



# Howard County

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## Internal Memorandum

**Subject:** Testimony & Fiscal Impact Statement  
Council Resolution No. CR66 - 2009 pursuant to Section 16.301 of the Howard County Code granting a variance from the height requirements at the Miller Branch Library located at 9421 Frederick Road in Ellicott City

**To:** Lonnie R. Robbins  
Chief Administrative Officer

**From:** James M. Irvin, Director  
Department of Public Works

**Date:** June 25, 2009

The Department of Public Works has been designated coordinator for the preparation of testimony relative to granting a variance from the height requirements at the Miller Branch Library/Historical Center to be located at 9421 Frederick Road in Ellicott City.

The County has approved Capital Project L-0012, Miller Library/Historical Center for the construction of a new state-of-the-art library on property located at 9421 Frederick Road in Ellicott City and shown as parcels 887, 1030, 1090 and 1163 on tax map number 24, is 18.06 acres and zoned R-20.

The “old” Library was constructed on County-owned and Library Board land. The County purchased an additional acre for the construction of the Ellicott City Senior Center in 2002. The 10 acre land parcel adjacent to the existing Miller Library had been identified as the ideal site for the new Miller Library/Historical Center and was purchased in FY 2008 for the purposes of constructing the new library.

The proposed development is a new 57,555 square foot library branch to be constructed adjacent to the existing Miller Library. Ultimately, the existing Miller Library is to be converted into administrative/office space, which will “free-up” a significant amount of administrative space at the Central Library and East Columbia Library for library primary service.

In order to facilitate the site development design for the new Library, the Howard County Library Board conveyed the property on which the “old” library sits to the County, and all the contiguous County-owned parcels encompassing the “old” Miller Library, Ellicott City Senior Center, and the new Miller Library/Historical Center campus were merged into a single parcel of 18.06 acres.

The property is zoned R-20 which is primarily a residential zone. A library use is allowed in the R-20 zone by section 108.F.16 of the HCZR as a Conditional Use and subject to the requirements of Section 131. The bulk regulations established in 108.D were created “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 proposed library use is required to adhere to the same design standards as a single family house. Building Height is defined by Section 103.18 of the HCZR as “The vertical distance from the mean of the lowest and highest elevation points adjoining the exterior walls of the structure to the highest point of a flat roof to the deck line of a mansard roof; and to the mean height between the eave and ridge of the highest roof section for a gable, hip or gambrel roof.” Attached to this request are 6 exhibits showing the proposed library. The first three exhibits show the heights of the various floors of the library. You will notice that there is a mechanical penthouse that has a total height of 58’-2”. This portion of the building is exempt from the height requirements according to Section 128.A.3.b. which states: “In any district, height limitations shall not apply to...one story penthouses, water tanks, air conditioning units, and similar utility or mechanical structures not covering more than 25% of the roof area of a building, nor to architectural screening for such structures.” Exhibit 4 shows the total roof area vs. the penthouse area which is only 17% of the total and therefore not included in the height calculation.

The architect, Grimm and Parker has met with the director of the library, library staff, and other stakeholders, and has received input from citizens, all helping to form the program for the new library. After looking at both the building program, and the site constraints including the environmental features (floodplain and stream buffer) and the parking requirements for the campus, it was determined that the library should be a multi-level structure so that more of the property could be utilized for landscaping, forest conservation, and open space. In order to help offset the additional height of the library, the section of the building closest to Frederick Road has been sunk up to 3’ to reduce the perception of the buildings height from Frederick Road.

Section 131.E.2 allows a variance to the zoning district requirements in accordance with Section 130.B.2 as long as all of the following determinations are made:

- 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 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 land was selected for the new Library due to its location and availability. The County’s library patrons have expressed a strong desire to maintain the library in the same location as the “old” library. Although the 10 acre plot purchased to build the new Library seemed to have adequate space to build a single story 57,777sq Library, the land has extensive stream buffer and flood plain restrictions, with front set-back restrictions and a reforestation easement. Given these challenges, the constructible land is reduced to 5.6 acres, the parking requirements of 6.0 spaces per 1,000 square feet of GFA, and the necessity to establish an efficient campus for all the County structures, there is insufficient space remaining to build a single-story library. Additionally, a single story Library would be much less efficient relative to library delivered services.*

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- 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.

*The area where the new library is to be constructed is adjacent to the area where the existing Miller Library and the Ellicott City Senior Center are located. The existing library (with three upgrades) has been at the location since 1961, and the Senior Center since 2002. Far from altering the essential character of the neighborhood, the new library will greatly enhance the County campus, making it more efficient, more inviting, and more vital.*

- 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 desires of the community & the library patrons, the County's desire to maximize its delivery of services through campus settings, and the very limited availability of adequate land for a library drove the decision for the new Miller Library to be in the selected site. As mention above, the environmental restrictions on the site drove the requirements for it to be a two story structure, which will enable it to maximize the effectiveness and efficiency of the entire campus. To not grant the height variance would result in the requirement to construct a sub-size library when judged against the area's present and projected demand.*

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

*The design of the library is still in progress and the height of the flat roof on the second floor is 40'-8" and is at 42'-3" to the top of the roof coping. Please refer to Exhibit # 3 showing the various heights of the architectural features of the building. Exhibit #3 notes the "stone bridge" wall which is a wall plane that bisects the building. The height of this "stone bridge" wall is at 45'-0". We are requesting a building height of 45' to accommodate the heights of the architectural features at the first two floors of building. The penthouse height of 58'-2" is excluded for the reasons explained previously*

Capital Project L-0012, Miller Library & Historical Center, is programmed at \$29,745,000 through FY2011, with a FY 2010 approved budget of \$25,845,000.00.

If you require further information concerning this matter or have any additional questions, please do not hesitate to contact me at your convenience.

cc: Jennifer Sager  
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