

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 _____, 2013.

By order _____
Stephen LeGendre, Administrator

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

By order _____
Stephen LeGendre, Administrator

This Resolution was read the third time and was Adopted, Adopted with amendments, Failed, Withdrawn, by the County Council
on _____, 2013

Certified By _____
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

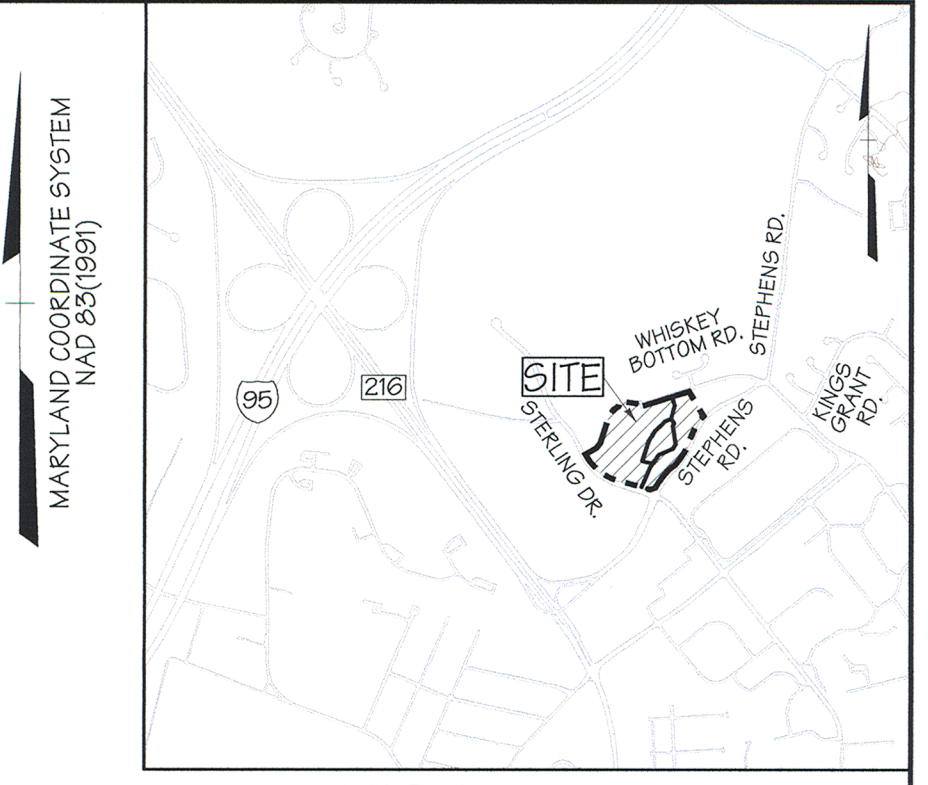
4 **WHEREAS**, the County Council finds that the proposed variances from the structure and
5 use setbacks of the PEC zoning districts for use by the federal government is in the public
6 interest.

7

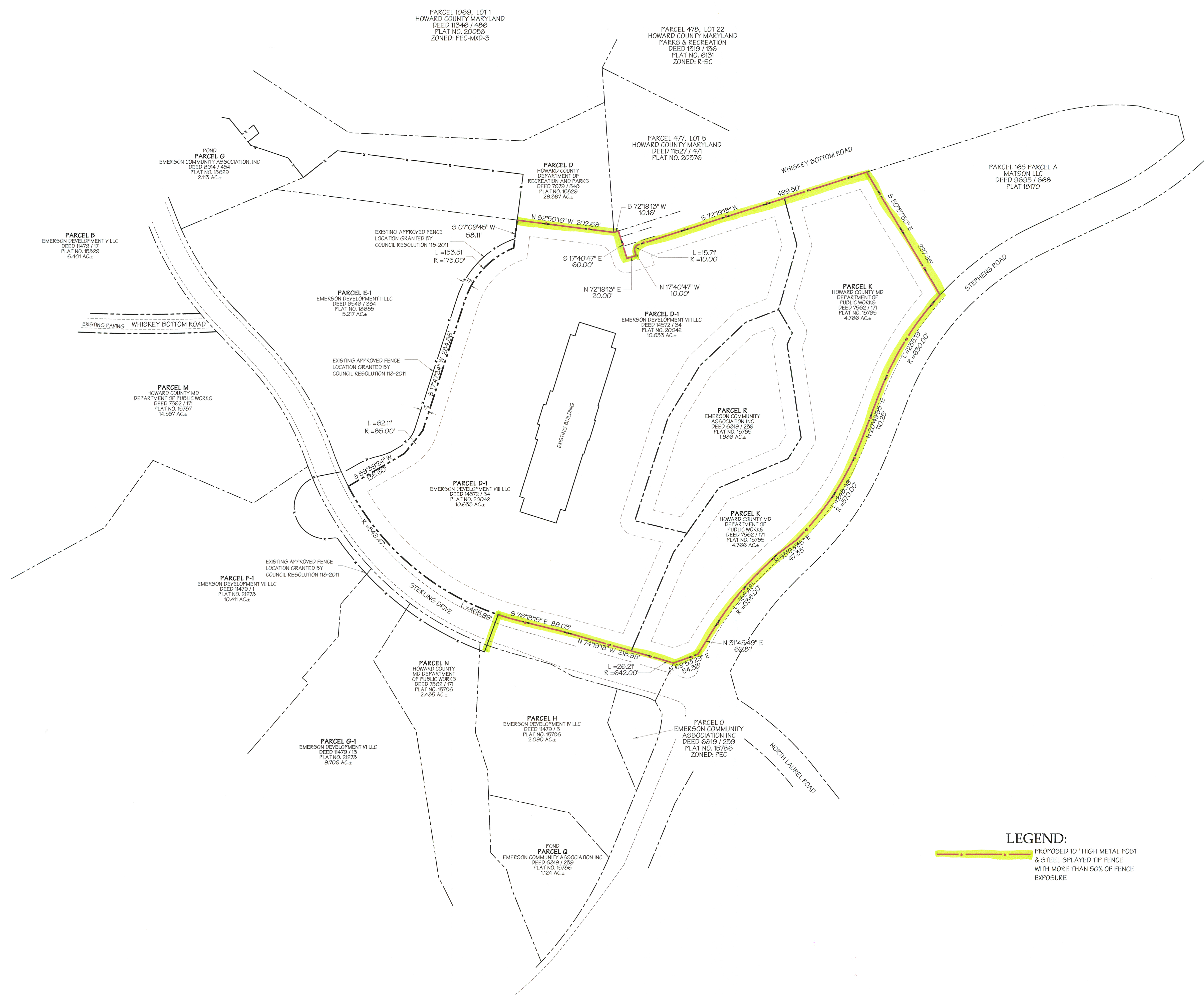
8 **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,
9 Maryland, this ___ day of _____, 2013 that, for the lease to the federal government for
10 an office complex on the Property, it grants a variance from the required 30-foot structure and
11 use setback to be zero feet in the 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.



PROPERTY IDENTIFICATION:
 REVITZ PROPERTY PARCELS
 D-1 AND OPEN SPACE PARCELS K & R
 TOTAL AREA OF PARCELS: 17.387 ACRES±



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 A TEAM OF LAND PLANNERS, LANDSCAPE ARCHITECTS,
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EXHIBIT TO ACCOMPANY A VARIANCE PETITION TO THE
 HOWARD COUNTY COUNCIL

REVITZ PROPERTY

TAX MAP 47 PARCELS 165

6TH ELECTION DISTRICT HOWARD COUNTY, MARYLAND

LEGEND:
 PROPOSED 10' HIGH METAL POST
 & STEEL SPLAYED TIP FENCE
 WITH MORE THAN 50% OF FENCE
 EXPOSURE

DATE	BY	REVISIONS

Scale: 1"=100'
 Date: 03-13-2013
 Project No: 95054-75

Field Crew:
 Processed by: R.C.
 Drawn by: R.C./C.S.
 Project Manager: M.D.M.
 Checked by: _____ Date: _____