

County Council Of Howard County, Maryland

2013 Legislative Session

Legislative Day No. 5

Resolution No. 38 -2013

Introduced by: The Chairperson at the request of the County Executive

A RESOLUTION pursuant to Sections 16.301 and 16.200(a) of the Howard County Code, granting a variance for government uses from the structure and use setback for a fence on property located along Stephens Road and located in the Planned Employment Center Zoning District.

Introduced and read first time March 25, 2013.

By order Stephen LeGendre  
Stephen LeGendre, Administrator

Read for a second time at a public hearing on April 15, 2013.

By order Stephen LeGendre  
Stephen LeGendre, Administrator

This Resolution was read the third time and was Adopted Adopted with amendments, Failed, Withdrawn, by the County Council

on May 6, 2013

Certified By Stephen LeGendre  
Stephen LeGendre, Administrator

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN ALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment

1           **WHEREAS**, Sections 16.301 and 16.200(a) of the Howard County Code provide that  
2 variances for governmental uses from the strict application of the zoning regulations are granted  
3 by the County Council by Resolution following a public hearing; and  
4

5           **WHEREAS**, Emerson Development II LLC, Emerson Development III LLC, Emerson  
6 Development IV LLC, Emerson Development V LLC, Emerson Development VI LLC, Emerson  
7 Development VII LLC, and Emerson Development HOA, LLC (collectively, “Emerson  
8 Development LLCs”) currently owns and seeks to lease to the federal government for an office  
9 complex, various properties located at the intersection of Maryland Route 216 and Stephens  
10 Road (the “Property”), as shown in the attached Exhibit A; and  
11

12           **WHEREAS**, the Property is zoned Planned Employment Center (PEC), a zoning district  
13 which requires a 30 foot structure and use setback from all other districts and from a public street  
14 right-of-way; and  
15

16           **WHEREAS**, the Emerson Development LLCs have requested a variance from the strict  
17 application of the structure and use setback requirements for the lease and federal government  
18 use of the Property; and  
19

20           **WHEREAS**, the Emerson Development LLCs propose to reduce the required 30-foot  
21 setback to zero feet in order to allow a 10-foot high fence within the 30-foot setback at various  
22 places along the edge of the Property as shown in the attached Exhibit A; and  
23

24           **WHEREAS**, by passage of Council Resolution No. 28-2013, the County Council closed  
25 a portion of Sterling Drive and by passage of Council Resolution No. \_\_\_\_-2013, the County  
26 Council authorized the conveyance of that portion of closed Sterling Drive and County Open  
27 Space, Parcel K, as shown on Exhibit A, to Emerson Development HOA, LLC in accordance  
28 with County law; and  
29

30           **WHEREAS**, passage of Council Resolution No. 118-2011 resulted in a similar variance  
31 and, since 2011, Emerson Development LLCs have acquired the rest of the properties along that

1 closed portion of Sterling Drive and now wish to surround a portion of that property and former  
2 County open space with a fence; and

3

4 **WHEREAS**, the County Council finds that the proposed variances from the structure and  
5 use setbacks of the PEC zoning districts for use by the federal government is in the public  
6 interest.

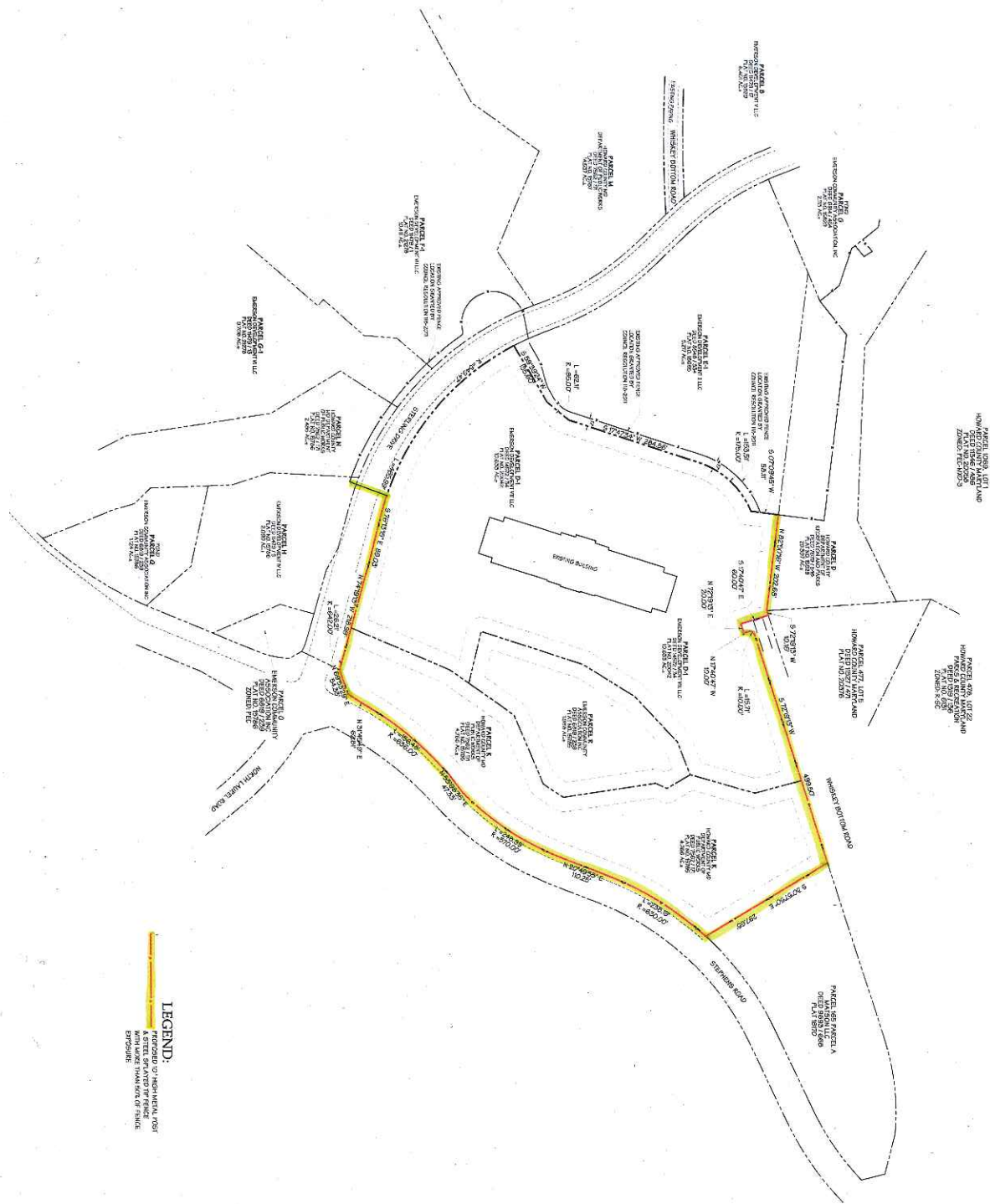
7

8 **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,  
9 Maryland, this 6<sup>th</sup> day of May, 2013 that, for the lease to the federal government for  
10 an office complex on the Property, it grants a variance from the required 30-foot structure and  
11 use setback to be zero feet in the PEC zoning district for a 10-foot high fence to be placed on the  
12 Property, located along Stephens Road, as shown in the attached Exhibit A.

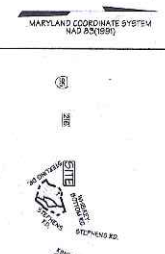
13

14 **AND BE IT FURTHER RESOLVED** that, upon termination of the governmental use  
15 of the Property, the owner of the property shall either (i) remove the fence or (ii) request and  
16 obtain the needed structure and use setback variance for the fence.





**LEGEND:**  
 PROPOSED HIGH-MENAL TYPED  
 & STEEL STRAITS PER FENCE  
 EXHIBIT TO ACCOMPANY AFFIDAVIT RETURN TO THE  
 HOWARD COUNTY COUNCIL



**PROPERTY IDENTIFICATION:**  
 EXISTING PROPERTY PARCELS  
 SHOWN IN BLACK  
 TOTAL AREA OF PARCELS 47A-K: 1.16 ACRES



**DMW**  
 DART HCCUNE WALKER INC  
 A FIRM OF LAND SURVEYORS, LANDSCAPE ARCHITECTS,  
 & CIVIL ENGINEERS  
 EXHIBIT TO ACCOMPANY AFFIDAVIT RETURN TO THE  
 HOWARD COUNTY COUNCIL

**REVITZ PROPERTY**  
 TAX MAP 47 PARCELS 169  
 8TH ELECTION DISTRICT  
 HOWARD COUNTY, MARYLAND

DATE	BY	REVISIONS
03/13/2015	DMW	ISSUED FOR PUBLIC REVIEW
03/13/2015	DMW	REVISED TO SHOW PROPOSED FENCE
03/13/2015	DMW	REVISED TO SHOW PROPOSED FENCE
03/13/2015	DMW	REVISED TO SHOW PROPOSED FENCE
03/13/2015	DMW	REVISED TO SHOW PROPOSED FENCE
03/13/2015	DMW	REVISED TO SHOW PROPOSED FENCE
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03/13/2015	DMW	REVISED TO SHOW PROPOSED FENCE

Scale: 1"=300'  
 Date: 03/13/2015  
 Project No: 85054/75

