

ADJOINING PROPERTY OWNERS FOR 9123 OLD ANNAPOLIS ROAD

Derrick & Mariam Greene
5067 Thunder Hill Road
Columbia, MD 21045-1907
(30.001)

Carollyn Stockett Alexander
5063 Thunder Hill Road
Columbia, MD 21045-1907
(30.001)

Stephan Tymiuk
5059 Thunder Hill Road
Columbia, MD 21045-1907
(30.001)

Saundra Banks
5055 Thunder Hill Road
Columbia, MD 21045-1907
(30.001)

9198 Limited Partnership, LLP
8600 Snowden River Pkwy, Suite 207
Columbia, MD 21045-1982
(30.001)

Honeyland 108, LLC
Attn: General Counsel
6711 Columbia Gateway Dr, # 300
Columbia, MD 21046-2383
(30.001)

Columbia Association, Inc.
10221 Wincopin Circle
Columbia, MD 21044-3410
(30.001)

"
"

Requested Zoning

Search Street:

OLD ANNAPOLIS RD

Property Information:

Amendment No.: 30.001

Current Zoning: R-20

Requested Zoning: B-1

Tax Account ID.: 1406416500

Map: 30

Grid: 17

Parcel: 68

Lot:

Acres: 1.08

Address: 9123 OLD ANNAPOLIS RD

City/State/Zip: COLUMBIA, MD 21045

Owner:

Name: GELFMAN RICHARD D

Email: dgelfman@comcast.net

Phone: 443-629-8300

Mailing Address: 11309 WILLOW BOTTOM DR

City/State/Zip: COLUMBIA, MD 21044

Representative:

Name: Talkin & Oh, LLP

Email: soh@talkin-oh.com

Phone: 410-964-0300

Mailing Address: 5100 Dorsey Hall Drive

City/State/Zip: Ellicott City, MD 21042

Decision:

Planning Board Decision:

Planning Board Vote:

Council Decision:

Council Vote:

Zoning Map Amendment Request Form

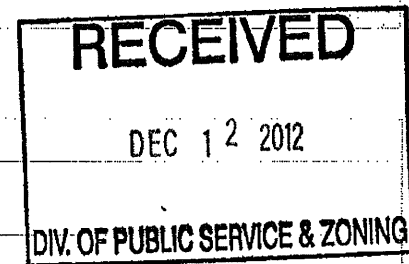
Howard County Comprehensive Zoning Plan Department of Planning and Zoning

[Word 2007 Version]
Before filling out this form, please read the
Instructions section at the end of the form.

A. Property Information

1	Address / Street (Only)	9123	Old Annapolis Road	
2	Tax Map Number	30	Grid	17
3	Parcel(s)	68		
4	Lot(s)	N/A		
5	Tax Account Data:	District	06	Account # 416500
6	Size of Property:	Acres	1.08	Square feet

7	The Property is currently zoned:	R-20; with a special permit for professional and business offices
	I request that the Property be rezoned to:	B-1



B. Owner Information

8	Owner Name	Richard D. Gelfman and Lenore R. Gelfman		
9	Mailing street address or Post Office Box	11309 Willow Bottom Drive		
	City, State	Columbia, Maryland		
	ZIP Code	21044		
	Telephone (Main)	443-629-8300		
	Telephone (Secondary)			
	Fax	410-997-3208		
10	E-Mail	dgelfman@comcast.net		

C. Representative Information

11	Name	Talkin & Oh, LLP		
	Mailing street address or Post Office Box	5100 Dorsey Hall Drive		
	City, State	Ellicott City, Maryland		
	ZIP	21042		
	Telephone (Main)	410-964-0300 (Sang Oh)		

C. Representative Information

Telephone (Secondary)

Fax 410-964-2008

E-Mail

soh@talkin-oh.com

12 Association with Owner Attorneys

D. Alternate Contact [If Any]

Name

Telephone

E-Mail

E. Explanation of the Basis / Justification for the Requested Rezoning

13 The subject Property is located on the west side of Route 108 near Red Branch Road and Thunder Hill Road. The Property contains a long-standing office building that is currently a nonconforming use in the R-20 district. This rezoning request seeks only to rezone the Property to a district in which its existing office use is a permitted use.

See attached Continuation Sheet.

F. List of Attachments/Exhibits

14 1. Continuation Sheet. 2. Map of the Property from the County's website. 3. Copy of BA Case No. 616-C.

G. Signatures

15 Owner Richard D. Gelfman

Richard D. Gelfman

Date

12/10/12

Owner (2) Lenore R. Gelfman

Lenore R. Gelfman

Date

12.10.12

Additional owner signatures? X the box to the left and attach a separate signature page.

16 Representative Signature

[Signature]

Date

12-10-12

DPZ Use Only	JR	Amendment No.	30,001
Notes			

Continuation Sheet

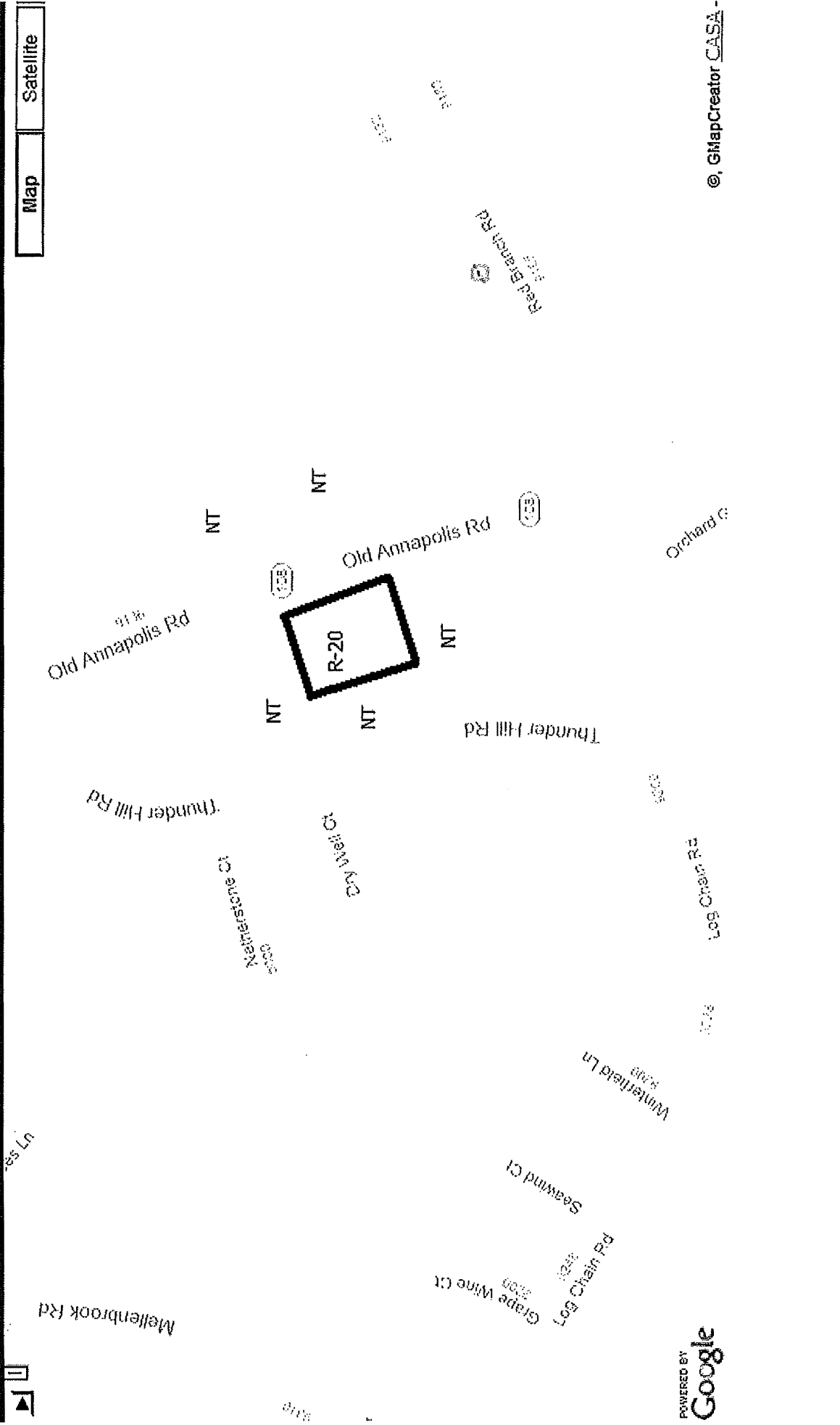
E. Explanation of the Basis / Justification for the Requested Rezoning

- 13 The subject Property is located on the west side of Route 108 near Red Branch Road and Thunder Hill Road. The Property contains a long-standing office building, approved in BA Case No. 616-C in 1969, which is currently a nonconforming use in the R-20 district. At and since the time that the office use was expanded around 1987, neither the neighbors nor the County have raised any objections to the use. This rezoning request seeks only to rezone the Property to a district in which its existing office use is a permitted use.
- To the east of the Property, across Route 108, are commercially developed and operating parcels of the Oakland Ridge Industrial Park. To the north and south of the Property are undeveloped parcels of the Village of Oakland Mills, while west of the Property are developed single-family homes. All adjoining parcels are zoned in the NT district.
- At present, the Property is fully developed. The current office use on the Property is a successful development for the Petitioners, and they have no intentions to redevelop the Property with a more intensive commercial use. Given the age of the building, however, certain renovations are becoming necessary to keep the structure in good order. Financing these renovations has proven difficult given the Property's nonconforming status. Financial institutions are much more reasonable and willing to lend when a property enjoys a permitted status under the law, as uncertainties regarding the future of a nonconforming use can significantly raise interest rates or prevent certain loans entirely.
- In addition to financing and renovation needs, the R-20 zone is unsuitable for the Property. The Property's size, at a little more than one acre, could potentially support two single-family detached dwellings. The Property, however, does not enjoy direct access to any road except Route 108, which is undesirable for residential uses. All of the residential properties in the vicinity have access to local roads serving their existing neighborhoods. The Property's access to Route 108 is an atypical condition for residential properties in the area and should preclude a residential zoning of the Property.
- The Property is also physically separated from nearby residential properties by a row of trees and visually separated from those properties by orientation. Residential properties in the area are oriented towards the local roads serving their communities and other homes. The Property, however, is oriented towards 108 and several large industrial buildings of the Oakland Ridge Industrial Park, making the Property undesirable for any residential use. These differences are also atypical conditions for residential properties in the area. Instead of the current R-20 zoning, a commercial district such as B-1 is much more suitable for the Property.
- The proposed rezoning of the Property will not adversely affect surrounding and adjoining properties, as the present use of the Property will not change. The rezoning will simply enable the Petitioners to secure the financing necessary to keep the existing office building from falling into a state of disrepair, an outcome which could adversely affect the surrounding area much more than the requested rezoning.

Howard County, MARYLAND

Street view | Help

Map Satellite



POWERED BY Google

©, GMapCreator CASA -

IN THE MATTER OF :
THE APPLICATION OF :
C. MERRITT PUMPHREY & WIFE :
FOR A SPECIAL PERMIT FOR A :
PROFESSIONAL AND BUSINESS :
OFFICE IN AN R-20 ZONING :
DISTRICT :
SECTION 30.07 :

BEFORE THE
BOARD OF APPEALS
FOR
HOWARD COUNTY
CASE NO. 616-C

RESOLUTION

This petition to the Board of Appeals was made by C. Merritt Pumphrey, for a special permit to erect a professional and business office in an R-20 Zoning District, filed under Section 30.07 of the Howard County Zoning Regulations, on his property, as described herein.

The hearing was held on October 7, 1969 at 7:30 P.M. after inspection of the property and determination that the property had been properly posted and the hearing advertised as required.

Mr. C. Merritt Pumphrey appeared and testified that it was his desire to obtain permission to use property, in his ownership, for professional and business offices. He stated that due to the event of an industrial park directly across Route 108 the property was, in his opinion, no longer desirable for residential use.

Mr. John Hornick, a Howard County Developer and Builder, appeared and submitted drawings and layouts of the proposed facility, as to design, and testified that the only necessary exterior change would be to replace the garage door with a wall.

Mr. William Gehee appeared and testified on behalf of the Petitioner, stating that he felt there was a lack of this type of professional and business facility in this area, and that there was a definite need for same.

Mr. Campbell V. Helfrich, a qualified real estate appraiser, testified that in his opinion real estate values of vicinal properties would not in any way be adversely affected by the granting of this petition and it was his opinion it would actually enhance the surrounding properties. Mr. Helfrich stated that if the house were turned around, facing Thunder Hill Subdivision, it could conceivably be desirable as residential property, however, due to the house facing directly across the road from the Oakland Ridge Industrial Park, it was, in his opinion, undesirable as residential property.

Many protestants appeared and raised the following objections: that the neighborhood is residential and this would affect the nature of the area; that the additional traffic would create a safety hazard to the children in the adjoining subdivision; that this would be a nuisance because of the exhaust fumes from the parking area and the lights at night.

Based on the testimony and the evidence, the Board in consideration of the Limitations, Guides and Standards as set forth in the Zoning Regulations, finds that this proposed use would not adversely affect surrounding property and would not menace the public health, safety, security, morals or general welfare and would not jeopardize the lives or property of the people in the area and that it would not create any traffic hazard, providing the conditions listed below are met.

NOW, THEREFORE, BE IT ORDERED AND RESOLVED, this 4th day of November, 1969, by the Board of Appeals of Howard County, that the petition of C. Merritt Pumphrey for a special permit to erect a professional and business office in an R-20 Zoning District, on that land belonging to petitioner, located in the Sixth Election District, bounding on the southwest side of Maryland Route 108 (Old Annapolis Road) for a distance of about 220 feet, beginning about 3,500 feet southeast of U.S. Route 29, containing about 1.08 acres, be and the same is hereby GRANTED, subject to the following conditions, restrictions and limitations:

1. That the petitioner shall erect a four (4) foot high fence of a stockade, chain link or basketweave type on the rear property line which borders the subdivision of Thunder Hill.
2. That plantings of privet hedge or similar evergreen shrubs shall be planted adjacent to the subject fence, except where natural screening presently exists, same shall be properly maintained in lieu thereof.
3. Outside lighting shall be shielded from vicinal properties.
4. That an entrance from Route 108 shall be designed and constructed in accordance with the State Roads Commission specifications and approved thereof by the State Roads Commission.
5. That the parking area shall be constructed in accordance with Section 23 of the Howard County Zoning Regulations.
6. That the above conditions, restrictions or limitations shall be approved thereof, upon completion, by the Chief, Division of Zoning.

HOWARD COUNTY BOARD OF APPEALS

CC: C. F. Sybert, Jr., Esquire (3)
 The Sun
 The Evening Sun
 News-American
 Howard County Times
 Central Maryland News
 Assessment Office
 Planning Office
 Division of Zoning
 James Vaughan, Legal Research Counsel
 File
 Secretary

Michael Laurente
 Michael Laurente, Chairman

William H.C. Griffith
 William H.C. Griffith, Member

William P. Zai
 William P. Zai, Member



Howard County Council

George Howard Building
3460 Court House Drive
Ellicott City, Maryland 21043-4392

COUNCILMEMBERS

Jennifer Terrasa, Chairperson
District 3
Mary Kay Sigaty, Vice Chairperson
District 4
Courtney Watson
District 1
Calvin Ball
District 2
Greg Fox
District 5

March 11, 2013

Richard and Lenore Gelfman
11309 Willow Bottom Drive
Columbia, MD 21044

Dear Mr. and Mrs. Gelfman:

You are receiving this letter because you filed a Zoning Map Amendment Request Form/Howard County Comprehensive Zoning Plan or a Zoning Regulation Amendment Request Form/Howard County Comprehensive Plan.

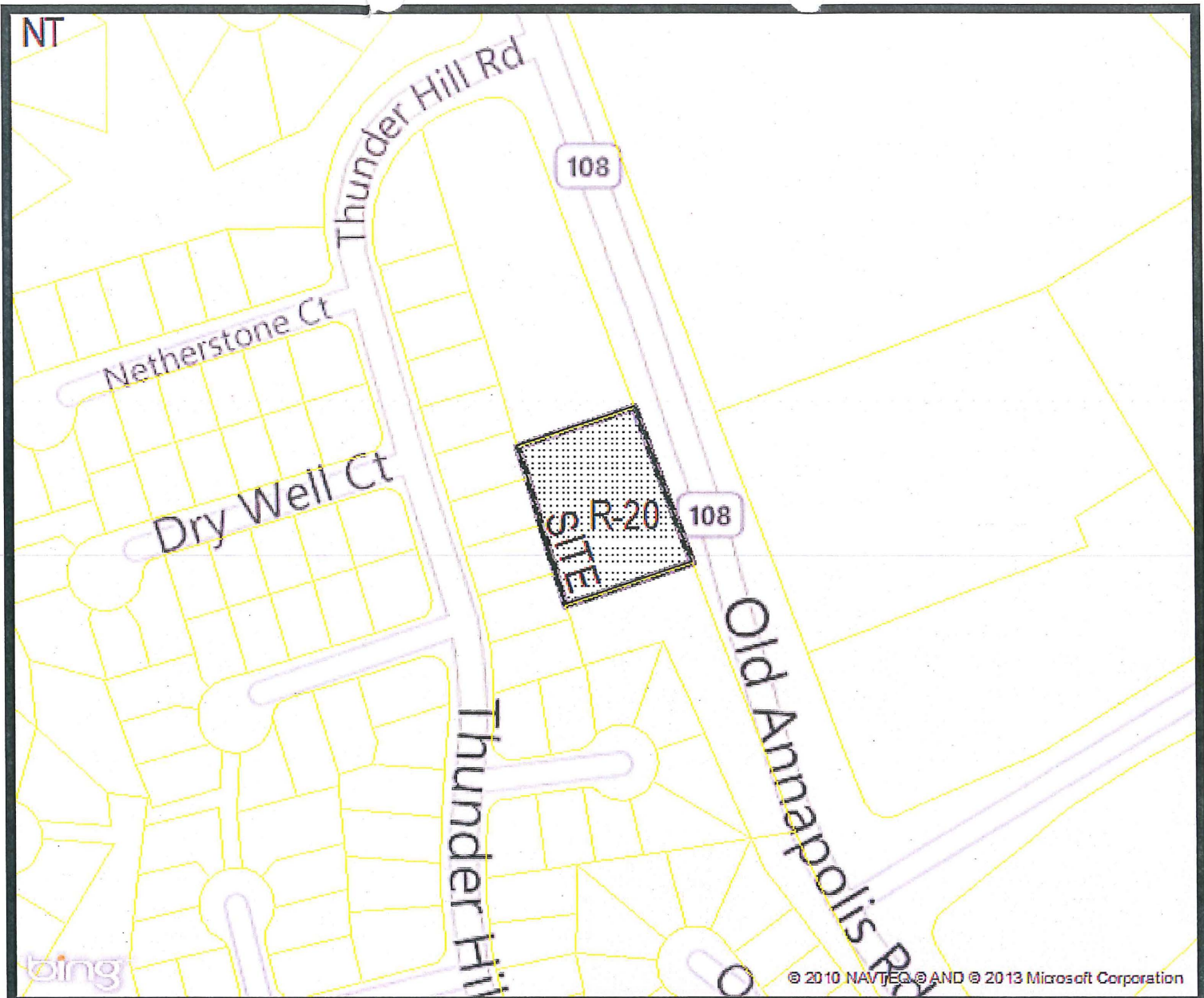
Please be advised that on March 7, 2013, the Howard County Ethics Commission determined that the Zoning Map Request Form needs to be accompanied by certain affidavits and disclosures. The Commission also determined that the Zoning Regulation Amendment Form needs to be accompanied by certain affidavits and disclosures when the Form proposes to "increase the density of the land of the applicant."

The Commission directed me to notify applicants of their obligation to file the affidavit and disclosure. The obligation is set forth in Md. Code Ann., St. Gov't, Sec. 15-849(b), which provides in part, "**the affidavit or disclosure shall be filed at least 30 calendar days prior to any consideration of the application by an elected official.**"

Accordingly, I am enclosing for your use the approved affidavit packet. Completed forms may be mailed to the Administrative Assistant to the Zoning Board at 3430 Court House Drive, Ellicott City, MD 21043.

Very truly yours,

Stephen M. LeGendre
Administrator



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				50		



Zoning Map General Plan Amendment: 30.001 Tax ID: 1406416500
 Current Zoning: R-20 Council District: 2
 Tax Map: 30 Grid: 17 Parcel: 68 Lot: N/A
 Address: 9123 OLD ANNAPOLIS RD

30.001

OAKLAND MILLS COMMUNITY ASSOCIATION
5851 Robert Oliver Place • Columbia, MD 21045
410-730-4610 • omca@columbiavillages.org

May 23, 2013

Members of the Howard County Council
3430 Court House Drive
Ellicott City, MD 21045

Dear Howard County Councilmembers,

Upon review of the Comprehensive Zoning proposals the Oakland Mills Board of Directors noted the proposed **Amendment 30.001** for the property located at 9123 Old Annapolis Road. The property owner has requested a zoning change from R-20 to a B-1 District. This 1.08 acre parcel has been designated R-20 since 1969 when the Howard County Board of Appeals approved a resolution granting permission for the property zoning to change from residential to professional offices and business use. The original zoning was solely residential.

The property fronts Route 108 between Thunder Hill Road and Summer Hollow Road. Adjacent to and directly behind the property are single family homes located in the neighborhood of Thunder Hill in the Village of Oakland Mills. Also adjacent to the property is Columbia Association Open Space. Currently the property houses small professional offices. The driveway ingress and egress is located on Route 108.

The Oakland Mills Board of Directors **DOES NOT SUPPORT** the petitioners request for a change from R-20 to B-1 for several reasons. First and foremost are traffic and safety concerns. Route 108 traverses Howard County and is a very unsafe two lane road with the traffic load equivalent to a major roadway. Businesses, restaurants and office parks populate the roadway. The number of vehicles that travel this roadway has dramatically changed since the original R-20 designation in 1969. The Oakland Mills Board cannot support any change to B-1 zoning given current roadway conditions and configuration and with no plans in sight to improve the traffic conditions on Route 108.

Secondly, the potential uses of a B-1 designation are vastly broader than the R-20 designation. If this amendment were to pass what is now a small two story professional office space could potentially become anything from a food store, a furniture store, home improvement store, to a garden center etc. This would greatly change the use of the once residential designation of the property.

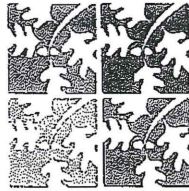
At this juncture when there are so many requests for zoning changes we implore the County Council to be very prudent in approving any changes that would add traffic to already unsafe roadways and inherently change the nature of small once residential parcels of land.

Once this and other parcels are changed to B-1 zoning there is no going back. It is up to our County leaders to exercise their best judgment as to what is best for the county as a whole and not what may be in the best interest of individual property owners.

Thank you for taking our letter of NON-SUPPORT for Amendment 30.001 under consideration and denying this request. Please contact me, or Village Manager, Sandy Cederbaum if you have any questions or require further information or clarification.

Sincerely,

William Gray, Chairman
Oakland Mills Board of Directors



oakland mills
we value connections

RR
TW

CMBS
SL

February 1, 2013

Members of the Howard County Planning Board
C/o Marsha McLaughlin, Director of HC Planning and Zoning
3430 Court House Drive
Ellicott City, MD 21045

Dear Members of the Planning Board:

Upon review of the Comprehensive Zoning proposals the Oakland Mills Board of Directors noted the proposed **Amendment 30.001** for the property located at 9123 Old Annapolis Road. The property owner has requested a zoning change from R-20 to a B-1 District. This 1.08 acre parcel has been designated R-20 since 1969 when the Howard County Board of Appeals approved a resolution granting permission for the property zoning to change from residential to professional offices and business use. The original zoning was solely residential.

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Oakland Mills Community Association, Inc.

The Other Barn • 5851 Robert Oliver Place, Columbia, Maryland 21045 • 410-730-4610 • 301-596-5237 • Fax 410-730-4620
<http://oaklandmills.columbiavillages.org> omca@columbiavillages.org

At this juncture when there are so many requests for zoning changes we implore the Planning Board and County Council to be very prudent in approving any changes that would add traffic to already unsafe roadways and inherently change the nature of small once residential parcels of land.

Once this and other parcels are changed to B-1 zoning there is no going back. It is up to our County leaders to exercise their best judgment as to what is best for the county as a whole and not what may be in the best interest of individual property owners.

Thank you for taking our letter of NON-SUPPORT for Amendment 30.001 under consideration and ultimately recommending denial of this request. Please contact either of us if you have any questions or require further information or clarification.

Sincerely,

Margaret Mauro

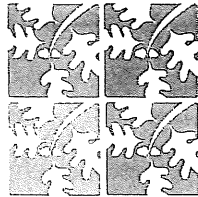
Margaret Mauro, Co-Chair
Oakland Mills Board of Directors

P Engelke

Phillips Engelke, Co-Chair
Oakland Mills Board of Directors

✓cc: Members of the Howard County Council *Mrs Terrasa*

HOWARD COUNTY COUNCIL
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2013 FEB 11 P 3:10



oakland mills
we value connections

1 R
T W

CMBS
SL

APP-30.001

February 1, 2013

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C/o Marsha McLaughlin, Director of HC Planning and Zoning
3430 Court House Drive
Ellicott City, MD 21045

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Thank you for taking our letter of NON-SUPPORT for Amendment 30.001 under consideration and ultimately recommending denial of this request. Please contact either of us if you have any questions or require further information or clarification.

Sincerely,

Margaret Mauro

Margaret Mauro, Co-Chair
Oakland Mills Board of Directors

P. Engelke

Phillips Engelke, Co-Chair
Oakland Mills Board of Directors

✓cc: Members of the Howard County Council *Ms. Lervasa*

2013 FEB 11 P 3:10
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