Trading As (if applicable)

Address: 3016 Forum Place, Ellicott City, MD 21042

Phone No. (W) 410-440-1242

(H)

Email Address:

3. Council Information

Council for Petitioner: Thomas G. Coale

Counsel's Address: 5100 Dorsey Hall Drive
Ellicott City, MD 21042

Council Phone No.: 410-964-0300

Email Address: tcoale@talkin-oh.com

4. Property Identification

Address of Subject Property: 3301-3309 Demirel Way Ellicott City, MD 21042

Property Acreage: 2.08

Election District: 2nd

Zoning District: OT

Tax Map # 24

Grid 1

Parcel/Lot No: 62, 63, & P/O 544 (Lot 112)

Subdivision Name: (if applicable)

Plat number and date:

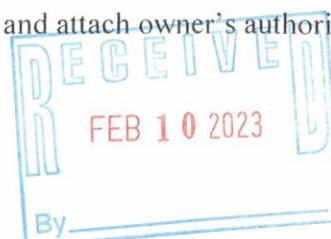
5. Petitioner's Interest in Subject Property:



Owner (including joint ownership)



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



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) See attached Supplement.

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

See attached Supplement.

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

Mixed use development.

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

See attached Supplement.

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

See attached Supplement.

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

☒ No ☐ Yes, if yes, explain:

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

The Property is serviced by Frederick Road, which is a minor arterial road.

- (g) Describe the topography of the site:

The Property is generally flat with an on-site storm water management depression on the southeastern portion of the lot.

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

A privacy fence is depicted on the Variance Exhibit.

- (i) Describe any existing buffering or landscaping:

There is significant existing landscaping between Petitioner's property and the residential properties to the south.

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

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 3 copies (application & plans)*
 - *If the subject property adjoins a County road – original and 8 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 fifteen (15) 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 fifteen (15) 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.
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10. Planning Board Review

The Hearing Examiner may, at its discretion, refer a residential district variance petition to the Planning Board for review and a recommendation

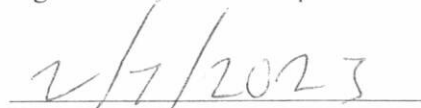
11. Signatures

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



Date



Signature of Attorney



Date

For DPZ office use only:

Filing fees are \$820.00 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.

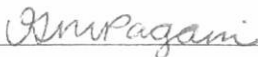
PETITIONER:

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 REFERNCED 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.


WITNESS


SIGNATURE

2/7/2023
DATE

WITNESS

SIGNATURE

DATE

WITNESS

SIGNATURE

DATE

Supplement to Residential District Variance Petition

1. Variances Request

SECTION 117.3.E.3.a.(1) of the Zoning Regulations Reduce the 20' structure setback from a minor arterial (Frederick Road) to 5.0' for the purpose of parking lot construction.

SECTION 117.3.E.3.a.(3) of the Zoning Regulations Reduce the 30' structure setback from a residential zoning district to 23.7' for the construction of a proposed building for the purpose of an apartment building at the north site boundary; reduce the 50' apartment setback to 20.70' for the purpose of apartments at the east site boundary.

SECTION 117.3.E.3.a.(3) of the Zoning Regulations Reduce the 30' structure setback from a residential zoning district to 1' for the purpose of constructing a privacy fence.

SECTION 117.3.E.3.a.(3) of the Zoning Regulations Reduce the 30' structure setback from a residential zoning district to 1.3' for the purpose of service driveway construction.

7(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 shape and other reason; explain:

Petitioner is completing development of the only OT (Office Transition) zoned property in Howard County. The Property is 2.08 acres and development currently consists of three (3) existing mixed use structures. Petitioner is proposing two additional buildings with related parking and a service driveway that will be necessary to access the dumpster enclosure.

As apparent from the Variance Exhibit, the Property has a unique triangular shape with the bulk of the developable area located on the eastern portion of the Property. The Property is further impacted by a 0.08 non-buildable parcel to the south that pushes the development envelope to the north and east.

The Property is also unique as the only OT zoned property in Howard County. The OT zone is intended to provide both commercial and residential uses, which results in parking requirements above and beyond what may be necessary for a uniformly residential or uniformly commercial property. Moreover, in order to accommodate the surrounding residential properties, it is necessary to provide a privacy fence to buffer OT uses from neighboring homes.

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

Petitioner has available land to build two additional structures on the Property with related parking. The unique features of the Property, both its size and required parking, limit the developable area of the parcel to the easternmost part of the Property.

7(C). Any other factors which the Petitioner desires to have considered:

Granting the requested variances would not alter the essential character of the neighborhood, would not substantially impair the appropriate use and development of adjacent properties, and would not be detrimental to the public welfare. The requested variances will not have any noticeable effect on any of the surrounding properties.

There is substantial existing landscaping between the existing buildings and residential structures to the south. Moreover, the new buildings will be even further back from the southern residentially zoned lots. One of the requested variances is necessary to allow a privacy fence along the eastern boundary, which will further lessen the impact of the OT development from what is experienced today.

Petitioner did not contribute to or cause the circumstances prompting the need for the requested variances. As such, there is no self-created hardship.

7(D). Explain why the requested variance is the minimum necessary to afford relief:

The requested variances are the minimum necessary to afford Petitioner the relief necessary to build the two proposed structures and related parking.