

ADJOINING PROPERTY OWNERS FOR 1024 RIDGE ROAD

Charles & Judith Knight
986 Ridge Road
Mount Airy, MD 21771-3908
(6.001)

Dr. Snell, LLC
1025 Ridge Road
Mount airy, MD 21771-3905
(6.001)

KDBC, LLC
P.O. Box 355
Mount Airy, MD 21771-0355
(6.001)

Randolph & Arle Wilkins
1044 Ridge Road
Mount Airy, MD 21771-3906
(6.001)

"
"

Requested Zoning

Search Street:

RIDGE RD

Property Information:

Amendment No.: 6.001

Current Zoning: RC-DEO

Requested Zoning: B-1

Tax Account ID.: 1404326881

Map: 6

Grid: 1

Parcel: 1

Lot:

Acres: 3.64

Address: 1024 RIDGE RD

City/State/Zip: MT AIRY, MD 21771

Owner:

Name: CHANYASULKIT SOMSAK

Email:

Phone:

Mailing Address: 5309 RUSSETT RD

City/State/Zip: ROCKVILLE, MD 20853

Representative:

Name: Thomas M. Meachum

Email: tmm@carneykelehan.com

Phone: 410-740-4600

Mailing Address: 10715 Charter Drive, Suite 200

City/State/Zip: Columbia, MD 21044

Decision:

Planning Board Decision:

Planning Board Vote:

Council Decision:

Council Vote:

CAH

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

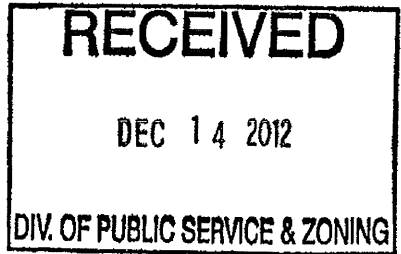
1 Address / Street (Only) 1024 Ridge Road ✓
2 Tax Map Number 6 ✓ Grid 1 ✓
3 Parcel(s) 1 ✓
4 Lot(s) 69
5 Tax Account Data: District 04 Account # 326881

6 Size of Property: Acres 4.52 ✓ Square feet
3.69 Acres, 88 Ac.

7 The Property is currently zoned: RC-DEO ✓
I request that the Property be rezoned to: B-1

B. Owner Information

8 Owner Name Somsak & Pavana Chanyasukit, T/E ✓
9 Mailing street address 5309 Russett Road
or Post Office Box
City, State Rockville, MD
ZIP Code 20851-2535
Telephone (Main)
Telephone (Secondary)
Fax
10 E-Mail



C. Representative Information

11 Name Thomas M. Meachum; Carney Kelehan Bresler Bennett & Scherr, LLP ✓
Mailing street address 10715 Charter Drive, Suite 200
or Post Office Box
City, State Columbia, MD
ZIP 21044
Telephone (Main) 410-740-4600

C. Representative Information

Telephone (Secondary)

Fax (410) 730-7729

E-Mail lmm@carneykelehan.com

12 Association with Owner Attorney

D. Alternate Contact [If Any]

Name

Telephone

E-Mail

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

13 Lu and Joe's Mountain View Inn has served western Howard County since before 1948. It started out as a very small establishment since the area was so remote when it first opened. The surrounding area has grown over the years. Although confirmed as a nonconforming use under the Zoning Regulations, the amount of additional space a nonconforming use can add is a function of its original space. The property is over four acres, although some of it cannot be used because of topography and stream buffers. The Inn would like to expand to meet the desires of its customers. For example, its crabs are very highly thought of but there is not enough room for enough crab pots to keep the preparation of the crabs on pace with the number of customers at the Inn wanting to order them. Because of the limitations posed by the nonconforming use regulations, the Inn cannot expand any further. That is why they are requesting a change from the zoning of RC-DEO to B-1. B-1 would permit the expansion of the Inn. Any expansion request would be the subject of a public hearing because the Liquor Board would have to approve the expansion of licensed premises.

Therefore, in order to meet customer demand, and remain competitive, Lu and Joe's Mountain View Inn requests that its zoning be changed from RC-DEO to B-1.

F. List of Attachments/Exhibits

- 14 Exhibit 1: Tax Map 6
- Exhibit 2: Zoning Map 6
- Exhibit 3: Aerial Photo

G. Signatures

15 Owner Somsak Chanyasulkit

Owner (2) Pavana Chanyasulkit

Date

12/13/12

Date

12/13/12

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

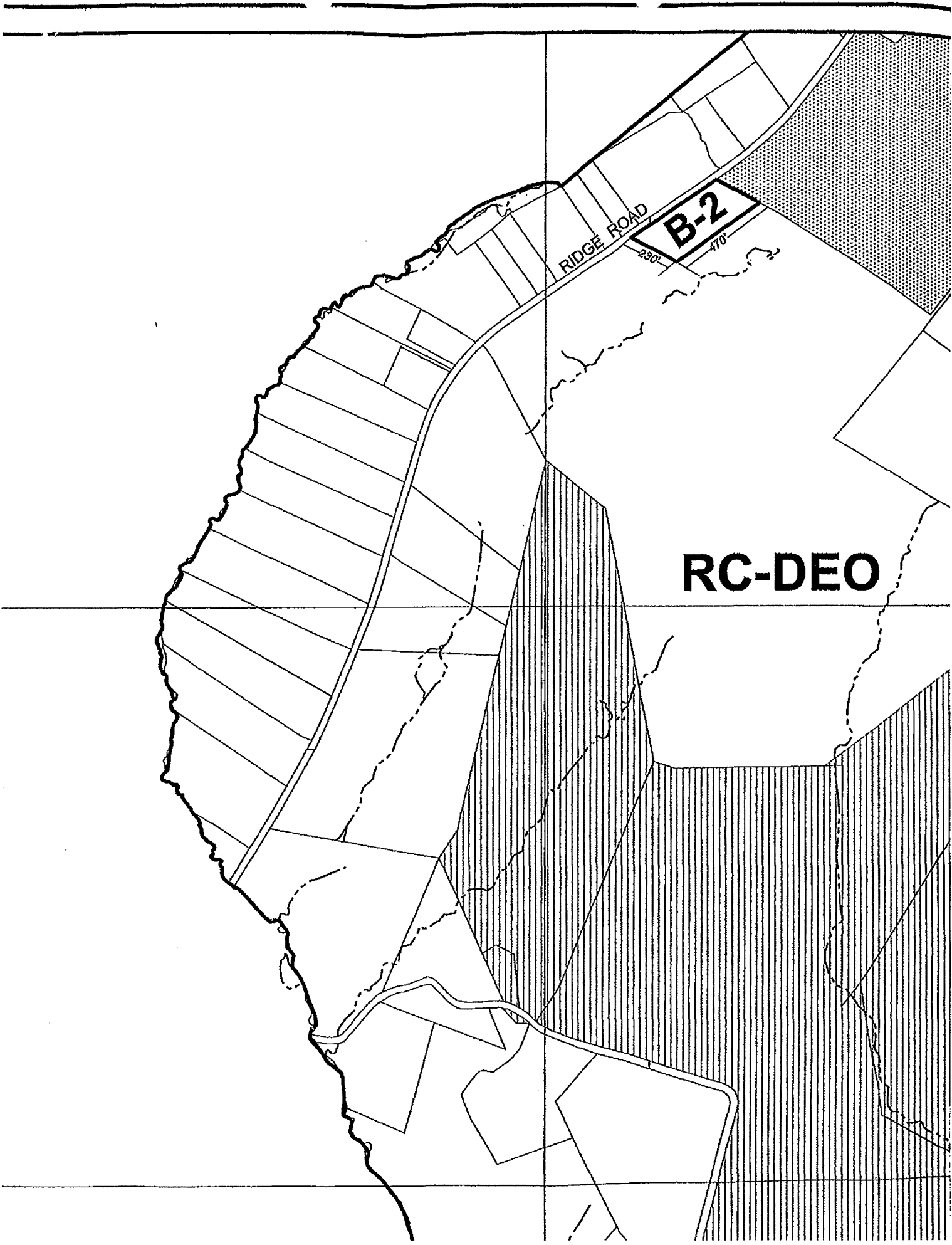
16 Representative Signature

Thomas A. Coadum

Date

10/13/12

| | | | | |
|---------------|------------|----------|---------------|-------|
| DPZ Use Only: | <i>cat</i> | 12/14/12 | Amendment No. | 6.001 |
| Notes | | | | |
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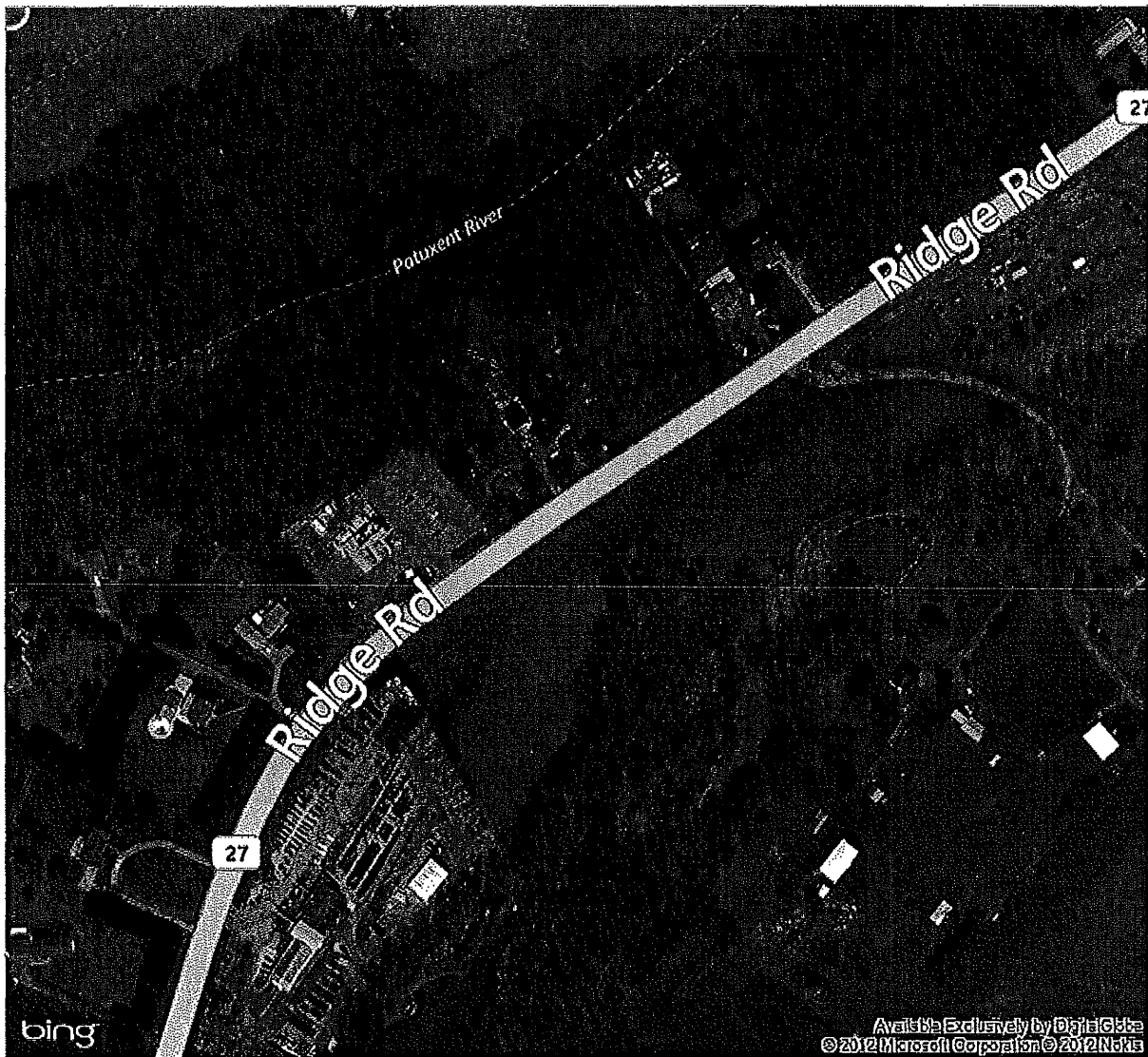
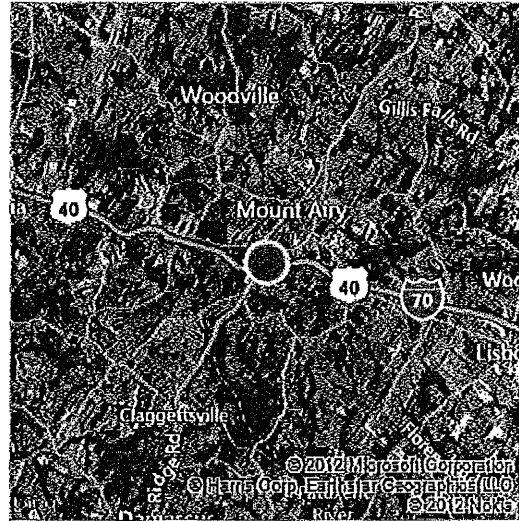



bing Maps

Ridge Rd, Mount Airy, MD 21771

My Notes

On the go? Use m.bing.com to find maps, directions, businesses, and more



 Bird's eye view maps can't be printed, so another map view has been substituted.



Howard County Council

George Howard Building
3431 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

Somsak Chanyasulkit
5309 Russett Road
Rockville, MD 20853

Dear M. Chanyasulkit:

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.

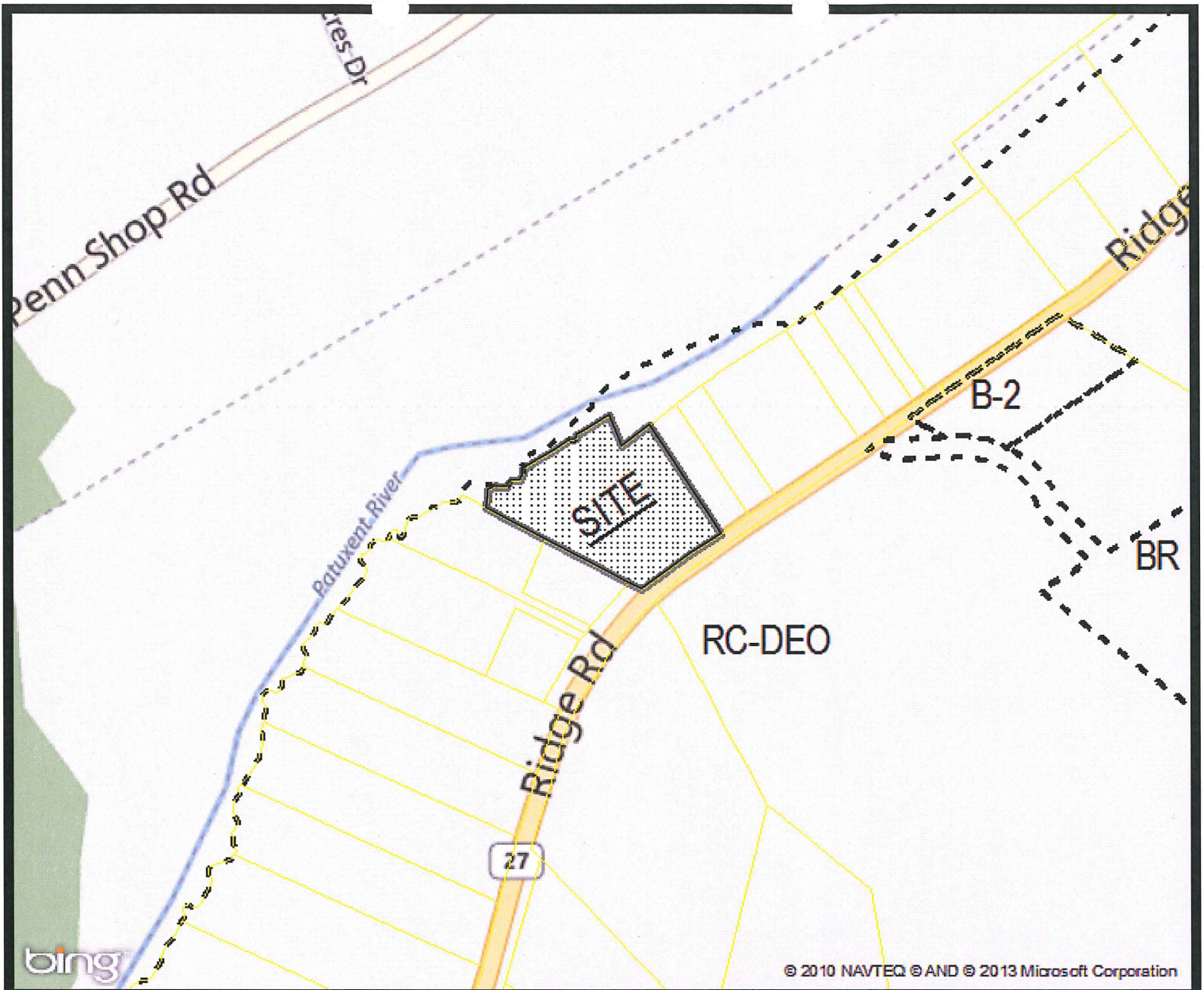
Please be advised that on March 7, 2013, the Howard County Ethics Commission determined that the Zoning Map Request Form needs to be accompanied by certain affidavits and disclosures. The Commission also determined that the Zoning Regulation Amendment Form needs to be accompanied by certain affidavits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

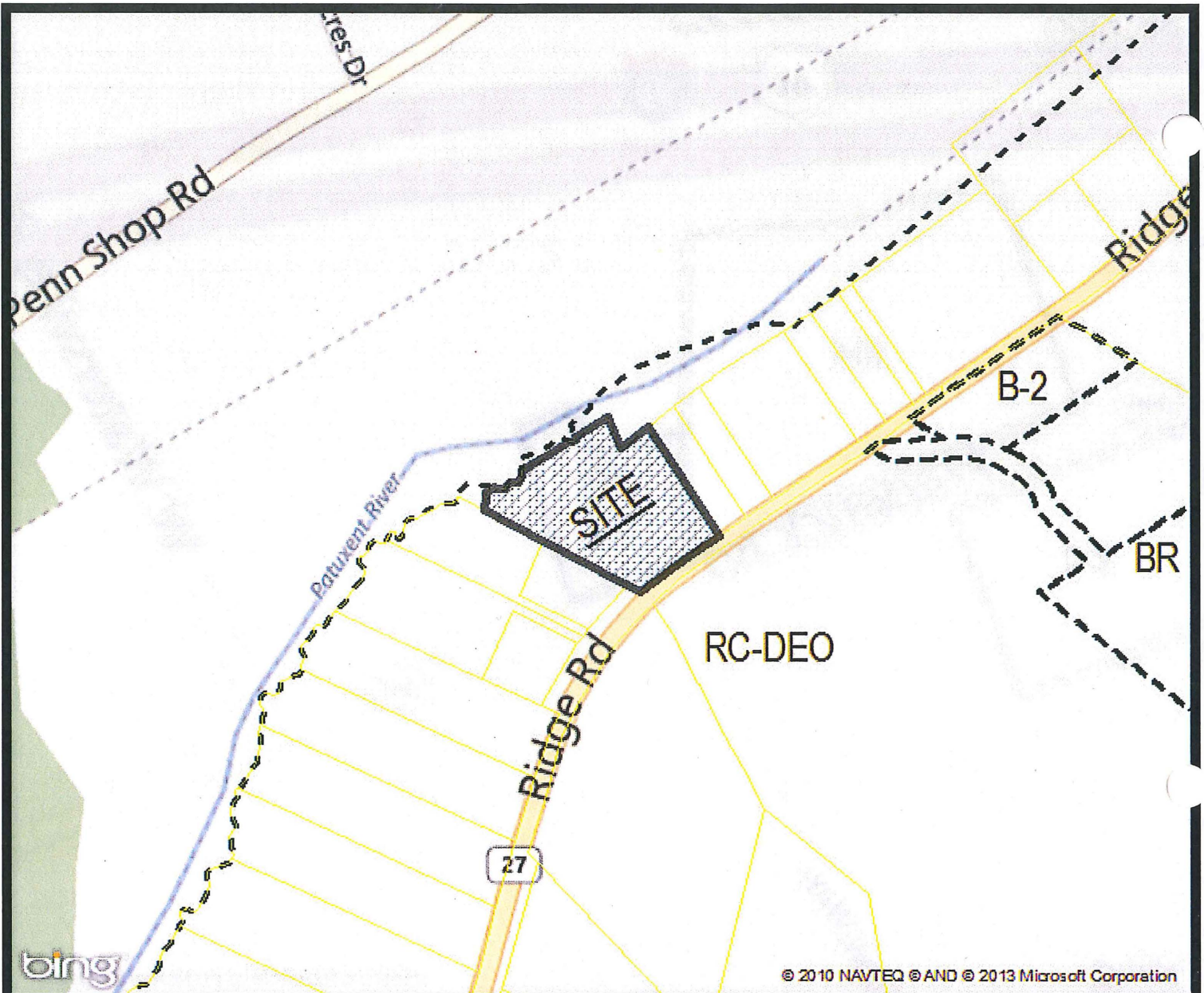
Stephen M. LeGendre
Administrator



| | | | | | | |
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| 1 | 2 | 3 | 4 | 5 | | |
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| | 33 | 34 | 35 | 36 | 37 | 38 |
| | 39 | 40 | 41 | 42 | 43 | 44 |
| | | 45 | 46 | 47 | 48 | |
| | | | | 50 | | |



Zoning Map General Plan Amendment: 6.001 Tax ID: 1404326881
 Current Zoning: RC-DEO Council District: 5
 Tax Map: 6 Grid: 1 Parcel: 1 Lot: N/A
 Address: 1024 RIDGE RD



© 2010 NAVTEQ © AND © 2013 Microsoft Corporation

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Zoning Map General Plan Amendment: 6.001

Tax ID: 1404326881

From: RC-DEO To: B-1

Council District: 5

Tax Map: 6 Grid: 1 Parcel: 1

Lot: N/A

Address: 1024 RIDGE RD, MT AIRY, MD 21771

Regner, Robin

From: Tom Meachum <tmm@carneykelehan.com>
Sent: Wednesday, May 08, 2013 8:56 AM
To: Terrasa, Jen
Subject: FW: Comprehensive zoning

Jen

I am corresponding to ask about scheduling two meetings with you and two clients of mine who have applied for rezoning, Lu and Joe's Mountain View Inn on Route 27, and the owner of Westwood Antiques on Triadelphia Road. We would like to explain to you the reason for the request and answer any questions you may have.

Thank you for your consideration.

Regards

Tom

**Carney, Kelehan
Bresler, Bennett
& Scherr LLP**

ATTORNEYS AT LAW

Thomas M. Meachum, Esq.

10715 Charter Drive, Suite 200

Columbia, MD 21044

Voice (410) 740-4600 x206

Fax (410) 730-7729

Please respond to:

tmm@carneykelehan.com

Regner, Robin

From: Tom Meachum <tmm@carneykelehan.com>
Sent: Monday, May 13, 2013 11:57 AM
To: Terrasa, Jen
Subject: RE: Comprehensive zoning

Will do.
Thanks.
Tom

**Carney, Kelehan
Bresler, Bennett
& Scherr LLP**

ATTORNEYS AT LAW

Thomas M. Meachum, Esq.
10715 Charter Drive, Suite 200
Columbia, MD 21044
Voice (410) 740-4600 x206
Fax (410) 730-7729
Please respond to:
tmm@carneykelehan.com

From: Terrasa, Jen [<mailto:jterrasa@howardcountymd.gov>]
Sent: Monday, May 13, 2013 11:57 AM
To: Tom Meachum
Subject: RE: Comprehensive zoning

Tom, That should work. And please feel free to send any information that you think would be helpful for Jen to prepare.

Best,
J

From: Tom Meachum [<mailto:tmm@carneykelehan.com>]
Sent: Monday, May 13, 2013 9:17 AM
To: Terrasa, Jen
Subject: RE: Comprehensive zoning

Good morning Jtab

The client I was working with for the 10:30 is a little up in the air about her availability, so for the moment I will let that go. How about John from Lu and Joe's and I meeting with Jen at 11:00? For background purposes the amendment number is 6.001. Do you need me to send our original rezoning application document? I also have a letter I sent to the Planning Board I can send to you once you let me know about the application.

Thanks.
Tom

**Carney, Kelehan
Bresler, Bennett
& Scherr LLP**

ATTORNEYS AT LAW

Thomas M. Meachum, Esq.

10715 Charter Drive, Suite 200

Columbia, MD 21044

Voice (410) 740-4600 x206

Fax (410) 730-7729

Please respond to:

tmm@carneykelehan.com

From: Terrasa, Jen [<mailto:jterrasa@howardcountymd.gov>]

Sent: Friday, May 10, 2013 1:56 PM

To: Tom Meachum

Subject: RE: Comprehensive zoning

Tom,

10:30am would probably work better that day as Jen will be at an event that morning. Please let me know if that will work.

Thanks,
Jtab

Jahantab Siddiqui
Interim Assistant to Councilwoman Jen Terrasa
Howard County Council
(410)313-3108

From: Tom Meachum [<mailto:tmm@carneykelehan.com>]

Sent: Friday, May 10, 2013 1:19 PM

To: Terrasa, Jen

Subject: Re: Comprehensive zoning

Thanks again Jen. I heard back from one of my clients. How about in the morning, the earlier the better?

Thanks

Tom

Sent from my iPhone

On May 10, 2013, at 10:36 AM, "Terrasa, Jen" <jterrasa@howardcountymd.gov> wrote:

Tom,

Would you be available to meet on Friday May 17?

Thanks.

From: Tom Meachum [<mailto:tmm@carneykelehan.com>]
Sent: Wednesday, May 08, 2013 8:56 AM
To: Terrasa, Jen
Subject: FW: Comprehensive zoning

Jen

I am corresponding to ask about scheduling two meetings with you and two clients of mine who have applied for rezoning, Lu and Joe's Mountain View Inn on Route 27, and the owner of Westwood Antiques on Triadelphia Road. We would like to explain to you the reason for the request and answer any questions you may have.

Thank you for your consideration.

Regards

Tom

**Carney, Kelehan
Bresler, Bennett
& Scherr LLP**

ATTORNEYS AT LAW

Thomas M. Meachum, Esq.

10715 Charter Drive, Suite 200

Columbia, MD 21044

Voice (410) 740-4600 x206

Fax (410) 730-7729

Please respond to:

tmm@carneykelehan.com

Regner, Robin

From: Tolliver, Sheila
Sent: Thursday, August 01, 2013 10:57 AM
To: Regner, Robin
Subject: Fwd: FW:

Sent from my iPhone
Sheila Tolliver

Begin forwarded message:

From: "Sigaty, Mary Kay" <mksigaty@howardcountymd.gov>
Date: July 31, 2013, 3:40:18 PM EDT
To: "Tolliver, Sheila" <STolliver@howardcountymd.gov>
Subject: FW:

From: "Briscoe, Jessena E - Silver Spring, MD" <Jessena.E.Briscoe@usps.gov>
Date: Mon, 10 Jun 2013 17:04:35 -0400
To: Courtney Watson <cwatson@howardcountymd.gov>, Calvin Ball <cball@howardcountymd.gov>, Jen Terrasa <jterrasa@howardcountymd.gov>, Mary Kay Sigaty <mksigaty@howardcountymd.gov>, Greg Fox <gfox@howardcountymd.gov>

Good evening Ms. Courtney, I have visited the restaurant Lu & Joe's frequently and the restaurant needs an expansion so that we can have more people visit the place.

*Thank you,
Jessena E. Briscoe*

Regner, Robin

From: Watson, Courtney
Sent: Tuesday, June 11, 2013 12:14 PM
To: Briscoe, Jessena E - Silver Spring, MD
Cc: Regner, Robin
Subject: RE:

Dear Ms. Briscoe,

Thank you for your comments regarding a comprehensive zoning proposal for **Lu & Joe's Restaurant** located at 1024 Ridge Road, Mt. Airy. I appreciate hearing your perspective and will keep it in mind as we undertake our review of comprehensive zoning proposals.

There will be a public hearing on proposals affecting properties in western Howard County on Monday, June 24th at 6:00 p.m. in the Banneker Room of the George Howard Building, 3430 Courthouse Drive, Ellicott City.

As information, here is the link to the Council's website with dates of hearings, work sessions and other details: <http://cc.howardcountymd.gov/displayprimary.aspx?id=6442462308>

Thank you.

Sincerely,
Courtney

Courtney Watson
Council Member
Howard County Council
410-313-3110
cwatson@howardcountymd.gov

From: Briscoe, Jessena E - Silver Spring, MD [<mailto:Jessena.E.Briscoe@usps.gov>]
Sent: Monday, June 10, 2013 5:05 PM
To: Watson, Courtney; Ball, Calvin B; Terrasa, Jen; Sigaty, Mary Kay; Fox, Greg
Subject:

Good evening Ms. Courtney, I have visited the restaurant Lu & Joe's frequently and the restaurant needs an expansion so that we can have more people visit the place.

Thank you,
Jessena E. Briscoe

Regner, Robin

From: Tolliver, Sheila
Sent: Wednesday, June 26, 2013 5:08 PM
To: Tom Gue
Cc: Regner, Robin
Subject: RE: Lu & Joe's Mountain View Inn

Thank you for your e-mail to Council members concerning comprehensive zoning proposals. The Council appreciates your interest and will consider your point of view.

Sheila Tolliver
Council Administrator
Howard County Council
410 313-2001

P.S.—State law requires certain disclosures be submitted by people who submit testimony on amendments under consideration in comprehensive zoning. You may wish to check the Council's website for additional information.

<http://cc.howardcountymd.gov/displayprimary.aspx?id=6442462308>

From: Tom Gue [<mailto:pastorgue@verizon.net>]
Sent: Tuesday, June 25, 2013 6:45 AM
To: CouncilMail
Subject: Lu & Joe's Mountain View Inn

Dear Members of the Howard County Council,

I was unable to attend your meeting on the change of zoning for **Lu & Joe's Mountain View Inn**, but wanted to express the opinions of our church members. I have attached a letter of our concerns. I do not know the owners, but some of our church members have eaten there and have good things to say about the food. Our opinions in the letter are strictly concerns of what a change may, even probably, cause to the neighborhood.

Regner, Robin

From: Tolliver, Sheila
Sent: Monday, June 24, 2013 8:38 AM
To: Regner, Robin
Subject: FW: Testimony
Attachments: Lu&Joes_County_Council.doc

From: Randy and Arle [<mailto:raarw@verizon.net>]
Sent: Sunday, June 23, 2013 8:55 PM
To: CouncilMail
Subject: Testimony

Attached is my testimony that I plan to present to the Howard County Council on June 24th.

Thank You

Randolph Wilkins

Lu & Joe's Rezoning Effort
6/24/2013

Name: Randolph Wilkins

Address: 1044 Ridge Road, Mount Airy MD, 21771

To the honorable members of the Howard County Council:

We are opposed to the rezoning request, amendment No. 6.001, for 1024 Ridge Road, known as "Lu & Joe's," from RC-DEO to B-1

I urge you to vote to permanently maintain the current RC-DEO zoning

History:

- Business is a confirmed, long standing non-conforming use
- The business is thriving under current zoning
- Current owners appear to be decent people who want to operate a proper business
- Business is currently a restaurant, a well known biker bar and a liquor store
- The motorcycle noise coming from this establishment can be overwhelming to the point where nearby residents are driven inside, denied the quiet enjoyment of their property
- There have been many issues with the community and county over the years including:
 - Noise issues
 - Signage issues
 - Health and environmental issues
 - Scope of business issues

Unique Location:

- Elevation - one of the highest elevations in Howard County
- The headwaters of the Patuxent River are sourced directly behind Lu & Joe's, within several hundred feet of the property, and are pristine and environmentally sensitive.

Sanitation Issues:

- Lu & Joe's has had a long history of sanitation and water quality issues over the years, as Howard County Health Department records officially document, including:

- Inadequate septic system

-Contaminated well water

- After experiencing objectionable odors outside our home for years, in March 1999 I traced the source to flowing sewage coming from an uncapped cesspool directly behind Lu & Joe's. Raw sewage was flowing on the ground, downhill towards the headwaters of the Patuxant river. This situation is documented by the Howard County Health Department.

- The sewage drainage field capacity of the property is inadequate. Due to public health concerns, restrictions were placed on the property by the Health Department.

- The current owners dealt with the issue by installing **six sewage holding tanks**, to be pumped and trucked out for disposal on a weekly basis. This is required by state public health regulations, and is publicly documented in the property's land records.

- A new well has been installed on the property, as the old well in the basement of the building was contaminated.

- Clearly, given the septic and water resource limitations, lack of municipal water and sewage disposal resources, the property is significantly undersized for the current business. Expansion would only aggravate this situation.

What is really going on?

-The owners state they would "like to expand to meet the desires of its customers". This implies more seating capacity, beyond the current 68. Blair Ames, who blogs for the Baltimore Sun (bames@tribune.com) quoted Lu & Joe's owner as saying he "would like to expand the restaurant's dining area from 78 seats to 160 and enlarge the kitchen area to help alleviate the waiting time on weekends".

-But, citing section 26.04.02.03 paragraph B of the Maryland Code, expansion of this facility, **under any zoning**, would be prohibited due to the legally required use of sewage holding tanks. The language in the law is very clear:

-"Holding tanks may be used to resolve existing on-site sewage disposal failures when community sewer facilities are not available or on-site repair is not possible. **They may not be permitted to serve new construction or for the purpose of adding capacity to an existing disposal system in order to accommodate a change in property use.**"

-So, if this provision of state law is to be applied, rezoning to B-1 or BR will not provide a mechanism for expansion of this establishment because clearly, the law sees this as a **public health and safety issue**.

Implications of changing zoning to B-1:

-Rezoning to B-1 would greatly enhance future business possibilities for the property, as a matter of **right**, not by exception, thus increasing the property's potential sale value

- The owners of Lu & Joe's are retirement age, increasing the probability that the business could be sold

- 51 uses and 6 accessory uses are permitted under B-1 zoning - from adult book stores to drug treatment facilities to funeral homes to commercial communication towers.

- New uses would be very easy to implement, and the surrounding community would have limited options to stop undesirable businesses

- Most of the uses under B-1 zoning would not be in the best interest of the surrounding residences, and could potentially decrease surrounding property values.

- Existing RC-DEO zoning affords the surrounding residential community more protection because new property uses are approved by special exception, and are not a matter of right by the property owner

Surrounding Properties:

- Lu & Joe's owners own both 990 and 1052 Ridge Road - creating 3 contiguous properties, including Lu & Joe's

- The properties are used as annexes for Lu & Joe's

- 990 is unoccupied and the garage is used for restaurant storage.

- A Large commercial freezer is installed in the garage of 1052 - used to store frozen goods for the restaurant.

- 1052 Ridge Road is a residence for Lu & Joe's staff

- The owners don't currently live (or vote) in Howard County. They live in Rockville, Md.

Is the Neighborhood Changing? Not Really:

- The neighborhood is becoming more residential, not less

- Six new private residences have been constructed in the immediate neighborhood since we constructed our home in 1981:

846 Ridge Road - built in 1990's

950 Ridge Road - built in 2002

960 Ridge Road - built in 2003

1084 Ridge Road - built in 1997

1125 Ridge Road - built in 2001

1195 Ridge Road - built in 1991

- One business has been added under a special exception to existing zoning:
Snell's Nursery (1987)

- Clements Sawmill, across the street from Lu & Joe's, has existed as a residence, farm and business since before comprehensive zoning was in place, more than half a century ago, and is grandfathered in.

- A horse farm was recently established on the property adjacent to Clement's Saw Mill, in keeping with the area's rural farming history

- Clearly the residential and agricultural tradition of the neighborhood is predominate

Who We Are:

- We are now an older community, many of us retired. We are more vulnerable and less able to organize and confront aggressive community changes that are not in our best interest. Fewer of us are willing or able to attend meeting such as this.

- This doesn't mean we're less worthy of fair treatment through county zoning regulations

- We want a stable community that maintains our quality of life, family values and property value

- We aren't challenging Lu & Joe's right to run a legitimate business. We want the owners to obey the laws and regulations, and we hope future owners would do the same.

- Over the years the compliance history of Lu & Joe's has been spotty - from sanitation and noise issues to periodic sign law violations

- The burden of zoning enforcement fall on the community - Howard County will only respond if we complain

- On May 2nd of this year my wife and I attended a public planning board session. I was astonished to hear that the board was impressed by the public response in favor of Lu & Joe's expansion.

- This "public response" the board referred to consisted of a petition of sorts that the business owners had patrons sign, and it mentioned only restaurant expansion, not re-zoning issues.

- We can only assume that the hundreds of people who signed the document couldn't possibly be informed regarding the full scope of the issues
- People who signed the document lived as far away as Pennsylvania and Ocean City. This was mentioned by the planning board as an impressive community response in support of the petitioners.
- Since when do people who live in other states and in distant communities have significant influence on highly local zoning matters in Howard County?
- No person living in the immediate community actually submitted written testimony in support of rezoning Lu & Joe's to B-1.
- Written testimony was submitted **against** the rezoning effort by parties in the immediate neighborhood - Pastor Tom Gue of the Mt Airy Full Gospel Church, and my wife and me.
- Pastor Gue thoughtfully researched the issue, and put the matter to a vote before the elders in his congregation. He then submitted a thoughtful letter to the Planning Board, which is included in the public record.
- I don't know Pastor Gue, and am not a member of his congregation. But I fell he acted responsibly as a community leader.
- The Department of Planning and Zoning and the Planning Board recommended maintaining RC-DEO zoning, with the caveat that if septic issues can be resolved, BR zoning would be possible.
- We take great exception to this, and feel strongly that maintaining the current RC-DEO zoning, with no possibility of B-1 or BR zoning is in the best interest of the immediate community. This will allow Lu & Joe's to continue it thriving business, while maintaining the quality of our neighborhood.
- We want our neighborhood and its residents to have a future. Please do not legislate this rezoning request. Please maintain the current RC-DEO zoning for 1024 Ridge Road.

Thank You

Randolph Wilkins
1044 Ridge Road
Mount Airy, Md 21771

(301)829-5253

raarw@verizon.net

For reference - from the Maryland State Code (26.04.02.03):

26.04.02.03 Conventional On-Site Sewage Disposal Systems.

A. When a community sewerage system is adequate and economically available to the building to be served, the Approving Authority may require a connection to the public system.

B. Holding tanks may be used to resolve existing on-site sewage disposal failures when community sewer facilities are not available or on-site repair is not possible. They may not be permitted to serve new construction or for the purpose of adding capacity to an existing disposal system in order to accommodate a change in property use. They may be permitted to serve essential public buildings as determined by the Approving Authority and the Department of the Environment on a case-by-case basis. The permission to allow a holding tank for an essential public service building shall include consideration of the following:

- (1) Whether the proposed building is directly related to and necessary to protect the public safety;
- (2) Whether the proposed building will supply any critical public service;
- (3) The volume and character of the waste to be generated, and, its ultimate disposal; and
- (4) The expected length of time the holding tank will be in service before a conventional disposal mode is available.

C. Holding tanks shall be sized to hold a minimum of 7 days effluent from the septic tank and shall be of watertight construction. The contents shall be regularly removed and disposed of as provided in this regulation. The applicant shall submit, along with the application, a maintenance contract acceptable to the Approving Authority which shall include an acceptable pumping schedule between the applicant and an approved liquid waste hauler. The Approving Authority may issue the on-site sewage disposal permit if it is determined that the issuance of the permit would be consistent with the requirements of this section and that the maintenance contract reasonably appears to provide for safe and adequate disposal of sewage to be generated, and does not otherwise prejudice the public health.

D. An on-site sewage disposal system may not serve more than one building unless specifically authorized by the Approving Authority.

E. When water under pressure is not available, all human body wastes shall be disposed of in approved privies, chemical toilets, or any other installations acceptable to the Approving Authority. These methods may not be authorized for new construction.



11

GAZETTE.NET

Hearing Wednesday on rezoning request by Lu & Joe's restaurant/bar in Mount Airy

Mount Airy business has served 'dry' Damascus

by Virginia Terhune

March 26, 2013

<http://www.gazette.net/article/20130326/NEWS/130329115/1022/hearing-wednesday-on-rezoning-request-by-lu-joe-x2019-s&template=gazette>

The owners of Lu & Joe's Mountain View Inn dining room, bar and package store on Ridge Road (Md. 27) in Mount Airy are seeking a rezoning in Howard County so the longtime business can expand.

The business, on nearly four acres at 1024 Ridge Road, originally was run by the late Lu and Joe Rogers of Damascus and dates to World War II.

Lu & Joe's is one of the stores where residents of the formerly "dry" Damascus area could buy beer, wine and hard liquor to drink on site or take out.

In November, area residents voted to allow serving beer and wine in Damascus restaurants, but voted to keep the ban on serving hard liquor in restaurants and on taking out any kind of alcohol.

The Howard County Planning Board is holding two public hearings to accept comments from the public on all rezoning applications.

Anyone from the public may speak but must register in advance.

The first hearing is scheduled for 6 p.m. on Wednesday in the Banneker Room of the Howard Bldg., 3430 Court House Drive, Ellicott City.

The second hearing is scheduled for 6 p.m. on April 8 in the Glenelg High School Auditorium at 14025 Burntwoods Road, Glenelg.

After the hearings, the Planning Board will make its recommendations to the County Council, which will make the final decisions.

If Howard County approves the rezoning request, the dining room would expand southward and the package store northward, said Columbia attorney Thomas Meachum, who represents the owners, Somsak and Pavana Chanyasulkit of Rockville.

The owners also would expand to the rear to allow more space for coolers, Meachum said.

There is enough parking to accommodate the expansion, and there would be no changes to the existing liquor license, he said. A liquor board hearing would be required, however, because the establishment is expanding.

"It would be good for the community; it's good for everybody," Somsak Chanyasulkit said.

Chanyasulkit said the area is growing and the expansion would also provide additional jobs.

Right now, he does not have enough room to cook crabs, one of the more popular menu items offered by the restaurant, Chanyasulkit wrote in the application.

“[T]he crabs are very highly thought of but there is not enough crab pots to keep the preparation of the crabs on pace with the number of customers at the Inn waiting to order them,” he wrote.

The county planning staff has recommended against granting the rezoning, saying it is not a business area.

Near the restaurant are houses along both sides of Ridge Road and two nearby businesses, D.R. Snell Nursery and C&S Inc. sawmill at Timber Ridge Farm.

Rick Snell, owner of the nursery, which has been there 25 years, said he can understand why the Lu & Joe’s owners want to expand.

“Mount Airy has grown,” he said about the increase in competitors.

Snell, 50, said he remembers passing Lu & Joe’s as a boy.

“They used to get a tremendous amount of business from Montgomery County because of the liquor laws,” he said. “The building has stayed the same, but they’ve gone through four or five owners.”

Neighbor Judy Knight, who lives immediately north of Lu & Joe’s, said groups of motorcycles sometimes make a loud noise when they leave the location, and for that reason, she is against an expansion.

“I don’t think it’s a good idea,” she said. “We’ve been here 43 years and we’ve never had a problem, but there is the noise from the motorcycles.”

But overall, she and her husband, Gene Knight, have not had problems with the business.

“They’re nice people, the bar is quiet, and families go there to eat,” Gene Knight said. “They do a good business and don’t bother anyone other than the noise.”

The business is a non-conforming use under the existing RC-DEO zoning classification, which stands for Rural Conservation-Density Exchange Option.

The existing zoning does not allow for enough square footage to adequately expand, which is why the Chanyasulkits are asking for the rezoning.

“The non-conforming use limits the amount of space,” Meachum said.

The B-1 classification, which stands for Business Local, allows other types of business uses, but Meachum said the Chanyasulkits only intent is to expand the existing business.

For more information about the application, known as amendment number 06.001, the hearing procedure and zoning regulations, visit www.howardcountymd.gov/compzoning.