

**FINDINGS AND RECOMMENDATION  
OFFICE OF PLANNING AND ZONING  
ANNE ARUNDEL COUNTY, MARYLAND**

**APPLICANT:** Microsoft Corporation

**ASSESSMENT DISTRICT:** 4<sup>th</sup>

**CASE NUMBER:** 2021-0152-V

**COUNCILMANIC DISTRICT:** 1<sup>st</sup>

**HEARING DATE:** April 2, 2024

**PREPARED BY:** Sara Anzelmo  
Planner

**REQUEST**

The applicant is requesting variances to allow a commercial structure with greater height than allowed and to allow accessory structures in the front yard of a nonwaterfront<sup>1</sup> lot on property located on the south side of Dorsey Run Road in Annapolis Junction.

**LOCATION AND DESCRIPTION OF SITE**

The subject site comprises three tax accounts totaling 93.754 acres with frontage on the south side of Dorsey Run Road. It is currently identified as Lots 9RR, 13RR, and 14R of Parcel 195 in Block 20 on Tax Map 13 in the Annapolis Junction Business Park. The lots are proposed to be consolidated into one development site, Lot 9RRR.

The property is zoned W2 – Light Industrial District, as adopted by the comprehensive zoning for Council District 1, effective July 10, 2011. It is primarily unimproved, with the exception of an existing vehicle control point with canopy and a small pedestrian canopy (both located in the northwestern corner of Lot 9RR) and some paving throughout.

**PROPOSAL**

The applicant proposes to construct a slightly-irregular, three-story, commercial data center building, measuring 190.45 feet by 399.73 feet at its widest and longest points, with a maximum height of 80 feet; a one-story “VCC” [Visitor Control Center] building, measuring 30’-2” by 48’, with a height of 12’-2”;

a 126,000 gallon fire water storage tank, measuring 30’ in diameter, with a height of 27’; and the associated pump house, measuring 35’ by 13’-6”, with a height of 11’.

**REQUESTED VARIANCES**

§ 18-6-301 of the Anne Arundel County Zoning Ordinance provides that a principal structure in a W2 District shall not exceed 75 feet for projects in which less than 50% of allowable lot coverage consists of environmental site design features approved by the Planning and Zoning Officer. The applicant proposes a maximum height of 80 feet to accommodate several rooftop features on the proposed data center building, necessitating a variance of five feet.

---

<sup>1</sup> This case was initially advertised for a height variance only. However, it was later discovered that an additional variance to allow accessory structures in the front yard of a nonwaterfront lot is also required.

§ 18-2-204(b) provides that an accessory structure may not be located in the front yard of a nonwaterfront lot. The proposed “VCC” [Visitor Control Center] building, the proposed fire water storage tank and associated pump house, the existing vehicle control point with canopy, and the existing small pedestrian canopy would all be located in the front yard relative to the proposed data center building, necessitating a variance to this provision.

## **FINDINGS**

A review of the County 2023 aerial photograph shows that the subject property is irregular in shape and far exceeds the minimum 8,000 square foot area required for a lot in the W2 District. The properties to the south and east are zoned OS - Open Space District and are unimproved. The properties to the north and west are zoned W2 - Light Industrial District, several of which have already been developed with commercial or industrial uses.

The applicant’s letter explains that the proposed elevator bulkhead and stair towers cannot be accommodated within the maximum 75-foot height because of the building’s 22’-6” floor to floor height, which is the minimum required for a data center, and because of the overhead clearance requirements of the elevator shafts and overhead machine rooms. The applicant contends that, while ladder and hatch door accesses could be constructed in compliance with the maximum height limitation, full-height egress stair towers would be safer for employees and emergency personnel when roof access is necessary. The letter notes “unique conditions at this location” as a primary factor, but it provides no description of any unique conditions of the subject property.

The **Health Department** reviewed the proposal and has no objection.

The **Fire Marshal’s Office**, the **Office of Planning and Zoning’s Development Division (Regional Team)** and the **Office of Inspections and Permits (Engineering Division)** took no position on the proposed variance and deferred to the Zoning Administration Section.

For the granting of a zoning variance, a determination must be made as to whether, because of certain unique physical conditions peculiar to or inherent in the particular lot or because of exceptional circumstances other than financial considerations, strict implementation of the Code would result in practical difficulties or an unnecessary hardship. The need sufficient to justify a variance must be substantial and urgent and not merely for the convenience of the applicant. A clear case can be made to allow the visitor control center, the fire water storage tank and associated pump house, the vehicle control point with canopy, and the small pedestrian canopy in the front yard, as the location of these structures near the road at the entry of the facility is the only practical place for these security and safety features to serve their intended purposes. However, there is nothing unique about the subject property; rather, it is the applicant’s proposed use and associated design specifications that are causing the need for the height variance.

The Code anticipated the need for exceptions to the maximum height limitations for certain rooftop features and provided for specific exceptions in § 18-2-302. The proposed stair towers are not included in the list of exceptions; and, while an elevator bulkhead is included in the list, the proposed bulkhead exceeds the maximum 15% of the cross sectional area of the section of the roof on which it is located. As such, both features are expected to be constructed within the maximum height limitation provided by Code. If the applicant’s specific use requires taller stories than is typical for most commercial buildings, then they should consider designing a building with a larger footprint and only two stories high in order to accommodate their desired use within

2021-0152-V

a structure that complies with the height limitations of the Code. Furthermore, § 18-6-301 allows for additional building height up to 87 feet as long as more than 50% of allowable lot coverage consists of environmental site design features approved by the Planning and Zoning Officer. The applicant could work with the Office of Planning and Zoning on a proposal that would satisfy this requirement in order to take advantage of the greater height allowance provided by Code.

With regard to the requirements for all variances, approval would not necessarily alter the essential character of the neighborhood, impair the appropriate use or development of adjacent properties, or be detrimental to the public welfare. However, there is nothing unique about the subject property nor do exceptional circumstances exist that would cause hardship or prevent reasonable development of the lot if the height variance were to be denied. As noted above, alternative development options exist that would eliminate the need for a height variance. Given that this is the first of many similar buildings that will ultimately be constructed at this data center facility, this Office is concerned over the precedent that a height variance could set for the future proposed buildings within the development.

While the proposed variance to allow the accessory structures to be located in the front yard are justified, the proposed height variance is not warranted and cannot be considered the minimum necessary to afford relief.

### **RECOMMENDATION**

Based upon the standards set forth in § 18-16-305 of the Code under which a variance may be granted, this Office recommends ***approval*** of a zoning variance to § 18-2-204(b) to allow accessory structures in the front yard of a nonwaterfront lot as shown on the site plan provided by the applicant. However, this Office recommends ***denial*** of the proposed zoning variance to § 18-6-301 to allow a proposed commercial structure with greater height than allowed.

DISCLAIMER: This recommendation does not constitute a building permit. In order for the applicant(s) to construct the structure(s) as proposed, the applicant(s) shall apply for and obtain the necessary building permits and obtain any other approvals required to perform the work described herein. This includes but is not limited to verifying the legal status of the lot, resolving adequacy of public facilities, and demonstrating compliance with environmental site design criteria.







400 Industry Drive  
Suite 100  
Pittsburgh, PA 15275  
United States  
T +1.412.249.6495

AUGUST 16, 2021

Anne Arundel County Office of Planning and Zoning  
2664 Riva Road  
Annapolis, MD 21401

Re: **Letter of Justification**  
**Request for a Variance to the Anne Arundel County Zoning Code Section 18-2-302 for a Project at 8241 and 8251 Dorsey Run Road, Annapolis Junction, MD**

To whom it may concern:

Jacobs is the Lead Architect for a project at 8241 and 8251 Dorsey Run Road.

On behalf of our client, Jacobs is seeking relief from the maximum allowable height limitations set forth in the County Code, only for the limited building elements identified below;

- two stair towers and
- one elevator machine room bulkhead.

There are exemptions in the Zoning Code; Section 18-2-302 (b) (2), which allow certain building elements to exceed the Code maximum allowable height. These exemptions read as follows:

- *Generally. Height limitations specified in this article do not apply to steeples on a religious facility, flagpoles, or public utility essential services.*
- *Roof features. Height limitations specified in this article do not apply to the following when they are created only to the height necessary to accomplish the intended purpose, are no more than 15 feet above the lowest point of contact with the roof, and the total area is not more than 15% of the cross-sectional area of the section of the roof on which located:*
  - *belfries;*
  - *chimneys, ventilators, sky lights, water tanks, cooling towers, air conditioning units, bulkheads, or similar roof features, including the necessary associated mechanical equipment carried above roof level; or (3) cupolas or domes consisting only of non-habitable space. (c) Parapet walls. A parapet wall may extend no more than five feet above the height limitations specified in this article. (Bill No. 4-05; Bill No. 78-05)*

In prior correspondence with Donna Aulds at Anne Arundel County and Rob Konowal in the Anne Arundel County Office of Planning and Zoning, Jacobs inquired if stair towers were included in the language "other roof structures." Jacobs also inquired about the elevator machine room and asked if it would be included as a "bulkhead," or "other roof structure" as well. The county representative's interpretation of the Code is that stair towers are not included in the exemption as "other roof structures", and that since our elevator machine room bulkhead exceeds 15% of the cross-sectional area, it is also excluded from being exempt.

**Request 1: Allow Elevator Bulkhead height to exceed the 75' limit by 5'-0", to a maximum of 80'-0".**

There are three planned elevators serving the building, this quantity is necessary to meet operational resiliency requirements. The size of the elevator bank cannot be reduced enough to comply with the 15% north-south cross-sectional ratio to avoid a variance. Further, although it is roughly 6% in the east-west direction, the program and floor plan does not allow for the rotation of the elevator bank.

The building's floor to floor height is 22'-6", the minimum required for data center equipment move in and overhead mechanical and electrical infrastructure that serves the equipment. The elevator shafts, and overhead machine rooms have overhead clearance requirements. The minimum clearance from various elevator vendors would require a roof that exceeds the 75' height limit by anywhere from 7-inches to 5-feet. Incidentally, there are constructability concerns with the lower 7-inch value, in terms of steel framing connections and roofing details. This request is to approve a variance to accommodate 5-feet in height, so that multiple elevator vendors can be accommodated and to allow for the safe constructability of the roof steel and roofing material.

The design team has thoroughly considered the conditions and options and requests that the Office of Administrative Hearings review the findings and approve the request based on the unique conditions at this location.

**Request 2: Allow stair towers that provide access to the roof to exceed the 75' limit by 5'-0", to a maximum of 80'-0".**

The project has five egress stair towers in total, only two of which provide access to the roof. As mentioned above, the building's floor to floor height is 22'-6", the minimum required for the design. Although the facility can comply with the 75-foot limit by making use of a roof hatch this type of roof access is less safe for operations and maintenance personnel, it is less weather resistant, and less physically secure than a stair with a normal 3'-0" x 7'-0" access door.

AUGUST 16, 2021

Additionally, roof hatches are limited in size. Due to the size limitation, a ladder or an alternating tread device is needed to climb from the last regular egress stair landing through the hatch and onto the roof. Alternatively, a full height egress stair tower can make use of standard stair dimensions and rise/run.

The ability to access the roof is important to operations and maintenance personnel. The access required is quarterly at a minimum and often personnel are carrying various tools/material with them. It is also anticipated that first responders who need to access the roof in case of an emergency would also be much better served by a full height stair and standard door access in lieu of a ladder and hatch.

A regular, code-compliant stair and man door are much more weatherproof during operations than a hatch; a hatch must remain open for the duration personnel are on the roof, as opposed to regular man doors, which can be closed.

The percentage of roof elements over the height limit is very small: the stairs make up less than 1-percent of the overall roof area. Adding the elevator machine room bulkhead increases the total area exceeding the typical height limitation to approximately 2.5-percent.

The applicant considers it important to emphasize that this request is entirely in regard to safety of employees and first responders, as well as operational resiliency, and is not related to maximizing rentable or commercial space.

The design team has thoroughly considered the conditions and options and requests that the Office of Administrative Hearings review the findings and approve the request based on the unique conditions at this location.

Very Respectfully,

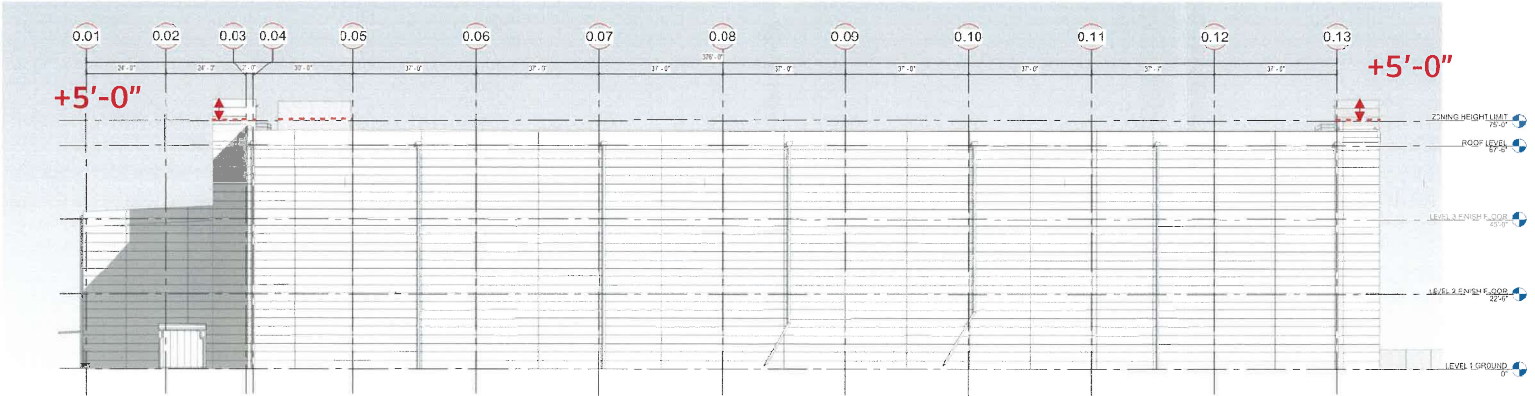


**Jacob J. Raketich, AIA, NCARB**

**JACOBS** | Lead Architect | d. 412.249.6634 | m. 412.818.1925 | [jacob.raketich@jacobs.com](mailto:jacob.raketich@jacobs.com) | [www.jacobs.com](http://www.jacobs.com)

Copies to: Inna Tasmaly

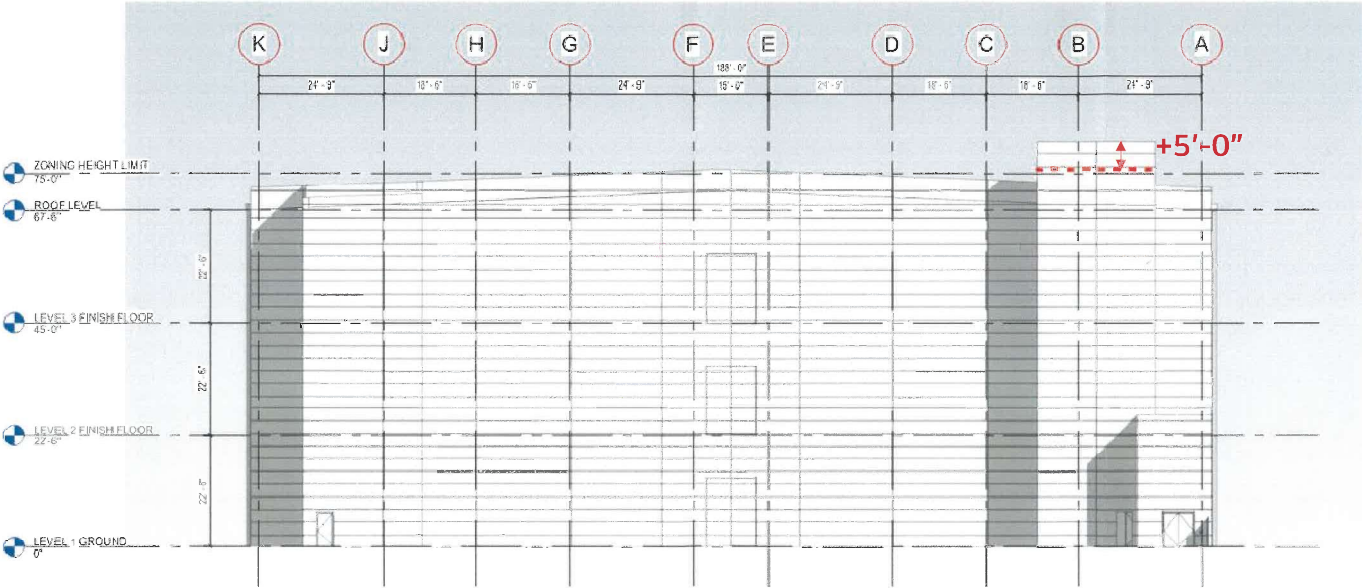
# Roof Access Stairs and Elevator Bulkhead Exceed Zoning Allowable Height



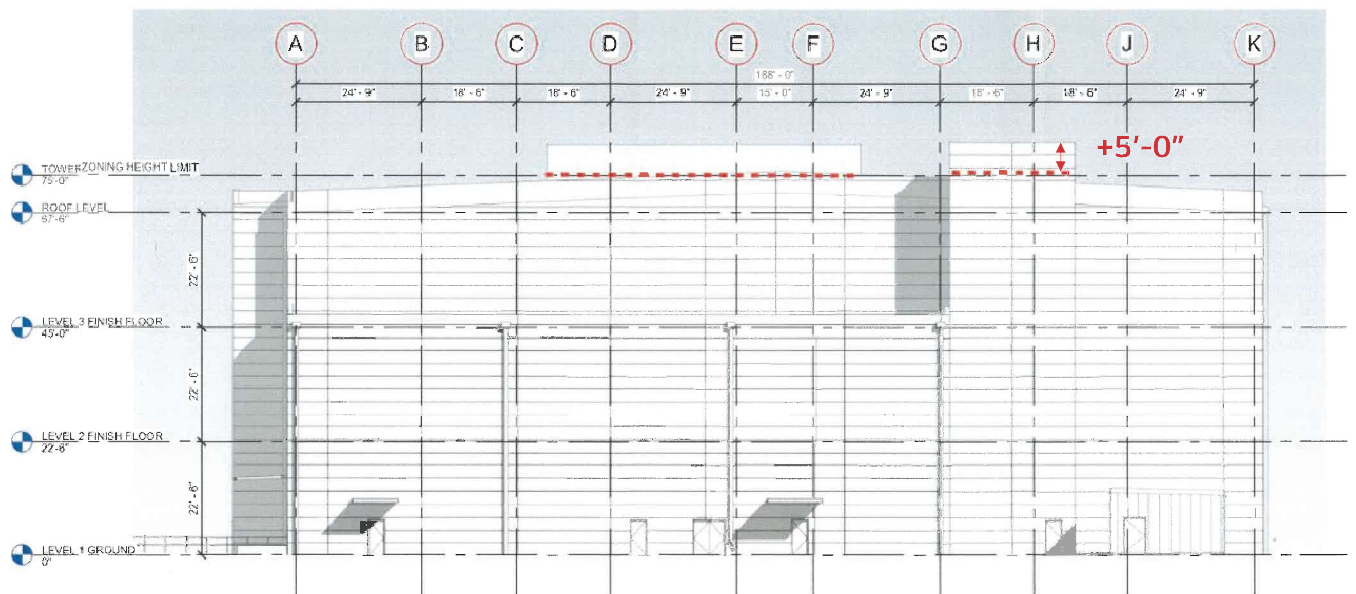




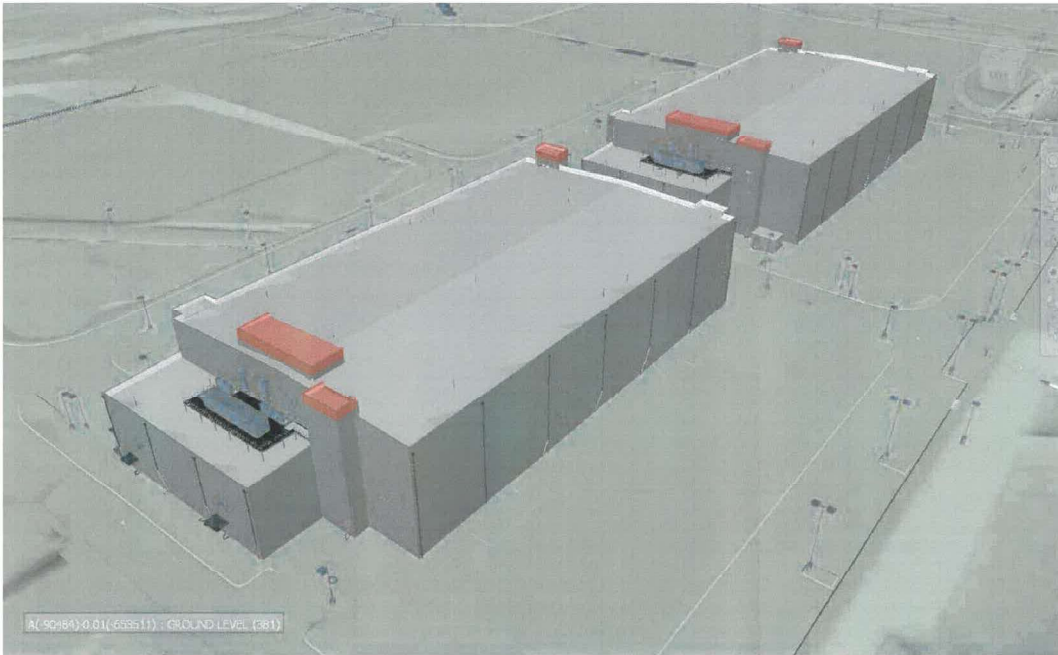
# Roof Access Stairs and Elevator Bulkhead Exceed Zoning Allowable Height



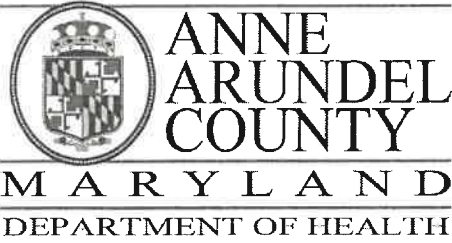
## Roof Access Stairs and Elevator Bulkhead Exceed Zoning Allowable Height



## Roof Access Stairs and Elevator Bulkhead



Two Roof Access Stairs, and the Elevator Machine Room Bulkhead comprise 2 ½ % of the overall building footprint. The upper 5'-0" of each are **highlighted in red**, as that portion of each exceeds the allowable building height defined in the Zoning Code.



J. Howard Beard Health Services Building  
3 Harry S. Truman Parkway  
Annapolis, Maryland 21401  
Phone: 410-222-7095 Fax: 410-222-7294  
Maryland Relay (TTY): 711  
www.aahealth.org

**Tonii Gedin, RN, DNP**  
**Health Officer**

**MEMORANDUM**

TO: Sadé Medina, Zoning Applications  
Planning and Zoning Department, MS-6301

FROM: Brian Chew, Program Manager  
Bureau of Environmental Health

A handwritten signature in blue ink, appearing to be "BC", located to the right of the "FROM:" line.

DATE: February 1, 2024

RE: One Microsoft Corporation  
8211 Dorsey Run Road  
Annapolis Junction, MD 20701

NUMBER: 2021-0152-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow a commercial structure with greater height than allowed.

The Health Department has no objection to the above referenced variance request.

If you have further questions or comments, please contact Brian Chew at 410-222-7413.

cc: Sterling Seay

<b>Menu</b>	<b>Cancel</b>	<b>Help</b>
<b>Task</b> Fire Marshal	<b>Due Date</b> 02/20/2024	<b>Assigned Date</b> 01/30/2024
<b>Assigned to Department</b> Fire Marshal's Office	<b>Assigned to</b> Robert Flynn	<b>Status</b> Complete w/ Comments
<b>Action by Department</b> Fire Marshal's Office	<b>Action By</b> Robert Flynn	<b>Status Date</b> 01/31/2024
<b>Start Time</b>	<b>End Time</b>	<b>Hours Spent</b> 0.0
<b>Billable</b> No	<b>Overtime</b> No	<b>Comments</b> Defer to OPZ and Inspections and Permits
<b>Time Tracking Start Date</b>	<b>Est. Completion Date</b>	<b>In Possession Time (hrs)</b>
<b>Display E-mail Address in ACA</b> No	<input checked="" type="checkbox"/> <b>Display Comment in ACA</b>	<b>Comment Display in ACA</b> <input checked="" type="checkbox"/> All ACA Users <input checked="" type="checkbox"/> Record Creator <input checked="" type="checkbox"/> Licensed Professional <input checked="" type="checkbox"/> Contact <input checked="" type="checkbox"/> Owner
<b>Estimated Hours</b> 0.0	<b>Action</b> Updated	<b>Workflow Calendar</b>





M A R Y L A N D

Office of Planning and Zoning

*Jenny B. Jarkowski, Planning and Zoning Officer*

## MEMORANDUM

TO: Sadé Medina, Zoning Applications

FROM: Elizabeth Nardi, Planner II, Development Division

VIA: Courtney Wilson, Planning Administrator, Development Division

SUBJECT: Microsoft Corporation, 8211 Dorsey Run Road, Annapolis Junction, MD 20701  
Case #2021-0152-V

DATE: February 20, 2024

---

This memo is in response to the Zoning Division request for comments regarding a Variance to Article 18-6-301 regarding maximum height limitations for principal structures where less than 50% of allowable lot coverage consists of environmental site design features approved by the Planning and Zoning Officer. This Office defers to the Zoning Division whether the applicant meets the above application standard requirements, per Variance requirements of Article 18-16-305.



*Mark Wedemeyer, Director*

## Memorandum

**To:** Sadé Medina, Zoning Division, Office of Planning and Zoning

**From:** Ram L. Shrestha, P.E., CFM, Engineering Division, Department of Inspections & Permits

**Date:** February 23, 2024

**Subject:** Microsoft Corporation,  
8241 & 8251 Dorsey Run Road, Annapolis Junction, MD 20701  
Variance # 2021-0152-V

---

**Request** – Variance to the Zoning Division request for comments regarding a Variance to Article 18-6-301 regarding maximum height limitations for principal structures where less than 50% of allowable lot coverage consists of environmental site design features approved by the Planning and Zoning Officer.

**Review** - This office has received the subject application, reviewed for engineering (utilities, stormwater) issues and has the following comments:

1. Applicant is seeking relief from the maximum allowable height limitations set forth in the County Code, only for the limited building elements (two stair towers and one elevator machine room bulkhead).

**Determination/Recommendation** – Based on the above review comments, this office defers approval to the Zoning Division whether the applicant meets the above application standard requirements.

