

1 **DAVID YUNGMANN ,** * **BEFORE THE**
2 **PETITIONER** * **PLANNING BOARD OF**
3 **ZRA-189** * **HOWARD COUNTY, MARYLAND**

4 * * * * *

5 **MOTION:** Amend Section 131.0.o.1.b to allow the Hearing Authority to reduce setbacks for
6 Commercial Athletic Facility Conditional Uses to no less than 25 feet if an attractive
7 and effective visual buffer is provided.
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9 **ACTION:** *Recommended approval; Vote 5-0.*

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12 **RECOMMENDATION**

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14 On September 19, 2019, the Planning Board of Howard County, Maryland, considered the petition of
15 David Yungmann (Petitioner) to amend Section 131.0.O.1.b of the Howard County Zoning Regulations
16 related to the *Athletic Facilities, Commercial* Conditional Use category. Zoning Regulation Amendment-189
17 (ZRA 189) proposed to eliminate the 75-foot setback between properties under common ownership and to
18 allow the Hearing Authority to reduce the 75-foot setback to no less than 25 feet if the use is screened from
19 neighboring properties by landscaping and a fence/wall.
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21 The Planning Board considered the petition and the Department of Planning and Zoning (DPZ)
22 Technical Staff Report and Recommendation. DPZ recommended approval of ZRA 189, with modifications.
23 DPZ supported allowing the Hearing Authority to reduce the 75-foot setback to 25 feet if screening is
24 provided. However, DPZ did not support the proposal to eliminate the 75-foot setback between properties that
25 are under common ownership on the date of Conditional Use approval. DPZ cited concerns with eliminating
26 setbacks entirely based on ownership, since Conditional Uses have at least two years from the date of
27 approval to be established and properties can be sold prior to establishment.

28 Mr. Yungmann testified that the Conditional Use category of Indoor Commercial Athletic Facilities
29 was created for a specific use on a property. Even though many conditional use categories provide discretion
30 to the Hearing Examiner to modify setbacks, this discretion was not included for the Indoor Commercial
31 Athletic Facility use category. Mr. Yungmann stated that he would like to solve the situation at this property
32 to fulfill a community need for more athletic facilities in western Howard County. He further explained that
33 while he does not find it warranted to impose setbacks on adjacent parcels that are in common ownership,
34 DPZ's recommended modification could solve the issue depending on the decision of the Hearing Examiner.
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1 One person testified in support of the ZRA, stating that the last time the County comprehensively
2 examined conditional uses was 1992 and it is not uncommon to look at regulations that pertain to a certain
3 case to fix a problem, rather than waiting for the next Comprehensive Rezoning process.


4 Board Discussion and Recommendation

5 During work session, the Board discussed issues with eliminating setbacks for adjacent parcels under
6 common ownership and expressed concerns that parcels could be sold at some point in time. The Board also
7 acknowledged that adjacent parcels under common ownership could be combined or the use could be
8 established over both properties, so the setback would no longer apply. The Board generally supported
9 leaving the setback decision to the Hearing Examiner as proposed in DPZ's modification.

10 Mr. Coleman motioned to approve the DPZ modification to ZRA 189. Mr. McAliley seconded the
11 motion, which passed 5-0.

12 For the foregoing reasons, the Planning Board of Howard County, Maryland, on this 17th day of
13 Oct. 2019, recommends that ZRA-189, as modified by the Department of Planning and Zoning,
14 be **Approved**.

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17 HOWARD COUNTY PLANNING BOARD

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19 _____
Phillips Engelke, Chair

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21 Erica Roberts, Vice-chair

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23 _____
Delphine Adler

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25 _____
Ed Coleman

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27 _____
Kevin McAliley

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30 ATTEST:

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32 _____
Valdis Lazdins, Executive Secretary