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Zoning Map General Plan Amendment: **38.013** Tax ID: **1401171518**  
 Current Zoning: **B-2** Council District: **1**  
 Tax Map: **38** Grid: **3** Parcel: **861** Lot: **N/A**  
 Address: **6100 Washington Boulevard**





38013  
10624 Harpoon Hill  
Columbia, MD 21044  
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Fax: (443) 535-9716  
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Admitted in MD

June 27, 2013

(Via email: [councilmail@howardcountymd.gov](mailto:councilmail@howardcountymd.gov))  
Howard County Council  
George Howard Building  
3430 Court House Drive  
Ellicott City, Maryland 21043

Re: *Zoning of 6100 Washington Blvd*

Dear Council Members,

I am writing on behalf of my client, Mr. James Guzman. Mr. Guzman is the property owner of 6100 and 6080 Washington Blvd, Elkridge, Maryland. This property is the old Buttermilk Inn on Route 1. Mr. Guzman purchased this property in September 2012. Mr. Guzman owns Executive Management, which is a commercial cleaning company. Mr. Guzman purchased this property because it is zoned B-2 and with the express intent to renovate the property and make the building an office space for his company. Mr. Guzman has begun renovations on the building and is going through the Howard County permit process. He has hired an architect, an engineer and a structural engineer, who are preparing building renovation plans and a detailed site plan.

This past Monday, on June 24, 2013, Mr. Guzman had a variance hearing regarding the fence he installed on the property. Prior to this hearing, Mr. Guzman received the Planning and Zoning Staff Technical Report and, for the first time, learned that, as part of the comprehensive zoning process, there is a recommendation to rezone his property from B-2 to R-ED. He also learned that the planning board has approved the recommendation. Mr. Guzman did not receive any notices regarding this proposed rezoning, either via mail, email, or posted on his property. Additionally, while the zoning department has me listed as his attorney in their files, I did not receive any notices of the proposed rezoning or the hearing that was held earlier this month.

Mr. Guzman strongly opposes any change to the zoning of 6100 and 6080 Washington Blvd. Mr. Guzman purchased this property for \$550,000 less than a year ago with the express intent to locate his business on this property, as it conforms with the current zoning. This property had been vacant for many years and was on the open market. Mr. Guzman purchased the property at a well-advertised auction and intends to renovate both the inside and outside of the building. Mr. Guzman's business has approximately eight



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Admitted in MD

office employees and they would be the only individuals accessing the building. He does not have customers that come to his office, so the size of the building is ideal for his employees. With Mr. Guzman's business located at this property, Howard County will receive the benefit of an attractive building, occupied with a stable business. Mr. Guzman currently rents office space on another part of Route 1 and wants to keep his business in Howard County, which is why he purchased this property. In addition to having approximately eight office employees, he also has approximately 300 employees who work for him and clean commercial space through Howard County and the surrounding counties.

If the zoning change is approved, this property will be completely unusable for Mr. Guzman and will once again be vacant and an eyesore until he can determine how to proceed.

Mr. Guzman requests that you deny the proposed zoning change for the following reasons: 1) He was not provided any notice or an opportunity to comment regarding this change prior to the planning board hearing; 2) He recently purchased the property with the express intent to utilize the B-2 zoning of the property; 3) He is a well-established businessman in Howard County who has a thriving business and this is an ideal location for him to house the offices for his business; and 4) The B-2 zoning, with the appropriate business and appearance, is the best suited zoning for this narrow and uniquely-shaped strip of land located on busy Route 1.

If you have any questions or would like to discuss in more detail with Mr. Guzman, please contact me. Thank you for your consideration in this matter.

Best regards,

*Rebekah D. Lusk*

Rebekah D. Lusk

6-11-13 work session  
38.013



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING  
3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Marsha S. McLaughlin, Director

www.howardcountymd.gov

FAX 410-313-3467

TDD 410-313-2323

June 17, 2013

## TECHNICAL STAFF REPORT

*Petition Accepted on April 18, 2013*  
*Hearing Authority Hearing of June 24, 2013*

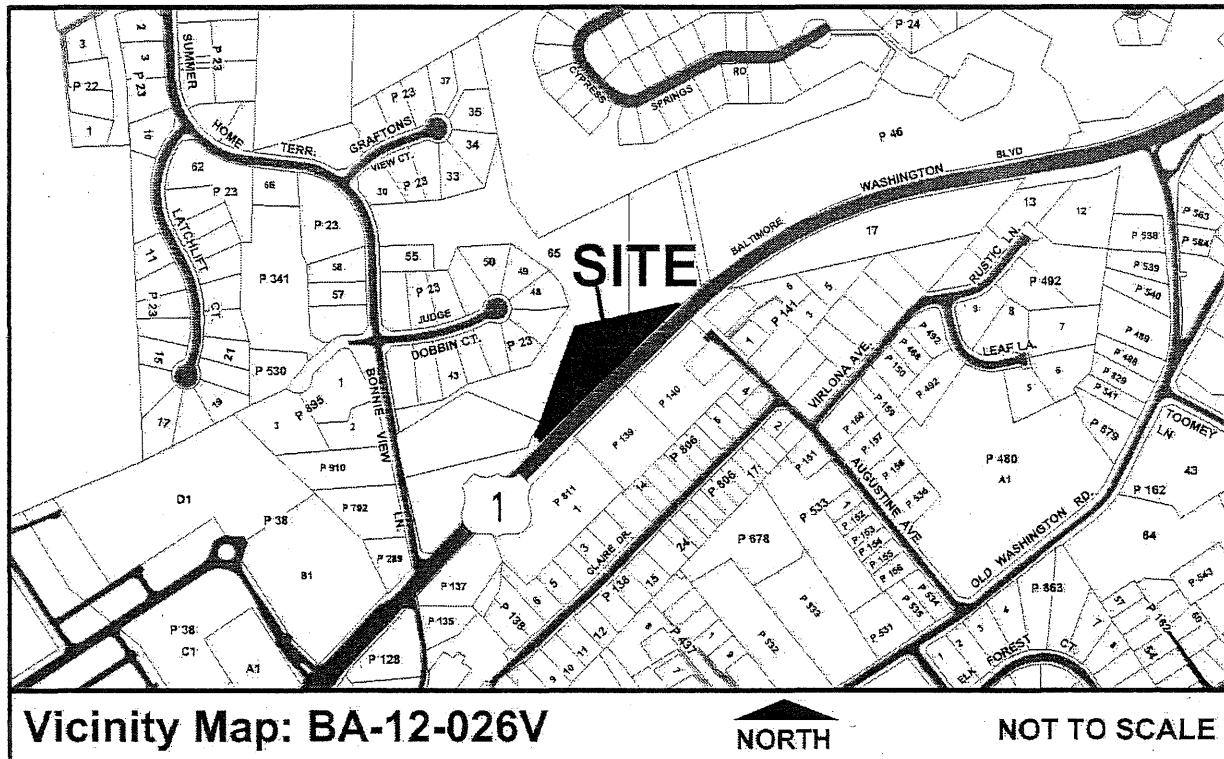
**Case No./Petitioner:** BA 12-026V – James S. Guzman

**Request:** Variance to reduce the required 30 foot setback from a public street right-of-way to approximately 6 inches for a fence (Section 119.D.2.a.)

**Location:** First Election District  
Northwest side of US 1; the improved area is approximately 950 feet northeast of Bonnie View Lane;  
Tax Map 38, Grid 3, Parcel 861; 6100 Washington Boulevard (the "Property").

**Area of Site:** 1.73 acres

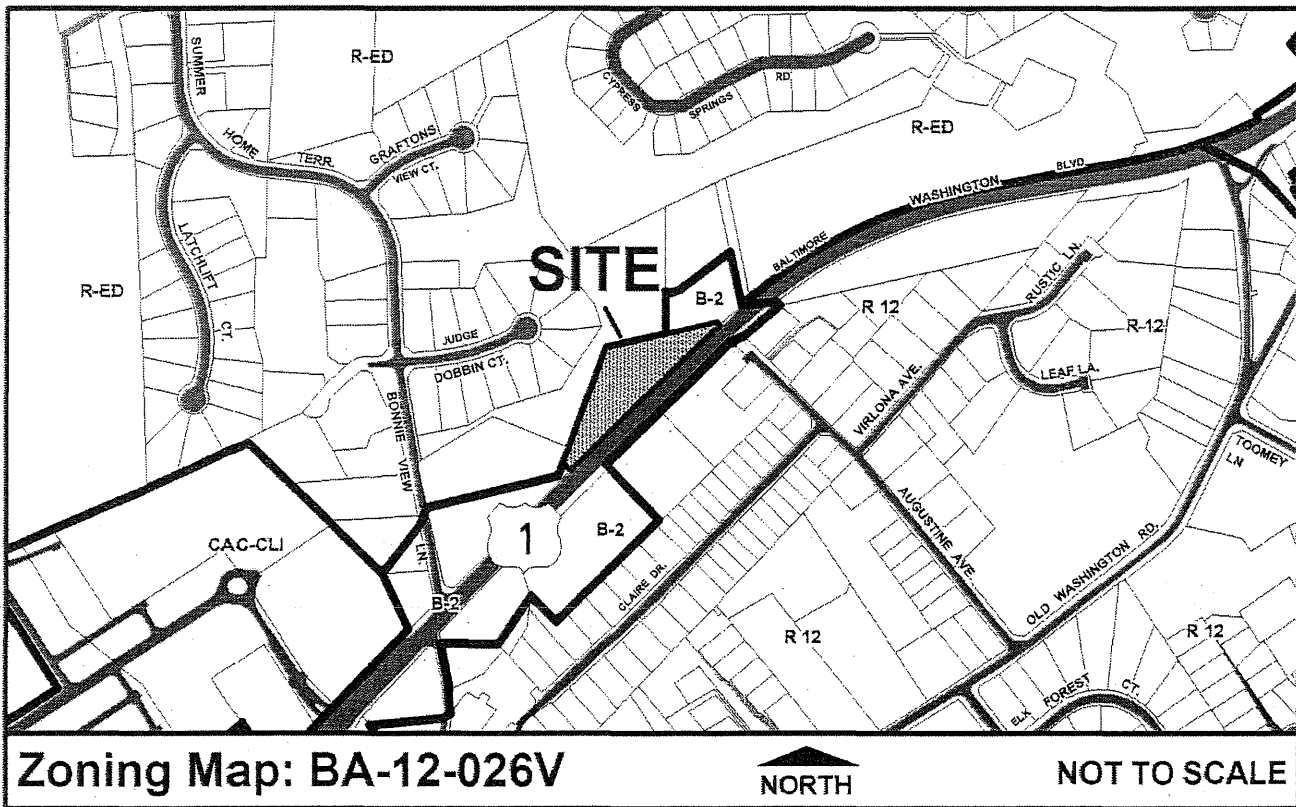
**Zoning:** B-2 (Business: General)



I. HISTORY AND VARIANCE PROPOSAL

The Property is the site of a former tavern use which was confirmed as a nonconforming use in 1985, when the Property was zoned R-20. Later, in the 1993 Comprehensive Zoning Plan the Property became zoned B-2, so after this the tavern use continued for a certain period of time as a permitted use. At some point, however, the tavern use ceased operating on the Property, and the Property was unused. In September, 2012, the Petitioner purchased the Property and subsequently began using the Property for certain motor vehicle related uses which, while technically permitted as a matter of right in the B-2 District, require Site Development Plan approval because of the change-in-use of the Property from the prior tavern use.

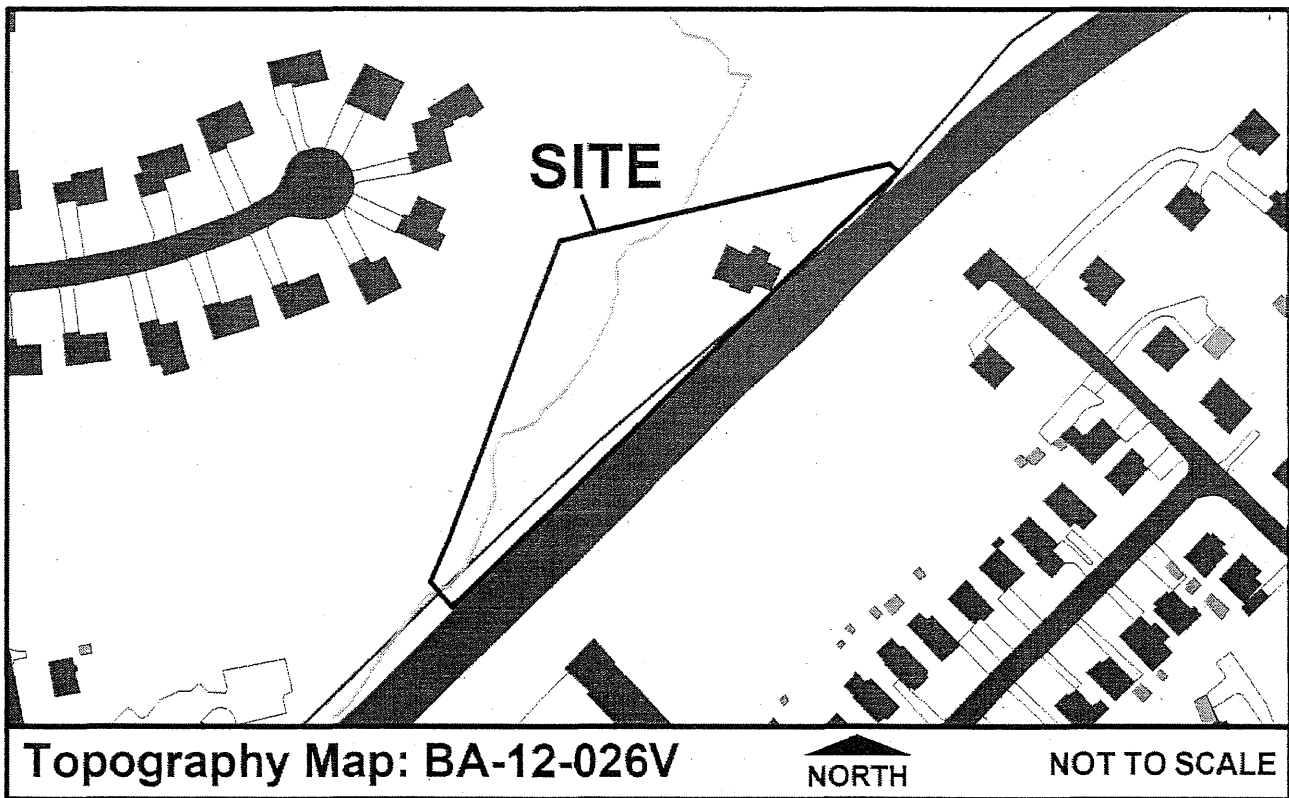
The Petitioner had a five foot, eleven inch tall fence constructed along the front of the Property. As stated in the petition, the Petitioner explains that the Property "...sits on RT 1 in an industrial area with little lighting making it an ideal place for dumping", and also that currently "...our 5' 11" fence is preventing illegal dumping of car parts, tires, dirt and trash. Anything shorter would only encourage continued dumping." The Petitioner notes that the narrowness of the Property is a factor, and requests a variance to reduce the 30 foot front setback. The staff has estimated that the setback reduction would be to approximately six inches, based on the submitted plat.



II. BACKGROUND INFORMATION

A. Site Description

The Property is an irregularly-shaped, almost triangular parcel which, in addition to its shape, has several other unique characteristics. Even taken in its entirety, the Property is relatively shallow in comparison to other properties along US 1 in this area southwest of Elkridge, as it is approximately 200 feet from the front lot line to the "point" of the Property at the northwest. However, the improved/improvable area of the Property is only a relatively small area at the northeast of the site, and this area is even more shallow. This improved area consists of the former tavern building, with one corner almost at the front lot line, and open gravel-surfaced areas adjacent to the building; the largest to the northeast of the building, and a smaller area to the south. This improved area extends approximately 60 to 70 feet into the Property from the front lot line, and beyond this area the Property elevation drops steeply to a stream which flows through the Property. From the front of the building, it is estimated that the Property elevation drops down approximately 38 to 40 feet to the stream. The area of the Property behind the building to the northwest is open, but the southwestern-half of the Property is wooded.



II. BACKGROUND INFORMATION

B. Vicinal Properties

Adjoining to the north and northwest of the Property is Open Space Lot 65 of the Gables of Lawyers Hill subdivision. This Open Space lot and the nearby residential lots on Judge Dobbin Court are zoned R-ED. To the northeast is Parcel 805; the front of this property is also zoned B-2 while the rear is zoned R-ED. The front area of Parcel 805 is a parking area but there is no building on this parcel. Across US 1 to the southeast are Parcel 140 and Parcel 139, which are zoned R-12 and are both unimproved wooded parcels. The property to the southwest is Parcel 39, which is zoned B-2 and is the site of a motel development.

C. Roads

US 1 in this location has two northbound travel lanes and two southbound travel lanes and approximately 48 feet of paving within an existing 66 foot wide right-of-way.

According to data from the State Highway Administration, the traffic volume on US 1 north of MD 100 was 35,500 ADT (average daily trips) as of 2010.

D. Water and Sewer Service

The Property is in the Metropolitan District and is within the Existing Service Area according to the Howard County Geographic Information System maps.

E. General Plan

The Property is designated Growth and Revitalization on the Designated Place Types Map of the PlanHoward 2030 General Plan, and is designated Retail on the Land Use Map.

US 1 is depicted as a Intermediate Arterial on the Transportation Map of the PlanHoward 2030 General Plan.

F. Agency Comments

See attached comments on the proposal from the following agencies:

1. State Highway Administration
2. Department of Fire and Rescue Services

The following agencies had no objections to the proposal:

1. Department of Recreation & Parks
2. Bureau of Environmental Health
3. Department of Inspections, Licenses and Permits

II. BACKGROUND INFORMATION

G. Adequate Public Facilities Ordinance

This variance petition is not subject to the Adequate Public Facilities Ordinance.

III. ZONING HISTORY

- A. Case No. CE 12-122  
Issued to: James Guzman  
Violation: Development and use without a Site Development Plan and the construction of a fence within the setbacks.  
Status: Pending
- B. Case No. BA 84-43N  
Petitioner: Anna Broyles  
Request: Confirmation and enlargement of a Nonconforming Use for a tavern and a parking lot.  
Action: Granted, March 26, 1985

IV. PROPOSED COMPREHENSIVE ZONING PLAN

Due to its relatively small size and to its topographic characteristics, the Property is being proposed to be rezoned from B-2 to R-ED as Amendment No. 38.013 of the 2013 Comprehensive Zoning Plan (the "2013 CZP"). The Planning Board recommended approval to rezone the Property to R-ED by a vote of 5 to 0. The 2013 CZP is now under consideration by the County Council.

IV. EVALUATION AND CONCLUSIONS

- A. Evaluation of petition according to Section 130.B.2.a of the Zoning Regulations (general criteria for evaluating variances):
1. The irregular-shape of the Property, the shallowness of the Property and the improved area, and the steep topography of the Property beyond the improved area are certainly unique physical conditions. However, the Property is considered to be too small for B-2 District uses and is being proposed in the 2013 CZP to be rezoned to R-ED. The current request for the variance also does not take into consideration that the setback will be required from the full design right-of-way width of 102 feet, and not the current width of 66 feet.
  2. Allowing a fence to be almost adjoining the existing US 1 right-of-way will alter the essential character of the neighborhood, and will alter the essential character of the B-2 District, in which appropriate buffers are intended along the roads. Except for the parking area in front of Parcel 805, which the aerial photographs suggest was also used for parking for the tavern on the Property, the improved area of the Property is surrounded by unimproved, wooded land. The adjoining land to the north and northwest cannot be developed due to the steep slopes and other environmental features, and the land to the northwest is also Open Space. The requested variance for the fence will not substantially impair the appropriate use or development of these adjacent properties.

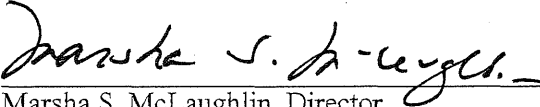


IV. EVALUATION AND CONCLUSIONS

3. The Petitioner purchased the Property with its current unique characteristics. The practical difficulties or hardships have not been created by the owner.
4. Any use of this Property will require the approval of a Site Development Plan. As noted above, the variance request does not take into consideration that with any proposal for a Site Development Plan, the Department of Planning and Zoning will require the front setback to be measured from the full design right-of-way width of 102 feet for this section of US 1, not the current right-of-way width.

V. RECOMMENDATION

For the reasons stated above, the Department of Planning and Zoning recommends that the request for a variance to reduce the required 30 foot setback from a public street right-of-way to approximately 6 inches for a fence be **DENIED**.

  
Marsha S. McLaughlin, Director

MM:JRL/jrl

**NOTE: The file on this case is available for review at the Public Service Counter in the Department of Planning and Zoning.**

QRL

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

Date: April 23, 2013

Hearing Examiner 6/24/13

Planning Board \_\_\_\_\_ Board of Appeals \_\_\_\_\_ Zoning Board \_\_\_\_\_

Petition No. BA 12-026V Map No. \_\_\_\_\_ Block \_\_\_\_\_ Parcel \_\_\_\_\_ Lot \_\_\_\_\_

Petitioner: \_\_\_\_\_ James Guzman \_\_\_\_\_

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

Address of Property: \_\_\_\_\_

Return Comments by June 3, 2013 to Public Service and Zoning Administration

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

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

Petition: SEE APPLICATION

\*\*\*\*\*

- To: \_\_\_\_\_ MD Department of Education – Office of Child Care
- \_\_\_\_\_ 3300 N. Ridge Road, Ste. 190, EC, MD 21043 (Louis Valenti)
- \_\_\_\_\_ Bureau of Environmental Health
- \_\_\_\_\_ Development Engineering Division
- \_\_\_\_\_ Department of Inspections, Licenses and Permits
- \_\_\_\_\_ Department of Recreation and Parks
- \_\_\_\_\_ 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)
- \_\_\_\_\_ Land Development - (Religious Facility & Age-Restricted Adult Housing)
- \_\_\_\_\_ Housing and Community Development
- \_\_\_\_\_ Economic Development
- \_\_\_\_\_ Route 1 Cases – DCCP – Dace Blaumanis
- \_\_\_\_\_ Telecommunication Towers – Josh Levy (Comm. Dept.)

RECEIVED  
APR 24 2013  
ACCESS MANAGEMENT  
DIVISION

MAY - 2 2013

COMMENTS:

NO COMMENT AT THIS TIME AS FENCE IS NOT IMPACTING TRAVELED ROADWAY  
HOWEVER SHA RESERVES THE RIGHT TO MAKE ADDITIONAL COMMENT OR REQUEST  
REMOVAL/REALIGNMENT OF FENCE IF SAFETY/MAINTENANCE ISSUES  
COME TO LIGHT.

ANY FUTURE DEVELOPMENT OF SITE WILL BE SUBJECT TO THE TERMS & CONDITIONS  
OF AN ACCESS PERMIT.

[Signature] SHA-AMS  
SIGNATURE

JRL

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

Date: April 23, 2013

Hearing Examiner 6/24/13

Planning Board \_\_\_\_\_ Board of Appeals \_\_\_\_\_

Zoning Board \_\_\_\_\_

Petition No. BA 12-026V Map No. \_\_\_\_\_ Block \_\_\_\_\_ Parcel \_\_\_\_\_ Lot \_\_\_\_\_

RECEIVED

Petitioner: \_\_\_\_\_ James Guzman \_\_\_\_\_

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

JUN 3 2013

Address of Property: \_\_\_\_\_

Return Comments by June 3, 2013 to Public Service and Zoning Administration

Development Engineering Division  
Administration & Zoning

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

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

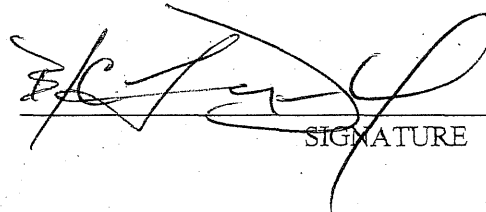
Petition: SEE APPLICATION

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- \_\_\_\_\_ Telecommunication Towers – Josh Levy (Comm. Dept.)

COMMENTS:

Gate must be sized to allow entry by emergency vehicle 12' clear width

  
SIGNATURE