DAVID YUNGMANN,

PETITIONER

ZRA-189

BEFORE THE

PLANNING BOARD OF

HOWARD COUNTY, MARYLAND

MOTION: Amend Section 131.0.0.1.b to allow the Hearing Authority to reduce setbacks for Commercial Athletic Facility Conditional Uses to no less than 25 feet if an attractive and effective visual buffer is provided.

ACTION: Recommended approval; Vote 5-0.

RECOMMENDATION

On September 19, 2019, the Planning Board of Howard County, Maryland, considered the petition of David Yungmann (Petitioner) to amend Section 131.0.0.1.b of the Howard County Zoning Regulations related to the Athletic Facilities, Commercial Conditional Use category. Zoning Regulation Amendment-189 (ZRA 189) proposed to eliminate the 75-foot setback between properties under common ownership and to allow the Hearing Authority to reduce the 75-foot setback to no less than 25 feet if the use is screened from neighboring properties by landscaping and a fence/wall.

The Planning Board considered the petition and the Department of Planning and Zoning (DPZ) Technical Staff Report and Recommendation. DPZ recommended approval of ZRA 189, with modifications. DPZ supported allowing the Hearing Authority to reduce the 75-foot setback to 25 feet if screening is provided. However, DPZ did not support the proposal to eliminate the 75-foot setback between properties that are under common ownership on the date of Conditional Use approval. DPZ cited concerns with eliminating setbacks entirely based on ownership, since Conditional Uses have at least two years from the date of approval to be established and properties can be sold prior to establishment.

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

Board Discussion and Recommendation

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

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

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

HOWARD COUNTY PLANNING BOARD

Phillips Engelke, Chair

Erica Roberts, Vice-chair

Delphine Adler

Ed Coleman

Kevin McAliley

ATTEST:

Valdis Lazdins, Executive Secretary