



DPZ Office Use only Case No: _____ Date Filed: _____
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**Petition to Amend the Zoning Regulations
of Howard County**

Zoning Regulation Amendment Request

- 1. I (we), the undersigned, hereby petition the Zoning Board of Howard County to amend the Zoning Regulations of Howard County as follows:**

To allow additional square footage for detached accessory structures in RC and RR zoning districts

[You must provide a brief statement here. "See Attached Supplement" or similar statements are not acceptable. You may attach a separate document to respond to Section 1 in greater detail. If so, this document shall be titled "Response to Section 1"]

2. Petitioner's Name: Elite Facility Management

Address: 12459 Barnard Way, West Friendship, MD 21794

Phone:(W) _____ **(H)** _____

Email Address: _____

3. Counsel for Petitioner: Sang W. Oh, Talkin & Oh, LLP

Counsel's Address: 5100 Dorsey Hall Drive, Ellicott City, MD 21042

Counsel's Phone: 4109640300 **Email Address:** soh@talkin-oh.com

- 4. Please provide a brief statement concerning the reason(s) the requested amendment(s) to the Zoning Regulations is (are) being proposed:**

The purpose of the proposed amendments to the Howard County Zoning Regulations Section 128.0.A.12 is to allow additional square footage for detached accessory structures on residentially zoned lots in the RC and RR zoning districts both individual structures and cumulatively by allowing an additional 500 square feet for properties greater than 3 acres with larger properties having more allowance for detached accessory structures.

[You may attach a separate document to respond to Section 4. If so, this document shall be titled "Response to Section 4"]

- 5. Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with current General Plan for Howard County:**

SEE SUPPLEMENT

[You may attach a separate document to respond to Section 5. If so, this document shall be titled "Response to Section 5"]

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- 6. The Legislative Intent of the Zoning Regulations in Section 100.0.A. expresses that the Zoning Regulations have the purpose of "...preserving and promoting the health, safety and welfare of the community." Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with this purpose and the other issues in Section 100.0.A.**

SEE SUPPLEMENT

[You may attach a separate document to respond to Section 6. If so, this document shall be titled "Response to Section 6."]

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- 7. Unless your response to Section 6 above already addresses this issue, please provide an explanation of the public benefits to be gained by the adoption of the proposed amendment(s).**

SEE RESPONSE TO #6.

[You may attach a separate document to respond to Section 7. If so, this document shall be titled "Response to Section 7."]

8. Does the amendment, or do the amendments, have the potential of affecting the development of more than one property, yes or no?

If yes, and the number of properties is less than or equal to 12, explain the impact on all properties affected by providing a detailed analysis of all the properties based upon the nature of the changes proposed in the amendment(s). If the number of properties is greater than 12, explain the impact in general terms.

SEE SUPPLEMENT

[You may attach a separate document to respond to Section 8. If so, this document shall be titled "Response to Section 8."]

9. Provide the address, Tax Map, and Parcel Number for any parcel of land known to be affected by the amendment(s) that the Petitioner owns or has a legal or equitable interest in.

12459 Barnard Way, West Friendship, MD 21794, Tax Map 15, Parcel 15, Lot 20

The Petitioner agrees to erect and maintain Planning Board meeting poster(s) on the affected parcels in accordance with the Affidavit of Posting provided by the Department of Planning and Zoning. The poster(s) must be erected no less than six weeks prior to the date of the Planning Board meeting and must be removed within seven days of the conclusion of the Planning Board meeting.

[You may attach a separate document to respond to Section 9. If so, this document shall be titled "Response to Section 9."]

10. If there are any other factors you desire the Council to consider in its evaluation of this amendment request, please provide them at this time. Please understand that the Council may request a new or updated Technical Staff Report and/or a new Planning Board Recommendation if there is any new evidence submitted at the time of the public hearing that is not provided with this original petition.

[You may attach a separate document to respond to Section 10. If so, this document shall be titled "Response to Section 10."]

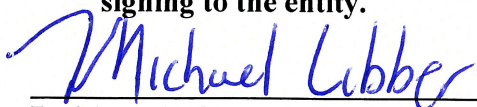
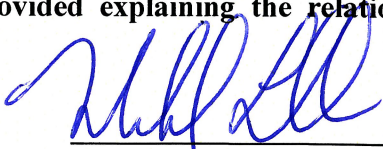
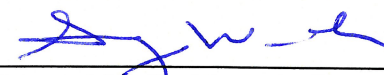
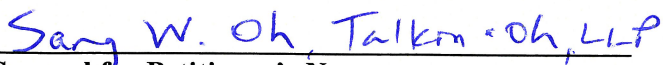
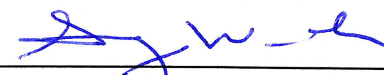
11. You must provide the full proposed text of the amendment(s) as a separate document entitled "Petitioner's Proposed Text" that is to be attached to this form. This document must use this standard format for Zoning Regulation Amendment proposals; any new proposed text must be in CAPITAL LETTERS, and any existing text to be deleted must be in [[Double Bold Brackets]]. In addition, you must provide an example of how the text would appear normally if adopted as you propose.

After this petition is accepted for scheduling by the Department of Planning and Zoning, you must provide an electronic file of the "Petitioner's Proposed Text" to the Division of Public Service and Zoning Administration. This file must be in Microsoft Word or a Microsoft Word compatible file format, and may be submitted by email or some other media if prior arrangements are made with the Division of Public Service and Zoning Administration.

12. The Petitioner certifies that no petition for the same or substantially the same proposal as herein contained for the subject property has been denied in whole or in part by the Zoning Board or has been withdrawn after the taking of evidence at a public hearing of the Zoning Board within twenty-four (24) months of the Zoning Board hearing unless so stated herein.

13. The Petitioner agrees to furnish additional information as may be required by the Department of Planning and Zoning prior to the petition being accepted for scheduling, by the Planning Board prior to its adoption of a Recommendation, and/or by the County Council prior to its ruling.

14. The undersigned hereby affirms that all of the statements and information contained in, or filed with this petition, are true and correct. The undersigned has read the instructions on this form, filing herewith all of the required accompanying information. If the Petitioner is an entity that is not an individual, information must be provided explaining the relationship of the person(s) signing to the entity.

 _____ Petitioner's/Owner's Names	 _____ Petitioner's/Owner's Signature	_____ Date
_____ Petitioner's/Owner's Names	_____ Petitioner's/Owner's Signature	_____ Date
_____ Petitioner's/Owner's Names	 _____ Counsel for Petitioner's Signature	_____ Date
 _____ Counsel for Petitioner's Names	 _____ Counsel for Petitioner's Signature	_____ Date

Fees

The Petitioner agrees to pay all fees* as follows:

Filing Fee\$ 2,500.00. If the request is granted, the Petitioner shall pay \$40.00 per 200 words of text or fraction thereof for each separate textually continuous amendment (\$40.00 minimum, \$85.00 maximum)

Each additional hearing night:.....\$ 510.00

Public Notice Poster:..... \$ 25.00 (per poster)

*** The County Council may refund or waive all or part of the filing fee where the petitioner demonstrates to the satisfaction of the County Council that the payment of the fee would work an extraordinary hardship on the petitioner. The County Council may refund part of the filing fee for withdrawn petitions. The County Council shall waive all fees for petitions filed in the performance of governmental duties by an official, board or agency of the Howard County Government.**

APPLICATIONS: One (1) original plus twenty (24) copies along with attachments.

For DPZ office use only:

Hearing fee: \$ _____

Poster(s) fee: \$ _____

Total: \$ _____

Receipt No. _____

Make checks payable to the “Director of Finance”

PLEASE CALL 410-313-2395 FOR AN APPOINTMENT TO SUBMIT YOUR APPLICATION

County Website: www.howardcountymd.gov

INSTRUCTIONS TO THE APPLICANT/PARTY OF RECORD

- As required by State Law, applicants are required to complete the AFFIDAVIT AS TO CONTRIBUTION that is attached, and if you have made a contribution as described in the Affidavit, please complete the DISCLOSURE OF CONTRIBUTION that is attached.
- If you are an applicant, Party of Record (i.e., supporter/protestant) or a family member and have made a contribution as described in the Affidavit, you must complete the DISCLOSURE OF CONTRIBUTION that is attached.
- Filed affidavits and disclosures will be available for review by the public in the office of the Administrative assistant to the Zoning Board during normal business hours.
- Additional forms may be obtained from the Administrative Assistant to the Zoning Board at (410-313-2395) or from the Department of Planning and Zoning.
- Completed form may be mailed to the Administrative Assistant to the Zoning Board at 3430 Courthouse Drive, Ellicott City, MD 21043.
- Pursuant to State Law, violations shall be reported to the Howard County Ethics Commission.

ZONING MATTER: _____

**AFFIDAVIT AS TO CONTRIBUTIONS TO CANDIDATES AND
BUSINESS ENGAGEMENTS WITH ELECTED OFFICIALS**

**As required by the Maryland Public Ethics Law
Annotated Code of Maryland, General Provisions Article
Sections 5-852 through 5-854**

ALL BOLDDED TERMS ARE DEFINED BY SECTION 5-852
MARK EACH PARAGRAPH AS APPLICABLE

1. I, Michael Libber, the **Applicant** filing an **Application** in the above zoning matter, to the best of my information, knowledge, and belief HAVE / HAVE NOT made a **Contribution** or contributions having a cumulative value of \$500 or more to the treasurer of a **Candidate** or the treasurer of a **Political Committee** during the 48-month period before the **Application** was filed; and I AM / AM NOT currently **Engaging in Business** with an **Elected Official**.

2. I, the **Applicant** or a **Party of Record** in the above referenced zoning matter, acknowledge and affirm that, if I or my **Family Member** has made a **Contribution** or contributions having a cumulative total of \$500 or more during the 48-month period before the **Application** was filed or during the pendency of the **Application**, I will file a disclosure providing the name of the **Candidate** or **Elected Official** to whose treasurer or **Political Committee** the **Contribution** was

made, the amount, and the date of the **Contribution**; and that a **Contribution** made between the filing and the disposition of the **Application** will be disclosed within 5 business days after the **Contribution**.

3. I, the **Applicant**, acknowledge and affirm that, if I begin **Engaging in Business** with an **Elected Official** between the filing and the disposition of the **Application**, I will file this Affidavit at the time of **Engaging in Business** with the **Elected Official**.

I SOLEMNLY AFFIRM UNDER THE PENALTIES OF PERJURY and upon personal knowledge that the contents of this Affidavit are true.

Michael Libber
(Print full name)

Michael Libber
(Sign full name &
indicate legal capacity, if applicable)

8/24/23
(Date)

ZONING MATTER: _____

DISCLOSURE OF CONTRIBUTION

**As required by the Maryland Public Ethics Law
Annotated Code of Maryland, General Provisions Article
Sections 5-852 through 5-854**

ALL BOLDED TERMS ARE DEFINED BY SECTION 5-852

If the **Applicant** or a **Party of Record** or their **Family Member** has made a **Contribution** or contributions having a cumulative value of \$500 or more during the 48-month period before the **Application** is filed or during the pendency of the **Application**, the **Applicant** or the **Party of Record** must file this disclosure providing the name of the **Candidate** or **Elected Official** to whose treasurer or **Political Committee** the **Contribution** was made, the amount, and the date of the **Contribution**.

For a **Contribution** made during the 48-month period before the **Application** is filed, the **Applicant** must file this disclosure when they file their **Application**, and a **Party of Record** must file this disclosure within 2 weeks after entering the above zoning matter.

A **Contribution** made between the filing and the disposition of the **Application** must be disclosed within 5 business days after the **Contribution**.

Any person who knowingly and willfully violates Sections 5-852 through 5-854 of the General Provisions Article of the Annotated Code of Maryland is subject to a fine of not more than \$5,000. If the person is not an individual, each officer and partner who knowingly authorized or participated in the violation is subject to the same penalty.

Applicant or Party of Record: Michael Libber
(Print Full Name)

RECIPIENTS OF CONTRIBUTIONS:

NAME	DATE	AMOUNT
Committee to Elect David Yungmann	1/8/2022	\$100.00

I acknowledge and affirm that any **Contribution** I make between the filing of this disclosure and the disposition of the **Application** must be disclosed within 5 business days of the **Contribution**.

Michael Libber
(Print full name)

[Signature]
(Sign full name & indicate legal capacity, if applicable)

8/14/23
(Date)

ELITE FACILITY MANAGEMENT
ZONING REGULATION AMENDMENT
SUPPLEMENT

5. Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with the current General Plan for Howard County:

On January 4, 2005, the Howard County Zoning Regulations were amended by Zoning Regulation Amendment No. 53 (Council Bill No. 58-2004, a copy of the enrolled bill which is attached hereto) to establish new maximum sizes for detached accessory garages accessory to single family detached dwellings. The current maximum square footage of 2,200 SF for all lots greater than 2 acres in the RC or RR zoning districts was established by CB 58-2004; however, also enacted as part of CB 58 were 2 enactment clauses:

“Section 3. Be it further enacted by the County Council of Howard County, Maryland, that any individual who has applied for an accessory garage building permit prior to April 13, 2004 shall be subject to the accessory garage requirements of the Howard County Zoning Regulations in effect prior to that date.”

And

“Section 4. Be it further enacted by the County Council of Howard County, Maryland, that any individual who has applied for an accessory garage building permit prior to October 4, 2004 shall be subject to the accessory structure height and setback requirements of the Howard County Zoning Regulations in effect on the date of application.”

The practical effect of these enactment clauses was to ensure that accessory detached garages, which had previously been approved were neither rendered illegal nor noncomplying with the new limitations and, moreover, that the previously-approved structures would not count against the need to new limit placed on accessory structures.

The legal status of the previously-permitted garages changed, however, during the 2012-2013 Comprehensive Zoning where the now-current language of Section 128.0.A.12 was enacted. As part of the 2012-2013 Comprehensive Zoning legislation (CB 32-2013), the aforementioned enactment clauses were neither proposed nor adopted. The practical effect of the omission of the two enactment clauses above was to render (i) any detached accessory garage that was permitted prior to April 13, 2004, but non-compliant with the provisions of CB 32-2013, to become a noncomplying structure; and (ii) that the square footages of any pre-April 13, 2004 accessory garage building are NOT exempt and do, in fact, count towards a cumulative square footage requirement for all accessory structures, which cannot exceed 2,200 SF irrespective of the size of a RC or RR property. The cumulative square footage limitation, which did not exist prior to 2013 has had the effect of causing some obsolescence of previously-approved accessory garages

as the cumulative square footage requirement has prevented any planning or construction of additional complementary structures. Please note that any detached garage regardless of proximity to a principle dwelling is regarded as detached and counts against the amount of allowable cumulative square footage

For approximately the past 10 years, all properties in the RC or RR zoning districts have been restricted from having any detached accessory structures either, individually or cumulatively, larger than 2,200 SF regardless of the size of such RC or RR property. This limitation has presented challenges for some rural west residents and has hindered their ability to use their properties appropriately and proportionately.

Originally enacted to impose a reasonable size limitation on detached accessory garages, the limitation on square footages for these types of structures has been disproportionately impactful in the rural west where larger properties require more accessory structures and the cumulative footprint of all detached structures not exceeding 2,200 SF has become all too common a restriction without any compelling reason for limiting larger properties. A strict limitation of 2,200 square feet regardless of the size of the property is extremely limiting and negatively impacts Rural West residents who despite having purchase larger parcels of land to serve their lifestyles and recreation opportunities, are relegated to a relatively minor increase over other detached accessory garages on much smaller lots.

CB 58-2004 even reveals this notion of allowing larger properties dispensation from restrictions as that original legislation did not limit the height of detached garages for properties larger than 3 acres to 15 feet.

In addition to the losses of utilization of land for the benefit for larger property owners, there is loss of utilization for the greater community as well. For example, the severe need and shortage of recreational facilities for youth, particularly indoor space to accommodate practices, are well-documented throughout the County. The policies supporting Smart Growth prevent larger infrastructure investments in the Rural West and exacerbate the shortage of recreation facilities in this area.

Some larger detached accessory structures on larger properties can be utilized to meet the unmet needs of youth and recreation in Howard County. Zoning restrictions for residential districts would not allow conversion of these accessory structures to exceed residential intensities and the overall size limits do assure that an adequate balance is struck between the surrounding community, larger property owners and community needs.

Policy 12.1 of Plan Howard 2030 discusses the concept of Continuous Innovation in the providing of services. The goal is to implement new strategies for improving the efficiency and sustainability of County services provided to the community. General Plan Policy 8.13 discusses enhancing community recreational opportunities by expanding partnerships with private recreation providers and to encourage recreational programming among private providers for all age groups and abilities.

6. The Legislative Intent of the Zoning Regulations in Section 100.0.A. expresses that the Zoning Regulations have the purpose of “. . . preserving and promoting the health, safety and welfare of the community.” Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with this purpose and the other issues in Section 100.0.A.

The proposed ZRA will be in harmony with the purpose of Section 100.0.A. The health, safety and welfare of the community is best served by residents making reasonable use of their properties. The maximum square footage of a single detached accessory garage not exceeding 2,500 SF for any property larger than 3 acres, but less than 4 acres would allow for a single building that is only 300 SF larger than the structure that can be constructed under the existing law. The benefit to property owners to construct this additional square footage when weighed against the impact of the additional 300 SF is not detrimental to the health, safety and welfare of the community. Likewise, an addition of 500 SF for each additional acre beyond 4 acres is a size increase that assures the additional square footage of the proposed garage will be beneficial to property owners without causing detriments to the health, safety and welfare of the community.

8. Does the amendment, or do the amendments, have the potential of affecting the development of more than one property, yes or no? YES

If yes, and the number of properties is less than or equal to 12, explain the impact on all properties affected by providing a detailed analysis of all the properties based upon the nature of the changes proposed in the amendment(s). If the number is greater than 12, explain the impact in general terms.

The total number of properties impacted by the proposed ZRA is greater than 12. The impact of this proposed ZRA in general terms will be the following:

- 1) Properties in the Planned Service Area or properties less than 2 acres will not be affected.
- 2) Properties larger than 3 acres but smaller than 4 acres will be able to add 300 SF for a maximum of 2,500 SF for an individual detached, accessory garage or 2,500 SF total, cumulatively for all detached, accessory garage structures.
- 3) Any detached accessory garages approved and permitted prior to April 13, 2004, will remain compliant under the regulations irrespective of their size. Although these previously-permitted garages cannot be increased, the square footage of these garages do not count towards the cumulative footprint of all accessory structures.

Proposed Text

Amend Section 128.0.A.12 as follows:

12. Regulations for detached accessory structures on residentially zoned lots developed with single-family detached dwellings

a. Size restrictions

(1) The maximum cumulative lot coverage permitted for all of the accessory structures located on any given residential lot developed with a single-family detached dwelling is:

(a) 600 square feet for a lot in the planned public water and sewer service area.

(b) 1,200 square feet for a lot in the RC or RR district which is 2 acres or less

(c) 2,200 square feet for a lot in the RC or RR district which is greater than 2 acres[.]
BUT LESS THAN 3 ACRES.

(D) AN ADDITIONAL 500 SQUARE FEET FOR A LOT IN THE RC OR RR DISTRICT WHICH IS GREATER THAN 3 ACRES BUT LESS THAN 4 ACRES PROVIDED THAT NO DETACHED ACCESSORY STRUCTURE SHALL BE LARGER THAN 2,500 SQUARE FEET.

(E) AN ADDITIONAL 500 SQUARE FEET FOR EACH ACRE GREATER THAN 4 ACRES FOR A LOT IN THE RC OR RR DISTRICT.

(2) The cumulative lot coverage restrictions cited above shall apply to all accessory structures on any residentially zoned lot developed with a single-family detached dwelling, excepting only legitimate farm buildings located on properties meeting the definition of "farm", shipping containers used as accessory storage structures, and swimming pools. Farm structures, shipping containers used as accessory storage structures, and swimming pools are not subject to size restrictions; however, they must be subordinate and incidental to the principal use.

(3) Ground-mounted accessory solar collectors shall not count toward the lot coverage requirement provided they do not cover more than 2% of the lot.

Example of How Text of Section 127.0.A.12 Would Appear Normally if Adopted

12. Regulations for detached accessory structures on residentially zoned lots developed with single-family detached dwellings

a. Size restrictions

(1) The maximum cumulative lot coverage permitted for all of the accessory structures located on any given residential lot developed with a single-family detached dwelling is:

(a) 600 square feet for a lot in the planned public water and sewer service area.

(b) 1,200 square feet for a lot in the RC or RR district which is 2 acres or less

(c) 2,200 square feet for a lot in the RC or RR district which is greater than 2 acres but less than 3 acres.

(d) an additional 500 square feet for a lot in the RC or RR District which is greater than 3 acres but less than 4 acres provided that no detached accessory structure shall be larger than 2,500 square feet.

(e) an additional 500 square feet for each acre greater than 4 acres for a lot in the RC or RR District.

(2) The cumulative lot coverage restrictions cited above shall apply to all accessory structures on any residentially zoned lot developed with a single-family detached dwelling, excepting only legitimate farm buildings located on properties meeting the definition of "farm", shipping containers used as accessory storage structures, and swimming pools. Farm structures, shipping containers used as accessory storage structures, and swimming pools are not subject to size restrictions; however, they must be subordinate and incidental to the principal use.

(3) Ground-mounted accessory solar collectors shall not count toward the lot coverage requirement provided they do not cover more than 2% of the lot.

Section 3. Be it further enacted by the County Council of Howard County, Maryland, that any individual who has applied for an accessory garage building permit prior to April 13, 2004 shall be subject to the accessory garage requirements of the Howard County Zoning Regulations in effect prior to that date.