

HOWARD COUNTY BOARD OF APPEALS

IN THE MATTER OF
CHARLES SPIERKO, et al.

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*

REGARDING

Case No. BA-24-022C

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6717 Mink Hollow Road
Ellicott City, MD 21042

*

* * * * *

**Memorandum in Support of Motion for Preliminary Determination that
Go-Kart Racing is not a Permitted Activity**

Charles Siperko (“Applicant”) filed a Conditional Use Petition for a Go Kart Track located at 6717 Mink Hollow Road in Highland. The Applicant asserted that the Go Kart Track satisfied Conditional Use Section Number 131.0.N.6 (Athletic Facilities, Outdoor). The application is on the Board of Appeals’ docket for June 5, 2025.

The Department of Planning and Zoning issued its Technical Staff Report on February 12, 2025. Staff’s Evaluation and Conclusions stated:

Section 131.0.N.6 only allows the following activities as Outdoor Athletic Facilities:

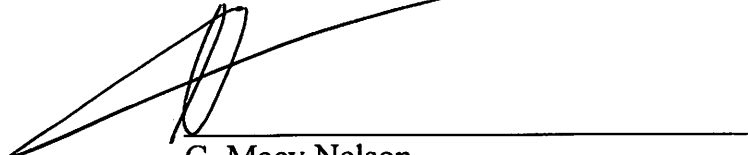
Athletic fields; swimming pools, community; swimming pools, commercial; tennis courts; disk golf courses; ropes course; and archery ranges.

Go-kart racing is not listed as a permitted activity. Therefore, the Department of Planning and Zoning is unable to evaluate the petition for compliance with General Standards 131.0.B and minimum criteria in Section 131.0.N.6.

(Staff Report attached as Exhibit A). Staff determined that Go-Kart racing is not a permitted activity. For that reason, Staff did not evaluate whether the application satisfied the criteria for a Conditional Use.

Citizen-Protestants request that the Board of Appeals first consider the threshold question of whether Go-Kart racing is a permitted Conditional Use activity. Citizen-Protestants argue that Go-Kart racing is not a permitted Conditional Use activity and for that reason the Board of Appeals should disapprove the application without conducting an evidentiary hearing.

Respectfully Submitted,


A handwritten signature in black ink, consisting of a large, sweeping loop followed by a vertical stroke, positioned above a horizontal line.

G. Macy Nelson
AIS No. 8112010268
Law Office of G. Macy Nelson, LLC
600 Washington Avenue, Suite 202
Towson, Maryland 21204
(410) 296-8166
Email: gmacynelson@gmacynelson.com
Counsel for Citizen-Protestants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of May, 2025, a copy of the foregoing Memorandum in Support of Motion for Preliminary Determination that Go-Kart Racing is not a Permitted Activity was served electronically on the Howard County Board of Appeals with a copy served electronically to:

Sang W. Oh, Esq.
Talkin & Oh, LLP
5100 Dorsey Hall Drive
Ellicott City, MD 21042
Email: soh@talkin-oh.com
Counsel for Applicant



G. Macy Nelson

EXHIBIT A



TECHNICAL STAFF REPORT

Hearing Examiner Hearing of March 4, 2025

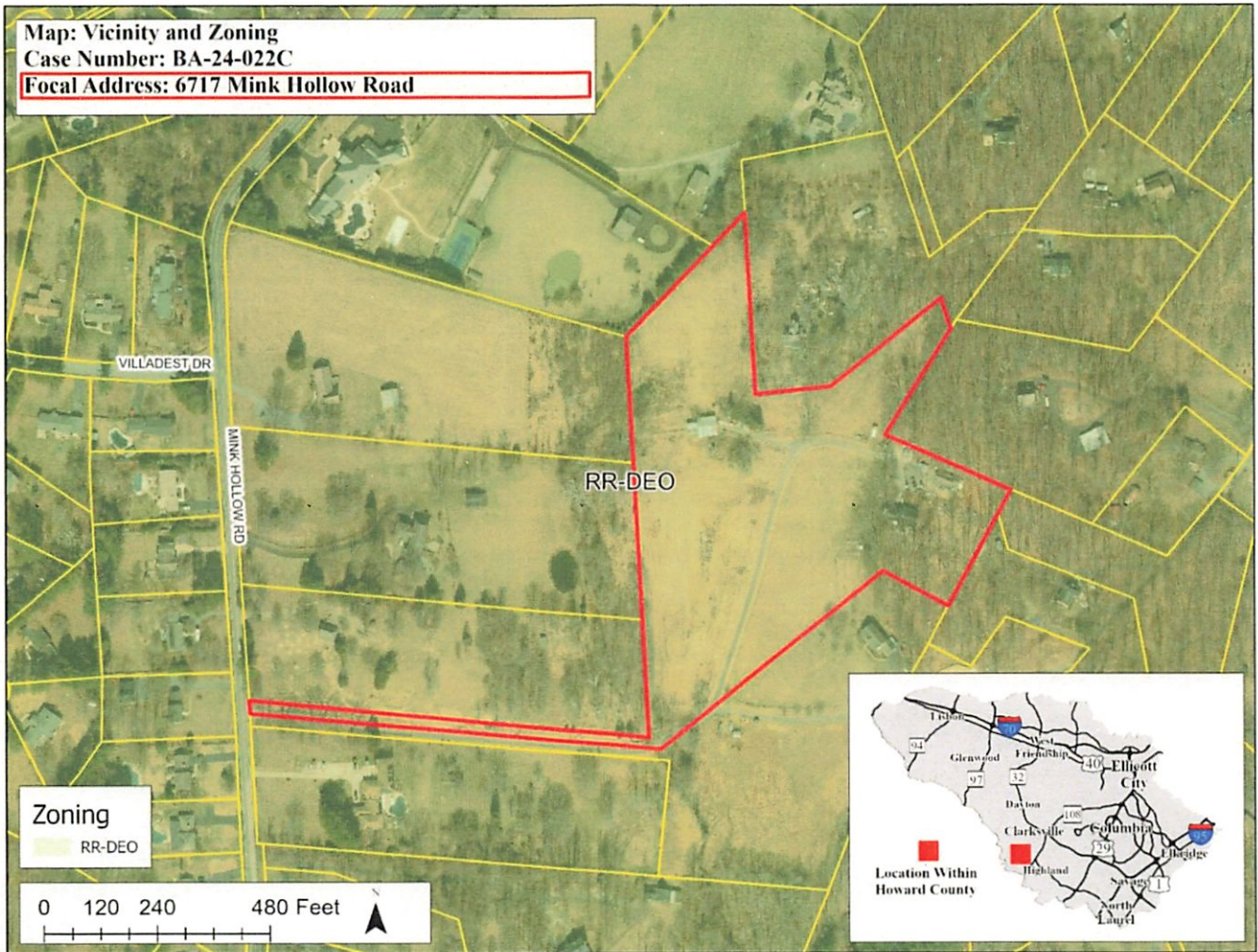
Case No./Petitioner: BA-24-022C – Charles Siperko, et al.

Request: Conditional Use for an Outdoor Athletic Facility (Section 131.0.N.6)

Location: 6717 Mink Hollow Road
Tax Map 34, Grid 21, Parcel 287
(the "Property")

Conditional Use Area: 11.01 acres

Zoning RR-DEO (Rural Residential)



I. CONDITIONAL USE PROPOSAL

The Petitioner is requesting approval of an existing paved go kart track approximately 2,000 feet in length. The Petitioner asserts that the go kart track will be a training facility exclusively for his son and will not be open to the public. No buildings, parking, or lighting are proposed.

II. BACKGROUND INFORMATION

A. Site Description

The Property consists of a single-family home, a 2,100 square foot outbuilding, a detached 900 square foot garage/storage building, and a pond. The Property is accessed from Mink Hollow Road through a shared driveway with adjacent property at 6719 Mink Hollow Road. The Property rises from 435 feet in elevation at the southwest property corner and to 515 feet at the northeast corner. Existing trees surround the home located on the eastern perimeter and the remaining site is mostly open fields.

B. Vicinal Properties

Direction	Zoning	Land Use
North	RR-DEO	Single-Family Residences
South	RR-DEO	Single-Family Residences
East	RR-DEO	Single-Family Residences
West	RR-DEO	Single-Family Residences

C. Roads

Mink Hollow Road has two travel lanes within a 35-foot right-of-way. The speed limit is 35 miles per hour. Traffic count data is not available for Mink Hollow Road.

D. Water and Sewer Service

The Property is located outside the Planned Service Area for Water and Sewer and the Property is served by private water and sewer.

E. General Plan

The Property is designated as Rural Living on the Future Land Use Map of HoCo By Design.

Mink Hollow Road is a Minor Collector.

F. Agency Comments

Agency comments are attached.

III. ZONING HISTORY

There are no previous zoning cases for this Property.

Case No.: BA-24-022C

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Petitioner: Charles Siperko, et al.

IV. EVALUATION AND CONCLUSIONS

Section 131.0.N.6 only allows the following activities as Outdoor Athletic Facilities:

Athletic fields; swimming pools, community; swimming pools, commercial; tennis courts; disk golf courses; ropes courses; and archery ranges.

Go-kart racing is not listed as a permitted activity. Therefore, the Department of Planning and Zoning is unable to evaluate the petition for compliance with General Standards in Section 131.0.B and minimum criteria in Section 131.0.N.6.

Approved by:

DocuSigned by:

Lynda Eisenberg
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2/12/2025

Lynda Eisenberg, AICP, Director

Date



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

Agency Comment Form

Conditional Use

Date: September 9, 2024
 Use Category: Athletic Facilities, Outdoor
 File No.: BA-24-022C
 Petitioner: Charles Siperko
 Property Address: 6717 Mink Hollow Road
 Map No: 34
 Parcel: 287

CONDITIONAL USE CRITERIA REVIEW BY AGENCY									
GENERAL CRITERIA	DLD	DED	RCD	DCCP	BEH	DRP	SHA	DILP	FD
Certification that the development shown on the 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	x
The nature and extent of the existing and/or proposed landscaping on the site are such that the use will not hinder or discourage the development and/or use of adjacent land and structures	x								
The number of parking spaces will be appropriate to serve the particular use. Parking areas, loading areas, driveways and refuse areas will be appropriately located and buffered or screened from public roads and residential uses to minimize adverse impacts on adjacent properties.	x								
The ingress and egress drives will provide safe access with adequate sight distance, based on actual conditions, and with adequate acceleration and deceleration lanes where appropriate.		x					x		x
The proposed use will not have a greater potential for adversely impacting environmentally sensitive areas in the vicinity than elsewhere. (Streams, Wetlands, Floodplain, Forest Con., etc)	x	x			x	x			
The proposed use will not have a greater potential for diminishing the character and significance of historic sites in the vicinity than elsewhere.			x						
Design Advisory Panel review	x								

Comments Due: September 23, 2024

COMMENTS: The Development Engineering Division takes NO EXCEPTION to the request to construct a go kart track for the private use of the homeowner, family members, and friends subject to processing a Standard Environmental Concept Plan and a Site Development Plan to address the stormwater management requirements due to the Disturbance exceeding 5,000 sft. The SDP submission should include documentation that the cumulative dBA of the maximum number of carts does not exceed COMAR 26.02.03.02(B)(5) limitation at all points on the track for adjacent neighbors. A Developer Agreement with surety shall be required to ensure that all stormwater management practices are constructed in accordance with current criteria and are able to be inspected for compliance.

SIGNATURE



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

Agency Comment Form

Conditional Use

Date: September 9, 2024
 Use Category: Athletic Facilities, Outdoor
 File No.: BA-24-022C
 Applicant: Charles Siperko
 Property Address: 6717 Mink Hollow Road
 Map No: 34
 Parcel: 287

CONDITIONAL USE CRITERIA REVIEW BY AGENCY									
GENERAL CRITERIA	DLD	DED	RCD	DCCP	BEH	DRP	SHA	DILP	FD
Certification that the development shown on the 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	x
The nature and extent of the existing and/or proposed landscaping on the site are such that the use will not hinder or discourage the development and/or use of adjacent land and structures	x								
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The ingress and egress drives will provide safe access with adequate sight distance, based on actual conditions, and with adequate acceleration and deceleration lanes where appropriate.		x					x		x
The proposed use will not have a greater potential for adversely impacting environmentally sensitive areas in the vicinity than elsewhere. (Streams, Wetlands, Floodplain, Forest Con., etc)	x	x			x	x			
The proposed use will not have a greater potential for diminishing the character and significance of historic sites in the vicinity than elsewhere.			x						
Design Advisory Panel review	x								

Comments Due: September 23, 2024

COMMENTS: Health has no objections to the pursuit of this go-kart track. The area impacted by this proposal would not be suitable for a future sewage disposal area. The submitted plan shows a "septic area" but these property owners just recently asked for a waiver to the Perc Certification process in 021 for a large garage which was granted. On a side note, the paper written by Ms. Sarah Troxel was very well-constructed and intuitive.

Jack Silvest

SIGNATURE



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

Agency Comment Form

Conditional Use

Date: September 18, 2024
 Use Category: Athletic Facilities, Outdoor
 File No.: BA-24-022C
 Petitioner: Charles Siperko
 Property Address: 6717 Mink Hollow Road
 Map No: 34Parcel: 287

CONDITIONAL USE CRITERIA REVIEW BY AGENCY									
GENERAL CRITERIA	DLD	DED	RCD	DCCP	BEH	DRP	SHA	DILP	FD
Certification that the development shown on the 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	x
The nature and extent of the existing and/or proposed landscaping on the site are such that the use will not hinder or discourage the development and/or use of adjacent land and structures	x								
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The ingress and egress drives will provide safe access with adequate sight distance, based on actual conditions, and with adequate acceleration and deceleration lanes where appropriate.		x					x		x
The proposed use will not have a greater potential for adversely impacting environmentally sensitive areas in the vicinity than elsewhere. (Streams, Wetlands, Floodplain, Forest Con., etc)	x	x			x	x			
The proposed use will not have a greater potential for diminishing the character and significance of historic sites in the vicinity than elsewhere.			x						
Design Advisory Panel review	x								

COMMENTS:

1. Certification that the development shown on the plan has the potential to comply with all technical requirements in subsequent Subdivision and Site Development Plan stages of review.
 - a. If the Conditional Use Petition is approved, the applicant will be required to obtain approval of a Site Development Plan from the Department of Planning and Zoning prior to the issuance of building or grading permits for the proposed use. As shown on the plan exhibit, the development will require approval of alternative compliance to the some of the regulations in order to comply with the technical requirements in subsequent plan stages. The project details will be reviewed for landscaping requirements, forest conservation, etc. in subsequent plan stages.
2. The nature and extent of the existing and/or proposed landscaping on the site are such that the use will not hinder or discourage the development and/or use of adjacent land and structures.
 - a. Landscaping requirements will be reviewed and evaluated at the SDP phase of the development process. Offsite vegetation cannot be used to satisfy the landscaping requirements. Any existing vegetation must be located onsite and must meet the requirements in Chapter IV of the Landscape Manual to be used for landscaping credit.
 - b. Onsite landscape requirements will not hinder or discourage the development and/or use

of adjacent land and structures.

3. The number of parking spaces will be appropriate to serve the particular use. Parking areas, loading areas, driveways and refuse areas will be appropriately located and buffered or screened from public roads and residential uses to minimize adverse impacts on adjacent properties.
 - a. There are no parking spaces proposed on the submitted plan. The parking requirements will be reviewed and evaluated at the SDP phase of the development process.
4. The proposed use will not have a greater potential for adversely impacting environmentally sensitive areas in the vicinity than elsewhere (streams, wetlands, floodplain, forest conservation, etc.).
 - a. An Environmental Concept Plan for the site must be approved prior to the site development plan to identify any impacts to streams, wetlands, and their buffers, floodplain, steep slopes and specimen trees which are protected from disturbance per the Subdivision and Land Development Regulations.
 - b. Section 16.116 of the Subdivision and Land Development regulations prohibit grading, removal of vegetative cover and trees, paving, and new structures within 25 feet of a wetland in any zoning district. Based on an onsite meeting with DPZ, Maryland Department of the Environment (MDE) and the property owner on May 29, 2024, the construction of the go-kart track appears to have impacted non-tidal wetlands. Wetland investigations will need to be completed and approved by MDE and the limits of wetlands and associated buffers will need to be delineated on the SDP by a qualified professional.
 - i. Approval of an Alternative Compliance will be required for any impacts to the wetlands or 25' wetland buffer prior to the approval of an SDP. In addition, authorization from MDE will be required prior to approval of an SDP.
 - c. Section 16.116 of the Subdivision and Land Development regulations prohibit grading, removal of vegetative cover and trees, paving, and new structures within one hundred feet of a perennial stream bank for Use III and IV streams. There appears to be a stream just off site with the required buffer extending on this property in the vicinity of the track. Further delineation of the environmental features at the ECP and SDP will determine if the improvement impacts the buffers.
 - i. Approval of an Alternative Compliance will be required for any impacts to the 100' stream bank buffer prior to the approval of an SDP.
 - d. This project must comply with Section 16.1200 of the Howard County Code for Forest Conservation. The project will be reviewed for compliance with the forest conservation regulations at the site development plan stage.
5. Design Advisory Plan Review.
 - a. This project is not located in a DAP review area.

Eric Buschman
Division of Land Development



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

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Lynda D. Eisenberg, AICP, Director

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Agency Comment Form

Conditional Use

Date: September 9, 2024
 Use Category: Athletic Facilities, Outdoor
 File No.: BA-24-022C
 Applicant: Charles Siperko
 Property Address: 6717 Mink Hollow Road
 Map No: 34
 Parcel: 287

CONDITIONAL USE CRITERIA REVIEW BY AGENCY

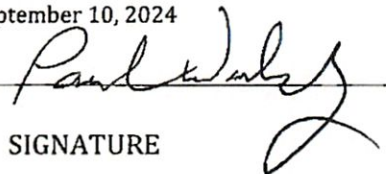
GENERAL CRITERIA	DLD	DED	RCD	DCCP	BEH	DRP	SHA	DILP	FD
Verification that the development shown on the plan has the potential to comply with all technical requirements in subsequent Subdivision and Site Development Plan stages of review.	x	x	x		x	x	x	x	x
The nature and extent of the existing and/or proposed landscaping on the site are such that the use will not hinder or discourage the development and/or use of adjacent land and structures	x								
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Ingress and egress drives will provide safe access with adequate sight distance, based on actual conditions, and with adequate acceleration and deceleration lanes where appropriate.		x					x		x
The proposed use will not have a greater potential for adversely impacting environmentally sensitive areas in the vicinity than elsewhere. (Streams, Wetlands, Floodplain, Forest Con., etc)	x	x			x	x			
The proposed use will not have a greater potential for diminishing the character and significance of historic sites in the vicinity than elsewhere.			x						
Sign Advisory Panel review	x								

Comments Due: September 23, 2024

COMMENTS: _____

 We have no comments.

Paul Walsky
 Dept. of Rec. & Parks
 September 10, 2024


 SIGNATURE



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

Agency Comment Form

Conditional Use

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he proposed use will not have a greater potential for diminishing the character and significance of istoric sites in the vicinity than elsewhere.			x							
esign Advisory Panel review	x									

omments Due: September 23, 2024

OMMENTS: The Department of Fire and Rescue Services has no comment on, nor objection to, this request.

Robert Ferguson
 Battalion Chief
 Office of the Fire Marshal