



Amy Gowan, Director

FAX 410-313-3467

July 6, 2020

## TECHNICAL STAFF REPORT

*Hearing Examiner hearing of July 23, 2020*

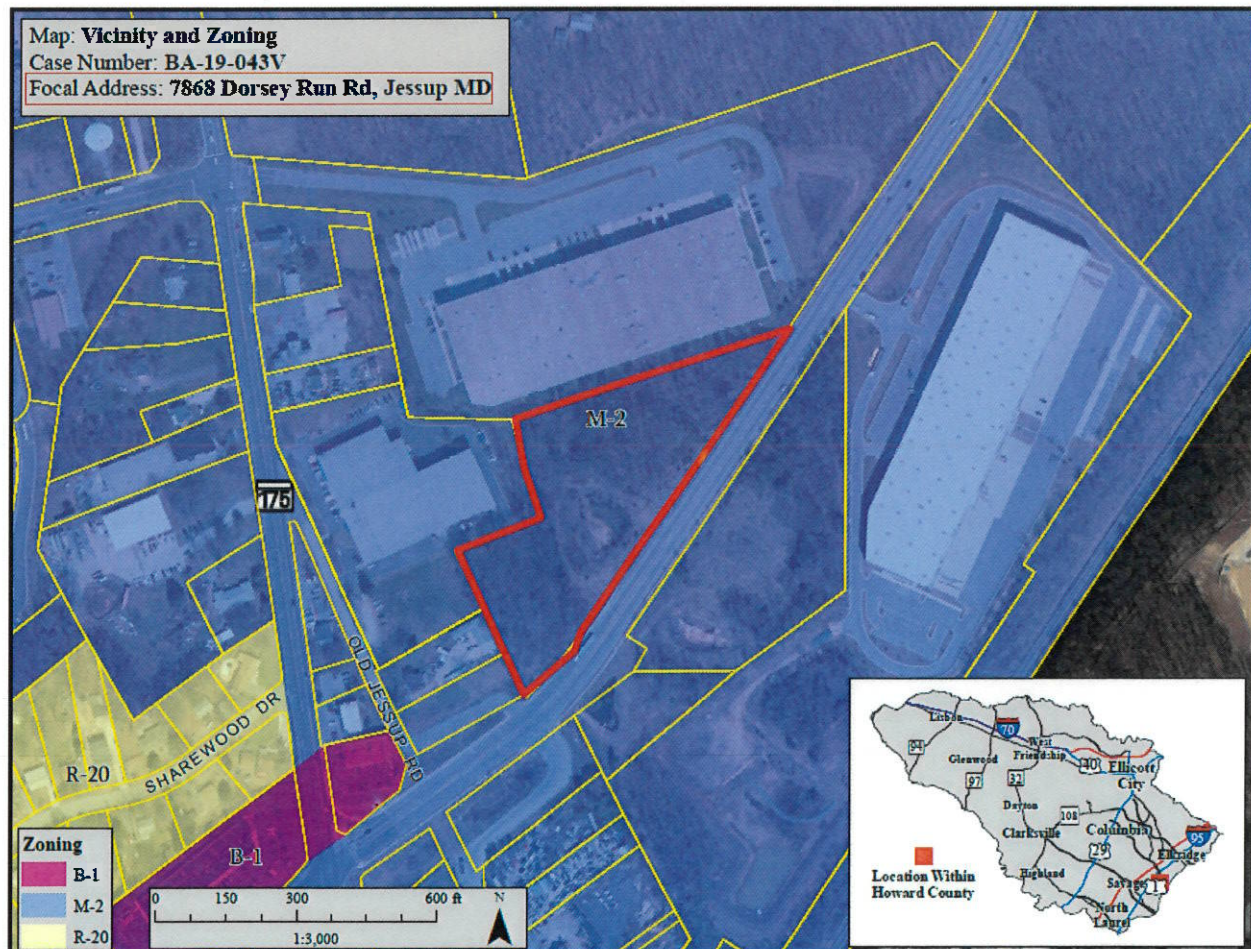
**Case No./Petitioner:** BA-19-043V—Team Dorsey, LLC

**Request:** Variance to reduce the required 50-foot structure and use setback from an external public street right-of-way to 20 feet for tractor trailer parking and storage (**Section 123.0.D.2.a**)

**Location:** 7868 Dorsey Run Road  
Tax Map 43, Grid 22, Parcel 108-A (the "Property")

**Area of Property:** 4.81 acres

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



I. VARIANCE PROPOSAL

The Petitioner requests a reduction of the required 50-foot structure and use setback from a public street right-of-way to 20 feet for a tractor trailer parking and storage area.

II. BACKGROUND INFORMATION

A. Site Description

The Property has an irregular shape and is currently vacant. A stream, wetlands, public drainage easement, and a 1.01-acre forest conservation area exist in the west portion of the Property. The site rises from an elevation of 198 feet at the southwest corner to an elevation of 228 feet in northeast corner.

B. Vicinal Properties

Direction	Zoning	Land Use
North	M-2	Warehouse
West	M-2	Warehouse / Single Family Dwelling
South	M-2	Dorsey Run Road / Vacant
East	M-2	Warehouse

C. Roads

Dorsey Run Road has one northbound travel lane, one southbound travel lane, and a turn lane within a variable width right-of-way. The speed limit is 30 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.

III. ZONING HISTORY

Case No.: BA-02-065  
Request: Conditional Use for the bulk storage of liquefied petroleum.  
Action: Granted April 28<sup>th</sup>, 2003

#### 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 and is constrained by a stream, wetlands, public drainage easement, and a 1.01-acre forest conservation area. Additionally, the elevation descends 20 feet from the middle of the site to the west property line and steep slopes are located throughout the site. These unique physical conditions reduce the developable area of the Property and result in practical difficulties in complying with the 50-foot structure and use setback.

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 adjacent properties are zoned M-2 and consist of warehouse distribution facilities to the north, west and east. Tractor trailer storage is typically associated with warehouse distribution facilities. The property to the south is vacant. A single-family dwelling is located to the southwest and is separated from the proposed use by 300 feet of forest. Also, the Petitioner is proposing a type "D" vegetative buffer consisting of 56 evergreen trees along Dorsey Run Road to screen the use. Therefore, the proposed variance is unlikely 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.

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, stream, wetlands, public drainage easement, topography, and forest conservation area were not created by the owner who purchased the Property in 2015.


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

The irregular shape and environmentally sensitive areas result in practical difficulties for the proposed use to comply with the 50-foot structure and use setback from the right-of-way. The 30-foot setback reduction is the minimum necessary to allow use of the Property and comply with the various Subdivision and Land Development regulations related to environmental protection. Therefore, relief from the setback is consistent with the intent and purpose of the Zoning Regulations.

V. RECOMMENDATION

For the reasons stated above, the Department of Planning and Zoning recommends that the request for a variance to reduce the required 50-foot structure and use setback from an external public street right-of-way to 20 feet for tractor trailer parking and storage be **APPROVED**.

Approved by:

 7-6-20  
\_\_\_\_\_  
Amy Gowan, Director Date



**Department of Planning and Zoning  
Howard County, Maryland  
Recommendations/Comments**

Date: December 3, 2019

Hearing Examiner TBD  
Planning Board \_\_\_\_\_ Board of Appeals \_\_\_\_\_ Zoning Board \_\_\_\_\_

Petition No. BA-19-043V Map No. \_\_\_\_\_ Block \_\_\_\_\_ Parcel \_\_\_\_\_ Lot \_\_\_\_\_

Petitioner: \_\_\_\_\_ Team Dorsey, LLC

Petitioner's Address: \_\_\_\_\_

Address of Property: \_\_\_\_\_ SEE PETITION

Return Comments by 12/17/19 to Public Service and Zoning Administration

Owner: (if other than applicant) \_\_\_\_\_

Owner's Address: \_\_\_\_\_

Petition: \_\_\_\_\_ SEE APPLICATION

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To: \_\_\_\_\_ MD Department of Education – Office of Child Care  
3300 N. Ridge Road, Ste. 190, EC, MD 21043 (Louis Valent)  
\_\_\_\_\_ X Bureau of Environmental Health  
\_\_\_\_\_ X Development Engineering Division  
\_\_\_\_\_ X Department of Inspections, Licenses and Permits  
\_\_\_\_\_ X Department of Recreation and Parks  
\_\_\_\_\_ X Department of Fire and Rescue Services  
\_\_\_\_\_ State Highway Administration  
\_\_\_\_\_ Sgt. Karen Shinham, Howard County Police Dept.  
\_\_\_\_\_ James Irvin, Department of Public Works  
\_\_\_\_\_ Office on Aging, Terri Hansen (senior assisted living)  
\_\_\_\_\_ Police Dept., Animal Control, Deborah Baracco, (kennels)  
\_\_\_\_\_ Susan Fitzpatrick, Health Dept. (Nursing & Res. Care)  
\_\_\_\_\_ X Land Development - (Religious Facility & Age-Restricted  
Adult Housing)  
\_\_\_\_\_ Housing and Community Development  
\_\_\_\_\_ X Resource Conservation Division – Beth Burgess  
\_\_\_\_\_ X Route 1 Cases – DCCP – Kristin O'Connor  
\_\_\_\_\_ Telecommunication Towers – (Comm. Dept.)  
\_\_\_\_\_ Division of Transportation – Dave Cookson

COMMENTS: \_\_\_\_\_  
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\_\_\_\_\_



# Howard County

Department of Planning and Zoning

**Subject:** Board of Appeals Case No: BA-19-043V  
**Applicant:** Team Dorsey, LLC  
**Petition:** A variance to reduce the 50' structure and use setback to 20' for the purpose of tractor trailer parking and storage.

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

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


**Date:** December 3, 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.

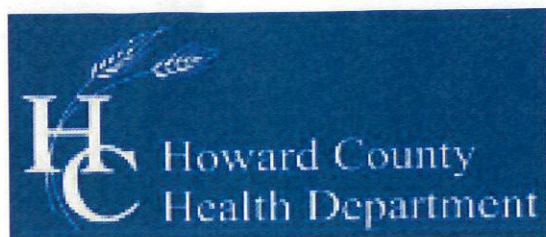


Chad Edmondson, P.E.  
Chief

CF/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

RECOMMENDS:BA ZB NCU TU Memo:06A2019\BA19041v.docx



## Bureau of Environmental Health

8930 Stanford Boulevard, Columbia, MD 21045

Main: 410-313-2640 | Fax: 410-313-2648

TDD 410-313-2323 | Toll Free 1-866-313-6300

[www.hchealth.org](http://www.hchealth.org)

Facebook: [www.facebook.com/hccohealth](https://www.facebook.com/hccohealth)

Twitter: HowardCoHealthDep

**Maura J. Rossman, M.D., Health Officer**

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### MEMORANDUM

**TO:** Geoff Goins  
Division of Zoning Administration and Public Service

**FROM:** Jeff Williams  
Program Supervisor, Well & Septic Program  
Bureau of Environmental Health

**RE:** BA-19-043V

**DATE:** December 10, 2019

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The Health Department has reviewed the above referenced petition and has no comment.






# Howard County

## Internal Memorandum

**Subject:** BA-19-043V, Team Dorsey, LLC, Jessup Park Parcel 108-A

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

**From:** Jill Marion, Acting Chief   
Division of Land Development

**Date:** December 12, 2019

This Division is in receipt of your request for comments on the above referenced variance petition. Our comments are provided below:

1. If the variance is approved by the Hearing Authority, the applicant will be required to submit a Site Development Plan to the Department of Planning and Zoning for the proposed site improvements prior to applying for permits with the Department of Inspections, Licenses and Permits. An Environmental Concept Plan may also be required, please verify with DPZ- Development Engineering Division.
2. No disturbance will be permitted within the existing Forest Conservation Easement. Tree protection fencing will be required along the perimeter of the forest conservation easement to protect the trees during construction. Details will be required on the Site Development Plan.
3. No disturbance will be permitted within the wetlands, streams or their required buffers. All onsite streams, wetlands and buffers must be accurately delineated on the Site Development Plan.
4. Perimeter landscaping will be required in accordance with Section 16.124 of the Howard County Code and the Landscape Manual. The landscaping plan will be reviewed as part of the Site Development Plan. Advisory: Perimeter #2, as currently shown on the plan exhibit, should require a 'Type E' landscape edge (parking adjacent to roadway, per page 18 of the Landscape Manual).
5. Advisory: The Forest Conservation obligation for Parcel '108-A' was previously addressed under SDP-10-030.