



**HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING**  
3430 Court House Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350  
Voice/Relay

Amy Gowan, Director

FAX 410-313-3467

September 1, 2020

**TECHNICAL STAFF REPORT**

*Hearing Examiner hearing of September 15, 2020*

**Case No./Petitioner:** BA-19-027V – Dale Kemper

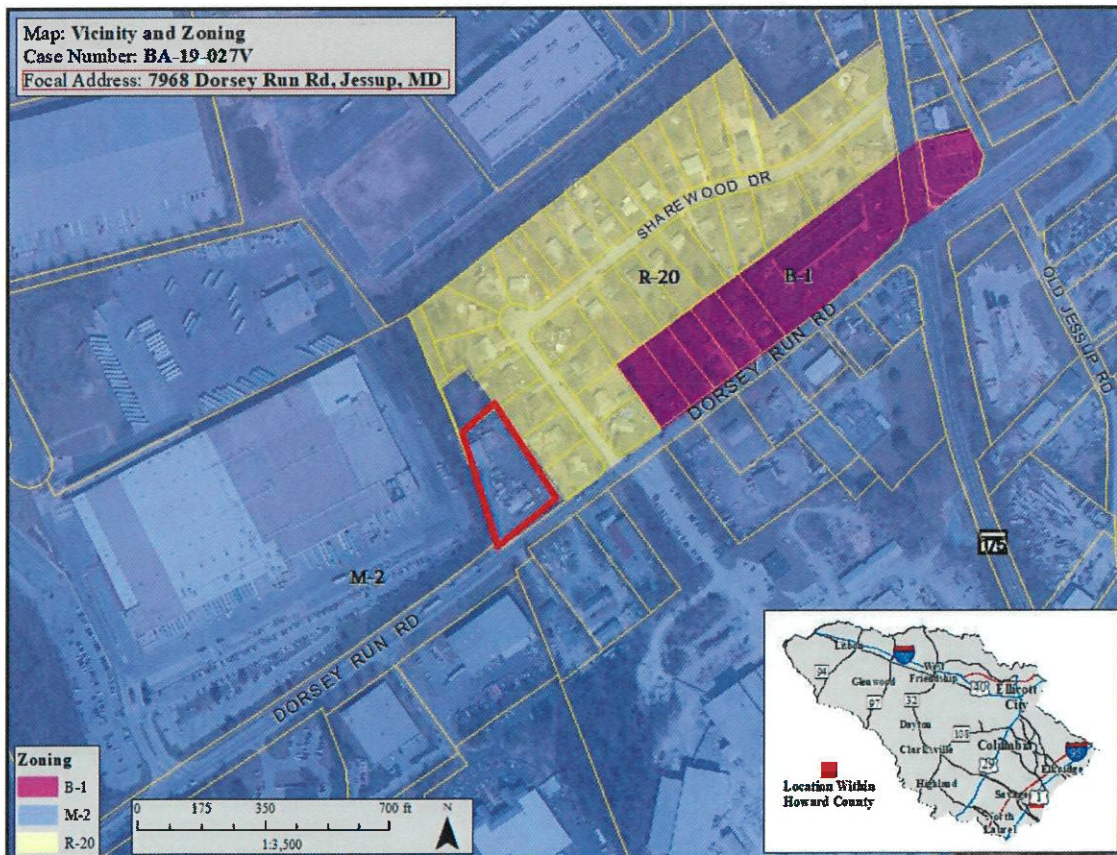
**Request:** Variance to reduce the required 50-foot structure and use setback from an external public street right-of-way to 0 feet for a motor vehicle towing and storage facility (**Section 123.0.D.2.a**)

Variance to reduce the required 150-foot structure and use setback from a residential district to 0 feet for a motor vehicle towing and storage facility (**Section 123.0.D.2.c**)

**Location:** 7968 Dorsey Run Road  
Tax Map 43, Grid 22, Parcel 256 (the "Property")

**Area of Property:** 1.352 acres

**Zoning:** M-2 (Manufacturing: Heavy) District



## I. VARIANCE PROPOSAL

The Petitioner proposes to reduce the required 50-foot structure and use setback from a public street right-of-way to 0 and the 150-foot setback from a residential district to 0 feet for a motor vehicle towing and storage facility.

## II. BACKGROUND INFORMATION

A. Site Description

The Property has an irregular shape and contains a motor vehicle towing and storage facility consisting of a two-story building with a 1,200 square foot office and 950 square foot dwelling unit, a 2,048 square foot auto repair building, two aluminum carports, an outdoor storage area for vehicles, and multiple shipping containers. The site rises from an elevation of 206 feet along the northeast property line to an elevation of 216 feet along the southwest property line. The property is 220 feet wide along Dorsey Run Road and gradually narrows to approximately 123 feet where it adjoins the M-2/R-20 properties to the north and west. The property has a depth of approximately 343 feet.

B. Vicinal Properties

Direction	Zoning	Land Use
North	M-2 / R-20	Single Family Detached Dwelling
West	M-2	Warehouse Distribution Facility
South	M-2	Office /Warehouse
East	R-20	Single Family Detached Dwellings

C. Roads

Dorsey Run Road has one northbound travel lane, one southbound travel lane. The speed limit is 35 miles per hour.

Annual Average Daily Traffic information is not available for this section of Dorsey Run Road.

D. Water and Sewer Service

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

E. General Plan

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

Dorsey Run Road is a Major Collector.

F. Agency Comments

Agency comments are attached.

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### III. ZONING HISTORY

There is no record of prior Zoning Petitions for the Property.

### IV. EVALUATION AND CONCLUSIONS

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

1. *That there are unique physical conditions, including irregularity, narrowness or shallowness of lot or shape, exceptional topography, or other existing features peculiar to the particular lot; and that because of such unique physical conditions, practical difficulties or unnecessary hardships arise in complying strictly with the bulk provisions of these regulations.*

The Property has an irregular shape, sloping topography, and a narrow lot that gradually decreases from 220 feet to approximately 123 feet and is subject to a 150-foot setback from the adjacent residential properties in addition to a 50-foot setback from Dorsey Run Road. These setbacks restrict the developable area to approximately 3,000 square feet or 5% of the lot, which deprives the owner of reasonable use in the M-2 zoning district. These unique physical conditions result in practical difficulties in complying with the required setbacks.

2. *That the variance, if granted, will not alter the essential character of the neighborhood or district in which the lot is located; will not substantially impair the appropriate use or development of the adjacent property; and will not be detrimental to the public welfare.*

The Petitioner is requesting to reduce the 50-foot setback to 0 for an existing outdoor storage area, aluminum carport, and a gravel area. However, these encroachments are not consistent with the character of the surrounding area. The properties to the south and west are zoned M-2 and consist of commercial uses and a warehouse distribution facility. The developed area of these properties is setback approximately 25 to 40 feet from the Dorsey Road public right-of-way. The property to the east contains a single-family dwelling which is setback approximately 40 feet from the Dorsey Road public right-of-way. Therefore, DPZ recommends that a 40-foot setback be required for structures and uses, excluding parking areas which can be 30 feet from the public right-of-way. Furthermore, development plans indicate that there will be a future right of way along Dorsey Run Road that will require a 40-foot setback.

The properties to the north and east contain single family detached dwellings within the R-20 zoning district, except for Parcel 618 which is split zoned R-20 and M-2. A motor vehicle towing, storage, and repair facility generates noise, fumes, and outdoor storage that may impair the use of the adjacent single-family dwellings. However, due to the narrowness of the lot, compliance with the 150-foot setback is not feasible as it would only allow the owner to use 5% of the property for the current use. Therefore, DPZ recommends the 150-foot setback from a residential district be reduced to 30-foot setback to accommodate a type "C" landscape buffer to screen/buffer the motor vehicle towing, storage, and repair facility from the single-family dwellings.

With the recommended setbacks, the proposed variance is less likely to alter the essential character of the district, substantially impair the appropriate use or development of the adjacent properties or be detrimental to the public welfare.

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3. *That such practical difficulties or hardships have not been created by the owner provided, however, that where all other required findings are made, the purchase of a lot subject to the restrictions sought to be varied shall not itself constitute a self-created hardship.*

The practical difficulties related to the irregular shape, sloping topography, and setbacks were not created by the owner who purchased the Property in 2004.

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

The Property has an irregular shape, sloping topography, a narrow width and is subject to a 150-foot setback from the adjacent residential district in addition to a 50-foot setback from Dorsey Run Road. The setbacks restrict the developable area to approximately 3,000 square feet or 5% of the lot, which deprives the owner of reasonable use in the M-2 zoning district. However, reducing the setbacks to 0 is not warranted given the size of the Property and is not the minimum necessary to afford relief. DPZ recommends reducing the 50-foot setback from the Dorsey Run Road right-of-way to 40-feet and the 150-foot setback from the adjacent residential district to 30 feet.

#### V. RECOMMENDATION

For the reasons stated above, the Department of Planning and Zoning recommends that the request for variances to reduce the required 50-foot structure and use setback from an external public street right-of-way to 0 feet and the 150-foot structure and use setback from a residential district to 0 feet for a motor vehicle towing and storage facility be **DENIED**; and variances to reduce the required 50-foot structure and use setback from an external public street right-of-way to 40 feet and the 150-foot structure and use setback from a residential district to 30 feet be **APPROVED**.

Approved by:

DocuSigned by:  
*Amy Gowan*  
9/1/2020  
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Amy Gowan, Director

Date



# Howard County

Department of Planning and Zoning

**Subject:** Board of Appeals Case No: BA-19-027V  
**Applicant:** Dale Kemper  
**Petition:** A variance to reduce the 150' setback from a residential zoning district.

**To:** Division of Public Service and Zoning Administration  
Department of Planning and Zoning

**From:** Development Engineering Division  
Department of Planning and Zoning

**Date:** June 4, 2019

The Development Engineering Division has reviewed the above referenced petition and has no objection.

Based on an examination of the petition, we offer the following comments:

1. The request appears to have no adverse engineering impact on the adjacent properties.
2. All improvements must comply with current Howard County design criteria including APFO requirements and stormwater management.

If you have any questions concerning this matter please contact me at extension 2350.



Chad Edmondson, P.E.  
Chief

CE/pmt

cc: James M. Irvin, Director, Department of Public Works  
Philip M. Thompson, Engineer, Development Engineering Division  
Tom Butler, Chief, Bureau of Engineering, Department of Public Works  
Reading File

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Voice/Relay

Amy Gowan, Director

FAX 410-313-3467

**Subject:** BA-19-027V 7968 Dorsey Run Road (Nonresidential Variance)

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

**Through:** Anthony Cataldo, Division Chief <sup>DS</sup>  
Division of Land Development *[Signature]*

**From:** Julia Sauer, Division of Land Development

**Date:** August 20, 2020

The Division of Land Development has reviewed the nonresidential variance petition and offers the following advisory comments, which will be evaluated during the site development plan review process.

1. From aerial photographs, it appears this use was expanded in 2008-2009 without site development plan review and approval. Therefore, approval of a site development plan is required to legally establish the expanded nonresidential use pursuant to Section 16.155(a) of the Subdivision and Land Development Regulations.
2. This development must comply with the Forest Conservation Act and Section 16.1200 of the Howard County Code.
3. This development must comply with the landscape regulations pursuant to Section 16.124 of the Subdivision and Land Development Regulations and the Landscape Manual. A 20-foot perimeter landscape edge is required along the outside boundary of the property, except in districts where zoning setbacks permit parking or principal structures in closer proximity to the property lines. Nonresidential uses require a Type 'C' heavy buffer from residential land uses and Type 'A' light buffer from all other land uses. Landscape edges may be reduced to a width of 10 feet if a masonry wall, hedge, or solid fence is provided. Walls, hedges and fences may be credited towards meeting 100% of the required landscape planting; however the Department of Planning and Zoning may require at least one tree per 60 linear feet of wall or one shrub or vine per 10 linear feet of wall or fences if the fence or wall does not have architectural articulation.
4. Adequate parking for the uses must be provided and comply with Section 133.0 of the Zoning Regulations. The design of aisle widths, stall lengths and widths, entrance widths, turning radii, flow patterns paving, etc., shall conform with standards set forth in the Howard County Design Manual.
5. This development may require a sidewalk along Dorsey Run Road pursuant to Section 16.134 of the Subdivision and Land Development Regulations.