

# County Council Of Howard County, Maryland

2011 Legislative Session

Legislative Day No. 8

## Resolution No. 118 -2011

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 Md. Route 216 and Stephens Road and located in the Planned Employment Center Zoning District.

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Introduced and read first time \_\_\_\_\_, 2011.

By order \_\_\_\_\_  
Stephen LeGendre, Administrator

Read for a second time at a public hearing on \_\_\_\_\_, 2011.

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This Resolution was read the third time and was Adopted \_\_, Adopted with amendments \_\_, Failed \_\_, Withdrawn \_\_, by the County Council on \_\_\_\_\_, 2011

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 containing approximately 113.45 acres located at the intersection of  
10 Maryland Route 216 and Stephens Road (the “Property”), as shown in the attached Exhibit A;  
11 and  
12

13           **WHEREAS**, the Property is zoned Planned Employment Center (PEC), a zoning district  
14 which requires a 30 foot structure and use setback from all other districts and from a public street  
15 right-of-way; and  
16

17           **WHEREAS**, the Emerson Development LLCs have requested a variance from the strict  
18 application of the structure and use setback requirements for the lease and federal government  
19 use of the Property; and  
20

21           **WHEREAS**, the Emerson Development LLCs propose to reduce the required 30-foot  
22 setback in order to allow a 10-foot high fence within the 30-foot setback at various places along  
23 the edge of the Property as shown in the attached Exhibit A; and  
24

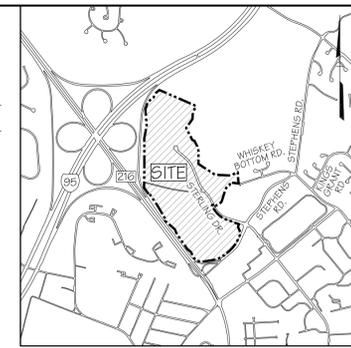
25           **WHEREAS**, the County Council finds that the proposed variances from the structure and  
26 use setbacks of the PEC zoning districts for use by the federal government is in the public  
27 interest.  
28

29           **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,  
30 Maryland, this \_\_\_ day of \_\_\_\_\_, 2011 that, for the lease to the federal government for

1 an office complex on the Property, it grants a variance from the required 30-foot structure and  
2 use setback in the PEC zoning district for a 10-foot high fence to be placed on the Property.

3

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



**PROPERTY IDENTIFICATION:**  
 EMERSON SECTION 3 AREA 1  
 PARCELS B&C AND OPEN SPACE PARCELS D,E,F,G,H,I

REVITZ PROPERTY PARCELS  
 E-1, F-1, G-1, & H, AND OPEN SPACE PARCELS M,N,P,Q.

TOTAL AREA OF PARCELS: 113.45 ACRES±

**NOTE:**  
 SEE SHEET 2 OF 2 FOR BEARINGS AND DISTANCES OF THE INDIVIDUAL PARCELS.

Ⓜ DENOTES VARIANCE ITEM NUMBERS



# DMW

DAFT MCCUNE WALKER INC

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A TEAM OF LAND PLANNERS, LANDSCAPE ARCHITECTS,  
 ENGINEERS, SURVEYORS & ENVIRONMENTAL PROFESSIONALS

EXHIBIT TO ACCOMPANY A VARIANCE PETITION TO THE  
 HOWARD COUNTY COUNCIL

## EMERSON SECTION 3 AREA 1 AND REVITZ PROPERTY

TAX MAP 47 PARCELS 165 AND 1051  
 SHEET 1 OF 2

6TH ELECTION DISTRICT      HOWARD COUNTY, MARYLAND

DATE	BY	REVISIONS

Scale: 1"=200'	Field Crew:	
Date: 05-23-2011	Processed by: R.C.	
Project No: 95054.45	Drawn by: R.C./C.S.	
	Project Manager: M.D.M.	
	Checked by:	Date:

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