Howard County Maryland
Department of Planning and Zoning
3430 Courthouse Drive, Ellicott City, MD 21043
(410) 313-2350
www.howardcountymd.gov

DPZ Office Use only:
Case No: BA-26-022CTV
Date Filed: 10/26/2026

Residential Variance Petition

Variance Request

Are there multiple variances requested with this petition?
Multiple Variance

Describe the amount of variance requested:
9 ft. (from 10 ft. to 1 ft.); 20 ft. (from 20 ft. to 0 ft.); and 91.6 ft. (from 100 ft. to 8.4 ft.)

Type(s) of Variance(s):
Reduce the minimum side setback for structures from 10 ft. to 1 ft.; and reduce the minimum setback from Lot lines for Uses (other than structures) in all development projects except single-family detached from 20 feet to 0 ft.; and to reduce the minimum setback from adjoining residentially zoned properties for buildings, parking areas, and outdoor activity areas from 100 ft. to 8.4 ft. See attached Supplement for additional detail.

Zoning Regulation Section Number: Sections 108.0.D.4.c(1)(b), 108.0.D.4.c(2) and 131.0.N.6.c.

Describe the amount of variance requested:

Reason for the variance request (Describe):
On April 28, 1965, in Case No. 483-C, the Petitioner was granted a special exception for a Private Swim Club on Subject Property. A Conditional Use Petition & this Petition are being filed for the purpose of bringing the original special exception, as modified & expanded over many decades, into conformity with existing zoning law. See the attached Supplement for additional detail.

Petitioner's Representative Information

Petitioner's Representative Name: Bil Erskine
Address: 7021 Columbia Gateway Drive, COLUMBIA, MD, 21046
Phone: (301) 575-0363
Email: werskine@offitkurman.com
Profession: Attorney at Law

RECEIVED
NOV 10 2026
BY: .....

Petitioner Information

Petitioner Name: North St. Johns Swim Club, Inc.
Petitioners Business Name/Trading As: North St. Johns Swim & Tennis Club
Address: PO BOX 473, Ellicott City, MD, 21041
Phone: (410) 313-9234
Email: bsweet98@gmail.com
Petitioner's Interest in Subject Property: Sole Owner
If the petitioner is not the property owner, please explain:

Property Information

Are there multiple properties involved with this petition? Multiple Properties
Property Description: Private Swim Club, see attached Supplement in Support for additional detail.
Existing Use: Private Swim Club
Property Owner: North St. Johns Swim Club, Inc.
Property Address: 9200 Marydell Road, Ellicott City, MD, 21042
Tax Map: 17
Grid: 16
Parcel/Lot Number: 502
Zoning District: R-20
County Council District: Council District 5 - David Yungmann

Total Site Area: 9.57
Subdivision Name (If applicable): N/A
Site Development Plan (If applicable): N/A
Plat Number and recordation date (If applicable): N/A

Variance Petition Criteria

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 Swim Club Property is approximately 50% forested and is severely encumbered by severe and undulating topography, sensitive environmental features including streams, stream buffers, and wetlands . The presence of severe topography and sensitive environmental features severely limits the developable area of the property by forcing the building envelope to the southern and higher elevation areas of the property. Please see attached supplemental for additional information.

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.
The property is currently in use as a Private Swim Club, having been approved for such use in 1965. Subsequent to the approval and development of the Swim Club, numerous vicinal properties have been developed for residential uses without experiencing any detrimental effect on the essential character of the neighborhood caused by the Swim Club or its operations. See attached supplemental for additional information.

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.
Irregular physical characteristics of the Property including its susceptibility to flooding, its severe undulating topography and its encumbrance by sensitive environmental features including forested areas, streams, stream buffers, & wetlands. These conditions existed prior to the Petitioner's purchase of the Property in 1965 & therefore do not constitute a self-created hardship. See attached supplement for additional detail.

That within the intent and purpose of these Regulations, the variance, if granted, is the minimum variance necessary to afford relief.
Given the unusual physical constraints inherent with the Property, the variance sought represents the minimum variance necessary to afford relief & permit the reasonable use and development of the Property. See attached Supplement for additional detail.

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.
The variance do not request a variance to the minimum criteria established in Section 131.0 for Conditional Uses; however, this Petition relates to the modification and expansion of an existing Conditional Use for a Private Swim Club (formerly known as a Special Exception) that was approved prior to July 12, 2001. Because of this, §131.0.D.4 authorizes the Hearing Authority to approve variances to the bulk regulations in §131.0.N, in accordance with the variance provisions of §130.0.B.

Prior Petition

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

Does this Property have any prior zoning cases? Yes

Enter all prior case numbers here, separated by a comma. Upload documentation in the next step of the submittal process. Howard County Board of Zoning Appeals Case No. 483-C

Signatures

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

North St. Johns Swim Club, Inc.

Petitioner's Signature _____ Date 10/30/26

By: Brian Sweet, President

If the Property Owner is not the Petitioner, you must submit a signed Property Owners Authorization.

Process information and submittal requirements can be found on the ProjectDox website.

Digitally Signed by: Bll Erskine
Signature Date: 2026-10-22 17:49:32

CONTACT US

Department of Planning and Zoning
Public Service and Zoning Division
3430 Court House Drive, Ellicott City, MD 21043
TEL: 410.313.2350

Subject Property Information:

1.

Property Owner:	North St. Johns Swim Club, Inc.
Property Address:	9200 Marydell Road, Ellicott City, MD 21042
Tax Map:	17
Grid:	16
Parcel/Lot #:	502
Zoning District:	R-20
County Council District:	5 – David Yungmann
Site Area:	7.9886 acres +/-

2.

Property Owner:	Baltimore Gas & Electric
Property Address:	Ellicott City, MD
Tax Map:	24
Grid:	18
Parcel/Lot #:	P/O 449
Zoning District:	R-20
County Council District:	5 – David Yungmann
Site Area:	1.58 acres -/+

Howard County Maryland
Department of Planning and Zoning
3430 Courthouse Drive, Ellicott City, MD 21043 dpzzoning@howardcountymd.gov (410) 313-2350

Property Owners Authorization for Zoning Petitions

Any Zoning Petition not submitted and otherwise signed by the Property Owner shall be submitted with written authorization from the Property Owner authorizing the Petitioner to act on behalf of the Property Owner.

I (we): Baltimore Gas And Electric Company
(Print Property Owner(s) Name / Firm / Organization)

Hereby Authorize: North St. Johns Swim Club, Inc.
(Print Petitioner Name/Organization)

For Subject Property: P/O Tax Map 24, Parcel 449 (approximately 1.6 acres +/-)
(Print Subject Property Address) Deed dated November 5, 1963, recorded in Howard County Land Records in Liber 409, folio 365.

To apply for the following Zoning Petition:

- ☐ Administrative Adjustment
- ☐ Nonconforming Use Confirmation (Division)
- ☐ Temporary Use Permit
- ☒ Non-Residential Variance
- ☒ Residential District Variance
- ☒ Conditional Use
- ☐ Non-Conforming Use (Hearing Examiner)
- ☐ Amend the Zoning Map of Howard County
- ☐ Amend the Zoning Regulations of Howard County
- ☐ Preliminary Development Plan in a MXD District
- ☐ Amended Preliminary Development Plan
- ☐ Other (Explain):

The undersigned property owner does further authorize the Petitioner to make applications for any and all site plans and/or permits necessary to implement its plan in relation to the aforementioned conditional Zoning Petition.

Baltimore Gas And Electric Company By: J. Gary Bowers, Manager, Real Estate		9-15-26
Name	Property Owners Signature	Date
GARY.BOWERS@BGE.COM	1068 N. Front Street, Room 302 Baltimore, Maryland 21202	667-313-2162
Property Owners Email	Property Owners Address	Property Owners Phone

Howard County Maryland
Department of Planning and Zoning
3430 Courthouse Drive, Ellicott City, MD 21043 dpzzoning@howardcountymd.gov (410) 313-2350

ZONING PETITION AFFIDAVIT

Petitioner Name: North St. Johns Swim Club, Inc.

Property Address: 9200 Marydell Road, Ellicott City, MD 21042

Zoning Petition Type: Conditional Use Petition and Residential Variance Petition

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 zoning petition as requested for the property referenced above.

I we, do solemnly declare and affirm 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.

North St. Johns Swim Club, Inc. BY: Brian Sweet, President Petitioner Name	Signature	10/30/25 Date
JODY C. ALLEN Witness Name	Jody C Allen Signature	10/30/26 Date
Witness Name	Signature	Date

This Affidavit must be signed, scanned and uploaded through the ProjectDox Zoning Petition Application process at https://howard-md-us.avolvecloud.com/ProjectDox/

For more information or questions, contact DPZ at (410) 313-2350.

North St. Johns Swim Club, Inc.

Supplement in Support
of
Variance (s) Petition to the
Howard County Hearing Authority
(9200 Marydell Road, Ellicott City, MD 21042 – a/k/a Tax Map 17, Parcel 502
And P/O Tax Map 24, Parcel 449)

PETITION FOR RESIDENTIAL DISTRICT VARIANCE(S)

This Petition for Residential District Variance(s) seeks the Hearing Authority's approval of three (3) bulk regulation variance requests. Two (2) of the requested variances relate to structure and/or use setback requirements applicable to developments in the R-20 district. One (1) variance request relates to a bulk regulation established under HCZR §131.0.N.6.c for the approval of a Conditional Use for an Athletic Facility, Outdoor ("AFO"). This Petition relates to the modification and expansion of an existing Conditional Use for a Private Swim Club (formerly known as a Special Exception) that was approved prior to July 12, 2001. Because of this, §131.0.D.4 authorizes the Hearing Authority to approve variances to the bulk regulations in §131.0.N, in accordance with the variance provisions of §130.0.B.

Background Information

On April 28, 1965, the Board of Zoning Appeals of Howard County ("Zoning Board"), in Case No. 483-C, approved the application of the North St. John's Swim Club, Inc. (the "Petitioner") for a special exception to operate a Private Swim Club on 8 acres of land designated as Parcel 502 on Tax Map 17 (the "Swim Club Property"). Unfortunately, due to the passage of time, neither the Petitioner's records nor the records of DPZ contain a copy of the "plat" that was filed with the application in 1965 and referenced in the D&O. Consequently, it is not possible to ascertain precisely which structures and use areas existing today were authorized by the D&O in 1965. Historical aerial imagery suggests that several structures and several use areas on site today were not authorized by the original D&O. This condition was first made known to the Petitioner's current Board of Directors upon its receipt of a Formal Notice of Violation of Zoning/Subdivision and Land Development Regulations.

This Petition is filed for the purpose of bringing the original special exception, as modified and expanded over many decades, into conformity with existing zoning law. In addition, this Petition is filed for the purpose of expanding the Conditional Use area to include a portion of the adjacent BGE Property (approximately 1.58 acres) for the purpose of providing access to the modified and expanded swim club facility as well as temporary seasonal overflow parking for the swim club during special events and holidays. Throughout this Petition, the Swim Club Property and the BGE Property are referred to collectively as the "Subject Property."

In 1965, the original application for special exception was filed under §19.21 of the Zoning Regulations. This code section authorized the Zoning Board to permit the operation of a "Private Club" on R-20 zoned property. Under current zoning regulations, private community swimming pools are authorized under §131.0.N.6 subject to specific criteria set forth therein and further subject to the general criteria for approval under §131.0.B.

The Swim Club Property consists of approximately 8 acres, approximately 4 acres is forested, and the remaining area is in use as a Private Swim Club. Much of the Swim Club Property has severe undulating topography that is significantly encumbered with sensitive environmental features including forested areas, streams, stream buffers and wetlands. The northeastern boundary of the Swim Club Property abuts the Route 29 right-of-way. Its southwestern boundary abuts the BGE Property. Single-family detached residential properties abut the Swim Club Property along its northwestern and southern boundaries. The Swim Club Property is also legally encumbered by a preservation easement held by the Howard County Conservancy. Included among the terms of the preservation easement is a prohibition against the expansion of impervious surfaces on the Swim Club Property beyond the 104,000 sq. ft. of existing impervious surfaces. In addition, the preservation easement prohibits the expansion or relocation of existing structures, or the addition of new structures.

The following is a complete itemization of the currently existing structures and uses on the Swim Club Property. The location of these currently existing structures and uses on the Subject Property is shown on the Plan.

1. Club House with restrooms and snack bar (1-story brick building (25 ft. x 100 ft.))
2. Covered Wood Deck (25 ft. x 25 ft.)
3. Main Swimming Pool (4,570 sq. ft.) with two diving boards and spiral slide

4. Storage Building (1-story (20 ft. x 20 ft.))
5. Perimeter Security/Privacy Fence (6 ft. HT)
6. Covered Pavilion with guard rail
7. Children's Wading Pool (595 sq. ft.) with water feature
8. Water Storage Tank
9. Four (4) Tennis/Pickle Ball Courts with storage bins and observation benches
10. 10 ft. Chain Link Fence to keep tennis balls from leaving court area
11. Basketball Court
12. Playground with climbing equipment and slides
13. Volleyball Court with netting and netting stands
14. Storage Shed (8 ft. x 10 ft.)
15. Ga-Ga Ball Pit
16. 10 ft. Chain Link Security Fence to provide perimeter security and to keep pickle balls, volley balls, and basketballs from leaving court area
17. Upper Parking Lot with 79 parking spaces
18. Lower Parking Lot with 14 parking spaces
19. Flagpole
20. Six (6) Pole Mounted Light Fixtures

Variance Request No. 1 - §108.0.D.4.c(1)(b) - From Lot Lines; minimum side setback requirement for structures: .....10 ft.

The Petitioner requests a variance to reduce the minimum side setback requirement under §108.0.D.4.c(1)(b) for structures from 10 ft. to 1 ft. (a variance of 9 ft.). The purpose of this request is to permit all structures identified on the Plan and located within 10 ft. of the Subject Property's side (southeastern) lot line to remain in their current locations.

Itemization of structures subject to Variance Request No. 1:

1. Portion of Upper Tennis Court
2. Chain Link Fence (appurtenant to Upper Tennis Courts)

Justification for Variance Request No. 1

(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.

Response: The Swim Club Property is approximately 50% forested and is severely encumbered by severe and undulating topography, sensitive environmental features including streams, stream buffers and wetlands . The presence of severe topography and sensitive environmental features severely limits the developable area of the Swim Club Property by forcing the building envelope to the southern and higher elevation areas of the Swim Club Property. In addition, the Swim Club Property is subject to frequent flooding as a result of storm water that is discharged from the storm water management pond located on the BGE transmission right of right-of-way. While a considerable amount of this storm water discharge is transported through the Swim Club Property by an underground storm drain, during significant storm events the Swim Club Property still experiences significant flooding particularly in the area between the Upper Tennis Courts and the Open Pavilion. As a result of this condition, the Petitioner is not able to make use of this area for development purposes; and it is necessary to locate accessory structures and use areas in close proximity to the side (southeastern) lot line.

These factors combine to create a uniqueness to the site which results in practical difficulties and unnecessary hardships in complying with the minimum 10 ft. setback requirement for structures from the Swim Club Property's side (southeastern) lot line. This setback requirement imposes a considerable onerous condition upon the Swim Club Property. Without the requested relief, this bulk requirement will not permit reasonable development of the Swim Club Property because accessory structures and use areas would need to be located further to the west and into the area experiencing significant flooding due to off-site storm water discharge. As previously discussed, it is not practical to locate accessory structures and use areas elsewhere on the property due to the existence of severe undulating topography in the lower elevation and environmentally sensitive areas of the Swim Club Property. The reasonable development of the Swim Club Property is only possible if the structure setback requirement from the side (southeastern) lot line is reduced from 10 ft. to 1 ft. (a variance of 9 ft.). Without this requested relief, it is also not possible to provide adequate storm water management, internal circulation, and parking for a reasonably sized development project. Nor would it be possible to provide adequate space for the necessary access

and circulation for the fire department and emergency apparatus and equipment.

(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.

Response: The R-20 District is established to permit single-family detached dwelling units at approximately two units per acre. The District reflects the established single-family neighborhood characteristics of many of the stable residential areas of the county. The R-20 District also permits numerous non-residential and institutional uses including the following:

- Convents and monasteries used for residential purposes.
- Government structures, facilities and uses, including public schools and colleges.
- Private recreational facilities, such as swimming pools, basketball courts and tennis courts, reserved for the use of on-site residents and their guests. Such facilities shall be located within condominium developments as well as within communities where all properties are included within recorded covenants and liens which govern and provide financial support for operations of the facilities.
- Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations subject to the requirements of Section 128.0.D.
- Seasonal sales of Christmas trees or other decorative plant materials, subject to the requirements of Section 128.0.D.
- Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other similar public utility uses not requiring a Conditional Use.
- Commercial communication antennas attached to structures, subject to the requirements of Section 128.0.E.4. Commercial communication towers located on government property, excluding School Board property, and with a height of less than 200 ft. measured from ground level, subject to the requirements of Sections 128.0.E.2 and 128.0.E.3. This height limit does not apply to government communication towers, which are permitted as a matter of right under the provisions for "Government structures, facilities and uses."
- Volunteer fire departments.

The Petitioner's requested variance to reduce the minimum setback for structures from a side lot line will not alter the essential character of the neighborhood or district; and will not impact the appropriate use and development of adjacent properties. The Swim Club Property is currently in use as a Private Swim Club, having been approved for such use in 1965. Subsequent to the approval and development of the Swim Club, numerous vicinal properties have been developed for residential uses without experiencing any detrimental effect on the essential character of the neighborhood caused by the Swim Club or its operations. Nor has the Swim Club or its operations substantially impaired the appropriate use or development of adjacent property; and it has not been detrimental to the public welfare in any way. The requested variance is necessary to permit the modification and expansion of the existing Swim Club and will in no way be detrimental to the public welfare as it will not produce excessive noise, odors, dust, fumes, vibrations, or other adverse effects that would negatively impact vicinal properties. The Swim Club Property's side (southeastern) lot line adjoins four (4) residential lots, each improved with single-family detached dwelling. These residences are located on Victoria Drive and were constructed in 1990. Since their construction, the Swim Club has enjoyed a cordial and neighborly relationship with many of the owners of these residences. In fact, over the past 35 years, quite a few of these residents have been members of the Swim Club. As such, the proposed variance will not alter the essential character of the neighborhood or district in which the lot is located; it 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.

Response: As set forth above, the justification supporting the variance sought hereunder is based solely on the irregular physical characteristics of the Swim Club Property including its susceptibility to flooding, its severe undulating topography and its encumbrance by sensitive environmental features including forested areas, streams, stream buffers and wetlands. These conditions existed prior to the Petitioner's purchase of the Swim Club Property in 1965 and therefore do not 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.

Response: Given the unusual physical constraints inherent with the Swim Club Property, the

variance sought by the Petitioner for a reduction of the minimum structure setback from a side (southeastern) lot line from 10 ft. to 1 ft. (a variance of 9 ft.) represents the minimum variance necessary to afford relief and to permit the reasonable use and development of the Swim Club Property. A lesser variance would not permit the development of the Swim Club Property with a reasonably sized principal building, accessory structures, and use areas while also allowing for storm water management, internal circulation, parking, and access for fire and emergency apparatus and equipment.

(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.

Response: Variance Request No. 1 does not request a variance to the minimum criteria established in Section 131.0 for Conditional Uses.

Variance Request No. 2 - §108.0.D.4.c(2) - From Lot Lines; minimum setback requirement for Uses (other than structures) in all development projects except single-family detached .....20 ft.

The Petitioner requests a variance to §108.0.D.4.c(2) in order to permit a reduction of the minimum setback from Lot lines requirement for Uses (other than structures) in all development projects except single-family detached from 20 ft. to 0 ft. (a variance of 20 ft.).

Itemization of Uses subject to Variance Request No. 2:

1. Any activity, including but not limited to grounds maintenance and the replacement, repair and maintenance of structures, taking place on the Property that is located within 20 ft. of an external Lot line that relates or pertains in any way to the utilization of the Property as an AFO use as requested under this Petition and as shown on the Plan.

2. Tennis, Pickle Ball, and similar court related activities taking place on that portion of the Upper and Lower Tennis Courts that is located within 20 ft. of a Lot line.

Justification for Variance Request No. 2

(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.

Response: The Swim Club Property is approximately 50% forested and is severely encumbered

by severe undulating topography, sensitive environmental features including streams, stream buffers and wetlands . The presence of severe topography and sensitive environmental features severely limits the developable area of the Swim Club Property by forcing the building and use envelope to the southern and higher elevation areas of the Swim Club Property. In addition, the Swim Club Property is subject to frequent flooding as a result of storm water that is discharged from the storm water management pond located on the BGE transmission right of right-of-way. While a considerable amount of this storm water discharge is transported through the Swim Club Property by an underground storm drain, during significant storm events the Swim Club Property still experiences significant flooding particularly in the area between the Upper Tennis Courts and the Open Pavilion. As a result of this condition, the Petitioner is not able to make use of this area for development purposes; and it is necessary to locate accessory structures and Use areas in close proximity to the side (southeastern) lot line.

These factors combine to create a uniqueness to the site which results in practical difficulties and unnecessary hardships in complying with the minimum 20 ft. setback requirement for Uses (other than structures) in all development projects except single-family detached. This setback requirement imposes a considerable onerous condition upon the Swim Club Property. Without the requested relief, this bulk requirement will not permit reasonable development of the Swim Club Property because all accessory structures and Use areas would need to be located further to the west and into the area experiencing significant flooding due to off-site storm water discharge. As previously discussed, it is not practical to locate accessory structures and Use areas elsewhere on the Swim Club Property due to the existence of severe undulating topography in the lower elevation and environmentally sensitive areas of the Swim Club Property. The reasonable development of the Swim Club Property is only possible if the setback requirement for Uses (other than structures) is reduced from 20 ft. to 0 ft. (a variance of 20 ft.). Without this requested relief, it is also not possible to provide adequate storm water management, internal circulation, and parking for a reasonably sized development project. Nor would it be possible to provide adequate space for the necessary access and circulation for the fire department and emergency apparatus and equipment.

(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.

Response: The R-20 District is established to permit single-family detached dwelling units at approximately two units per acre. The District reflects the established single-family neighborhood characteristics of many of the stable residential areas of the county. The R-20 District also permits numerous non-residential and institutional uses including the following:

- Convents and monasteries used for residential purposes.
- Government structures, facilities and uses, including public schools and colleges.
- Private recreational facilities, such as swimming pools, basketball courts and tennis courts, reserved for the use of on-site residents and their guests. Such facilities shall be located within condominium developments as well as within communities where all properties are included within recorded covenants and liens which govern and provide financial support for operations of the facilities.
- Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations subject to the requirements of Section 128.0.D.
- Seasonal sales of Christmas trees or other decorative plant materials, subject to the requirements of Section 128.0.D.
- Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other similar public utility uses not requiring a Conditional Use.
- Commercial communication antennas attached to structures, subject to the requirements of Section 128.0.E.4. Commercial communication towers located on government property, excluding School Board property, and with a height of less than 200 ft. measured from ground level, subject to the requirements of Sections 128.0.E.2 and 128.0.E.3. This height limit does not apply to government communication towers, which are permitted as a matter of right under the provisions for "Government structures, facilities and uses."
- Volunteer fire departments.

The Petitioner's requested variance to reduce the minimum setback for Uses (other than structures) from a Lot line will not alter the essential character of the neighborhood or district;

and will not impact the appropriate use and development of adjacent properties. The Swim Club Property is currently in use as a Private Swim Club, having been approved for such use in 1965. Subsequent to the approval and development of the Swim Club, numerous vicinal properties have been developed for residential uses without experiencing any detrimental effect on the essential character of the neighborhood caused by the Swim Club or its operations. Nor has the Swim Club or its operations substantially impaired the appropriate use or development of adjacent property; and it has not been detrimental to the public welfare in any way. The requested variance is necessary to permit the modification and expansion of the existing Swim Club and will in no way be detrimental to the public welfare as it will not produce excessive noise, odors, dust, fumes, vibrations, or other adverse effects that would negatively impact vicinal properties. The Swim Club Property's side (southeastern) lot line adjoins four (4) residential lots, each improved with single-family detached dwelling. These residences are located on Victoria Drive and were constructed in 1990. Since their construction, the Swim Club has enjoyed a cordial and neighborly relationship with many of the owners of these residences. In fact, over the past 35 years, quite a few of these residents have been members of the Swim Club. As such, the proposed variance will not alter the essential character of the neighborhood or district in which the lot is located; it 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.

Response: As set forth above, the justification supporting the variance sought hereunder is based solely on the irregular physical characteristics of the Swim Club Property including its susceptibility to flooding, its severe undulating topography and its encumbrance by sensitive environmental features including forested areas, streams, stream buffers and wetlands. These conditions existed prior to the Petitioner's purchase of the Swim Club Property in 1965, and therefore do not 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.

Response: Given the unusual physical constraints inherent with the Swim Club Property, the variance sought by the Petitioner to permit a reduction of the minimum setback from Lot lines for Uses (other than structures) in all development projects except single-family detached from

20 ft. to 0 ft. (a variance of 20 ft.) represents the minimum variance necessary to afford relief and to permit the reasonable use and development of the Swim Club Property. A lesser variance would not permit the development of the Swim Club Property with a reasonably sized principal building, accessory structures, and use areas while also allowing for storm water management, internal circulation, parking, and access for fire and emergency apparatus and equipment.

(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.

Response: Variance Request No. 2 does not request a variance to the minimum criteria established in Section 131.0 for Conditional Uses.

Variance Request No. 3 - §131.0.N.6.c - Buildings, parking areas, and outdoor activity areas will be at least 100 ft. from adjoining residentially zoned properties other than public road right-of-ways. This buffer area shall not be available for athletic or recreational activities.

The Petitioner requests a variance to Sec. 131.0.N.6.c in order to permit a reduction of the minimum setback from adjoining residentially zoned properties for buildings, parking areas, and outdoor activity areas from 100 ft. to 8.4 ft. (a variance of 91.6 ft.).

Itemization of Buildings, parking areas, and outdoor activity areas subject to Variance Request No. 3:

1. All buildings, parking areas, and outdoor activity areas shown on the Plan that are located within 100 ft. of a residentially zoned property that relates or pertains in any way to the utilization of the Swim Club Property as an AFO Conditional Use as requested under this Petition and as shown on the Plan.
2. Lower Supplemental Parking Area (including Ex. Light Pole).
3. Ex. Landscaping Area.
4. Portions of Ex. Tennis Courts.
5. Ex. 10' Chain Link Fence Surrounding Portions of Upper and Lower Tennis Courts.
6. Portions of Ex. Basketball Court.

7. Ga-Ga Ball Court.
8. Portions of Ex. Volleyball Courts.
9. Ex. Playground with Playground Equipment.
10. Portions of Ex. Tennis and Pickle Ball Courts, and similar court related activities.

Justification for Variance Request No. 3

(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.

Response: The Swim Club Property is approximately 50% forested and is severely encumbered by severe undulating topography, sensitive environmental features including streams, stream buffers and wetlands. The presence of severe topography and sensitive environmental features severely limits the developable area of the Swim Club Property by forcing the building and Use envelope to the southern and higher elevation areas of the Swim Club Property. In addition, the Swim Club Property is subject to frequent flooding as a result of storm water that is discharged from the storm water management pond located on the BGE transmission right of right-of-way. While a considerable amount of this storm water discharge is transported through the Swim Club Property by an underground storm drain, during significant storm events the Swim Club Property still experiences significant flooding particularly in the area between the Upper Tennis Courts and the Open Pavilion. As a result of this condition, the Petitioner is not able to make use of this area for development purposes; and it is necessary to locate buildings, parking areas, and outdoor activity areas in close proximity to the front and side (southeastern) lot line.

These factors combine to create a uniqueness to the site which results in practical difficulties and unnecessary hardships in complying with the minimum 100 ft. setback requirement for buildings, parking areas, and outdoor activity areas from residentially zoned properties. This setback requirement imposes a considerable onerous condition upon the Swim Club Property. Without the requested relief, this bulk requirement will not permit reasonable development of the Swim Club Property because all buildings, parking areas, and outdoor activity areas would need to be located further to the north and west and into the area experiencing significant flooding due to off-site storm water discharge. And, as previously discussed, it is not practical to locate all

buildings, parking areas, and outdoor activity areas elsewhere on the Swim Club Property due to the existence of severe undulating topography in the lower elevation and environmentally sensitive areas of the Swim Club Property. The reasonable development of the Swim Club Property is only possible if the setback requirement for buildings, parking areas, and outdoor activity areas from residentially zoned properties is reduced from 100 ft. to 8.4 ft. (a variance of 91.6 ft.). Without this requested relief, it is also not possible to provide adequate storm water management, internal circulation, and parking for a reasonably sized development project. Nor would it be possible to provide adequate space for the necessary access and circulation for the fire department and emergency apparatus and equipment.

(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.

Response: The R-20 District is established to permit single-family detached dwelling units at approximately two units per acre. The District reflects the established single-family neighborhood characteristics of many of the stable residential areas of the county. The R-20 District also permits numerous non-residential and institutional uses including the following:

- Convents and monasteries used for residential purposes.
- Government structures, facilities and uses, including public schools and colleges.
- Private recreational facilities, such as swimming pools, basketball courts and tennis courts, reserved for the use of on-site residents and their guests. Such facilities shall be located within condominium developments as well as within communities where all properties are included within recorded covenants and liens which govern and provide financial support for operations of the facilities.
- Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations subject to the requirements of Section 128.0.D.
- Seasonal sales of Christmas trees or other decorative plant materials, subject to the requirements of Section 128.0.D.
- Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes;

and other similar public utility uses not requiring a Conditional Use.

- Commercial communication antennas attached to structures, subject to the requirements of Section 128.0.E.4. Commercial communication towers located on government property, excluding School Board property, and with a height of less than 200 ft. measured from ground level, subject to the requirements of Sections 128.0.E.2 and 128.0.E.3. This height limit does not apply to government communication towers, which are permitted as a matter of right under the provisions for "Government structures, facilities and uses."
- Volunteer fire departments.

The Petitioner's requested variance to reduce the minimum setback for buildings, parking areas, and outdoor activity areas from residentially zoned properties from 100 ft. to 8.4 ft. will not alter the essential character of the neighborhood or district; and will not impact the appropriate use and development of adjacent properties. The Swim Club Property is currently in use as a Private Swim Club, having been approved for such use in 1965. Subsequent to the approval and development of the Swim Club, numerous vicinal properties have been developed for residential uses without experiencing any detrimental effect on the essential character of the neighborhood caused by the Swim Club or its operations. Nor has the Swim Club or its operations substantially impaired the appropriate use or development of adjacent property; and it has not been detrimental to the public welfare in any way. The requested variance is necessary to permit the modification and expansion of the existing Swim Club and will in no way be detrimental to the public welfare as it will not produce excessive noise, odors, dust, fumes, vibrations, or other adverse effects that would negatively impact vicinal properties. The Swim Club Property's side (northwestern) lot line adjoins two (2) residential lots, each improved with single-family detached dwelling and one (1) open space parcel owned by St. Johns Woods Homeowners Association, Inc. Each of these properties derive access via a private driveway connecting to Jeannine Court. The Swim Club Property's side (southeastern) lot line adjoins four (4) residential lots, each improved with single-family detached dwelling. These residences are located on Victoria Drive and were constructed in 1990. Since their construction, the Swim Club has enjoyed a cordial and neighborly relationship with many of the owners of these residences. In fact, over the past 35 years, quite a few of these residents have been members of the Swim Club. As such, the proposed variance

will not alter the essential character of the neighborhood or district in which the lot is located; it 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.

Response: As set forth above, the justification supporting the variance sought hereunder is based solely on the irregular physical characteristics of the Swim Club Property including its susceptibility to flooding, its severe undulating topography and its encumbrance by sensitive environmental features including forested areas, streams, stream buffers and wetlands. These conditions existed prior to the Petitioner's purchase of the Swim Club Property in 1965, and therefore do not 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.

Response: Given the unusual physical constraints inherent with the Swim Club Property, the variance sought by the Petitioner for a reduction of the minimum setback for buildings, parking areas, and outdoor activity areas from residentially zoned properties from 100 ft. to 8.4 ft. (a variance of 91.6 ft.) represents the minimum variance necessary to afford relief and to permit the reasonable use and development of the Swim Club Property. A lesser variance would not permit the development of the Swim Club Property with a reasonably sized principal building, accessory structures, and use areas while also allowing for storm water management, internal circulation, parking, and access for fire and emergency apparatus and equipment.

(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.

Response: Variance Request No. 3 does request a variance to the minimum criteria established in Section 131.0 for Conditional Uses; however, this Petition relates to the modification and expansion of an existing Conditional Use for a Private Swim Club (formerly known as a Special Exception) that was approved prior to July 12, 2001. Because of this, §131.0.D.4 authorizes the Hearing Authority to approve variances to the bulk regulations in §131.0.N, in accordance with the variance provisions of §130.0.B.