

ADJOINING PROPERTY OWNERS FOR 13355 CLARKSVILLE PIKE

Bolduc Jp
13237 Westmeath Lane
Clarksville, MD 21029-1349
(40.001)
(40.005)

Baltimore Gas & Electric Co.
P.O. Box 1475
Baltimore, MD 21203-1475
(40.005)

Highland Crossing, LLC
14190 Twisting Lane
Dayton, Maryland 21036-1229
(40.001)
(40.005)

"
"

Requested Zoning

Search Street:

CLARKSVILLE PK

Property Information:

Amendment No.: 40.005

Current Zoning: B-1

Requested Zoning: B-1

Tax Account ID.: 1405362601

Map: 40

Grid: 5

Parcel: 75

Lot:

Acres: 2.23

Address: 13355 CLARKSVILLE PK

City/State/Zip: HIGHLAND, MD 20777

Owner:

Name: LISTRANI RICHARD

Email:

Phone:

Mailing Address: 23200 HOWARD CHAPEL RD

City/State/Zip: BROOKEVILLE, MD 20833

Representative:

Name: E. Alexander Adams

Email: eaa@a-alaw.com

Phone: 410-489-9888

Mailing Address: P.O. Box 358

City/State/Zip: Glenelg, MD 21738

Decision:

Planning Board Decision:

Planning Board Vote:

Council Decision:

Council Vote:

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Zoning Map Amendment Request Form

Howard County
Comprehensive Zoning Plan
 Department of Planning and Zoning

[Handwritten/Typed Version]
 Before filling out this form, please read the
 Instructions section at the end of the form.

A. Property Information (Please print or type)

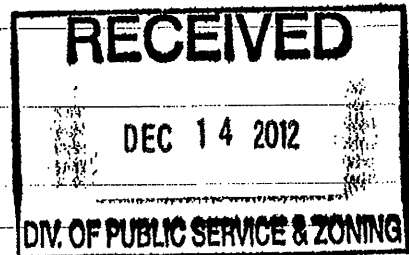
1	Address / Street (Only)	13355	<i>Clarksville Pike</i> ✓	<i>SE Route 108</i>
2	Tax Map Number	40	Grid	5 ✓
3	Parcel(s)	75 ✓		
4	Lot(s)	N/A		
5	Tax Account Data:	District	05	Account # 362601 ✓

6	Size of Property:	Acres	2.2370	Square feet	✓
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7	The Property is currently zoned:	✓ ✓ B-1 and RR (mixed)
	I request that the Property be rezoned to:	B-1 (entire parcel)

B. Owner Information

8	Owner Name	Richard & Eileen Listrani and Rene & Jeanne Gelber	<i>not listed as owners in SDAT.</i>
9	Mailing Street address or Post Office Box	23200 Howard Chapel Road	
	City, State	Brookeville, MD	
	ZIP Code	20833	
	Telephone (Main)		
	Telephone (Secondary)		
10	E-Mail		



REC. # 149451

C. Representative Information

11	Name	E. Alexander Adams
	Mailing street address or Post Office Box	PO Box 358
	City, State	Glenelg, MD
	ZIP	21738
	Telephone (Main)	410-489-9888
	Telephone (Secondary)	
	E-Mail	eea@a-alaw.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	As the Board can see from the zoning exhibit, this is an extremely challenging parcel to be able to utilize because of its triangular configuration. As currently configured, the limited B-1 zoning splits the property without any particular logic other than to include the original building being used as a tack shop. It would be virtually impossible to develop a residential use on the residential parcel while maintaining the commercial use on the existing building. Good zoning practices discourage split zoning on properties, and on the subject property with its triangular configuration, good zoning planning requires a single zoning category.
	SEE ATTACHED CONTINUATION SHEET.

Additional Owner signatures

G. Signatures

15

Owner RENE L. GELBER

(3) Rene L Gelber

Date: 12/14/2012

Owner (4) JEANNE M. GELBER
Jeanne M. Gelber

Date: 12/14/2012

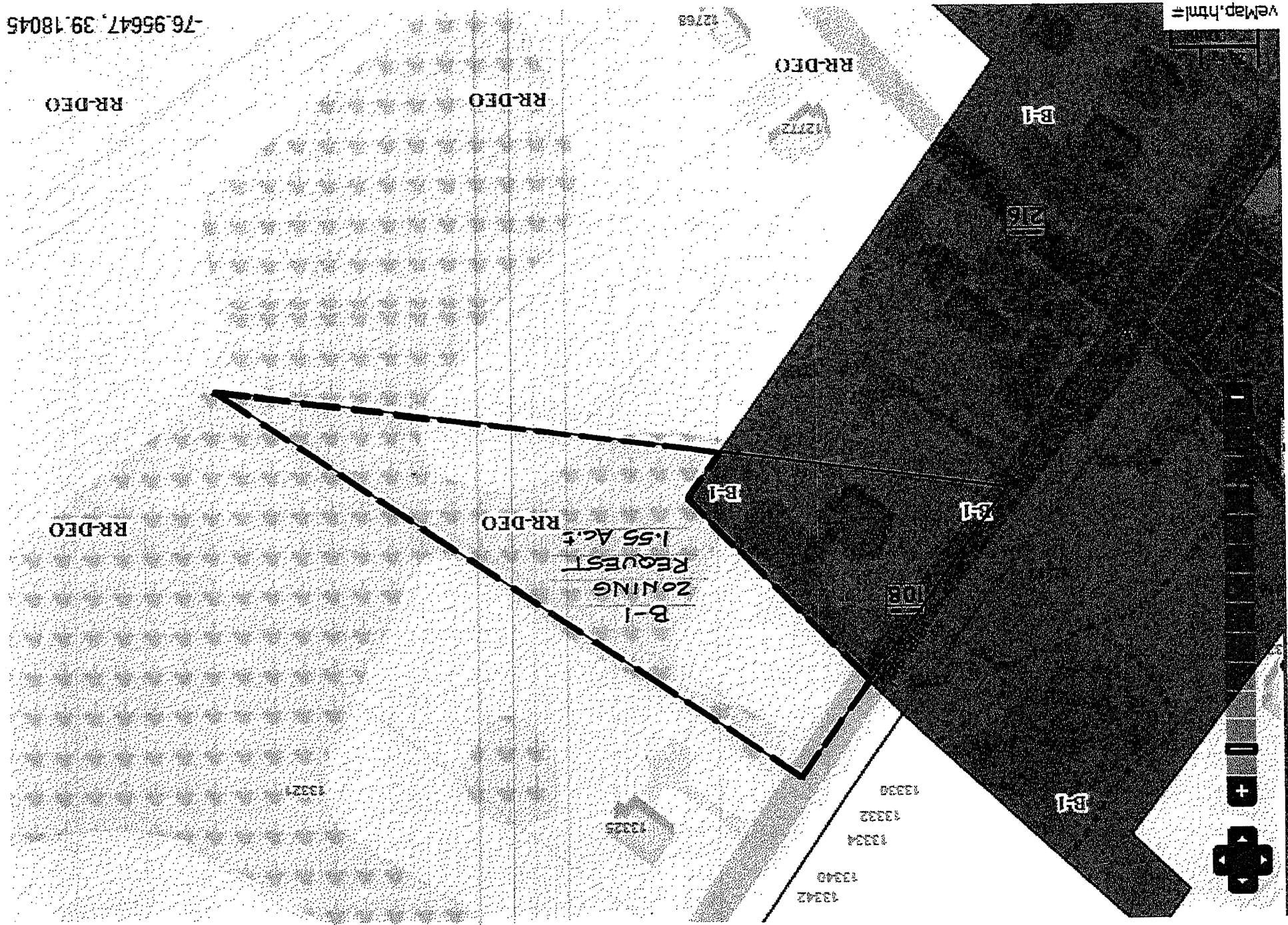
#13 (Continuation)

In this case it is suggested to the Board, pursuant to section 128.A.7 Highland Bulk Regulations, that the existing B-1 zoning be extended to the entire triangle parcel. B-1 zoning for the entire parcel would be most appropriate and consistent with the site (less than 500 feet from northern property boundary to the Rt. 108/216 intersection, or one-half of the referenced 1,000 foot overlay concept) and the forgoing regulations. The quandary in utilizing the entire property is the sharp point of the triangle. Current regulations and the need for rain garden areas/drain fields could easily be accommodated in the sharp point, thus enhancing the usability of the property, given that footprints for additional space are in effect compromised by the lot boundary setback requirements in conjunction with the lot configuration. No buildings could be constructed near the point because of lack of lot width and setback requirements.

In order to be able to fully utilize the gross area of the subject property it would be very important to have B-1 zoning extended for the entire parcel. Such an extension would be consistent with Section 128.A.7. In the light of recent commercial activity within 1,000 feet of the intersection, certain zoning synergies could enhance all landowners' enterprises for the benefit of the community. This Route 108/216 intersection is ideally situated to responsibly provide more small business opportunities for the community yet retain the distinctive rural neighborhood.

The current limited B-1 area leaves virtually no room for expansion of the existing B-1 use. The residential portion is impractical and inconsistent with good zoning practice to tuck a single residence behind the existing B-1 use. As an aside a BR classification for this parcel would be unusable because of the current significant setback requirements for that classification.

G:\Transferred Docs\RP\graypony-cont





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Account Identifier: District - 05 Account Number - 362601

Owner Information

Owner Name: LISTRANI RICHARD
 LISTRANI EILBEN ET AL
Use: COMMERCIAL
Principal Residence: NO
Mailing Address: 23200 HOWARD CHAPEL RD
 BROOKEVILLE MD 20833-1318
Deed Reference: 1)/02173/ 00430
 2)

Location & Structure Information

Premises Address
 13355 SE ROUTE 108
 HIGHLAND 20777-0000
Legal Description
 2.2370 A
 13335 ROUTE 108
 HIGHLAND

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No: Plat Ref:
0040	0005	0075		0000				2	

Special Tax Areas
Town NONE
Ad Valorem 100
Tax Class

Primary Structure Built 1922
Enclosed Area 2185
Property Land Area 2.2300 AC
County Use

Stories
Basement
Type RETAIL STORE
Exterior

Value Information

	Base Value	Value As Of 01/01/2011	Phase-in Assessments	
			As Of 07/01/2012	As Of 07/01/2013
Land	707,900	332,300		
Improvements:	107,500	117,700		
Total:	815,400	450,000	450,000	450,000
Preferential Land:	0			0

Transfer Information

Seller: LISTRANI RICHARD
Type: NON-ARMS LENGTH OTHER
Date: 06/09/1999
Deed1: /02173/ 00430
Price: \$0
Deed2:
Seller: RILEY ALAN W
Type: ARMS LENGTH IMPROVED
Date: 05/21/1990
Deed1: /04772/ 00265
Price: \$450,000
Deed2:
Seller: PARLETT WINIFRED S
Type: ARMS LENGTH IMPROVED
Date: 01/16/1985
Deed1: /01319/ 00317
Price: \$165,000
Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2012	07/01/2013
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00

Tax Exempt:
Exempt Class: Special Tax Recapture:
 NONE

Homestead Application Information

Homestead Application Status: No Application



Howard County Council

George Howard Building
3503 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

Mr. Richard Listrani
23200 Howard Chapel Road
Brookeville, MD 20833

Dear Mr. Listrani:

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.

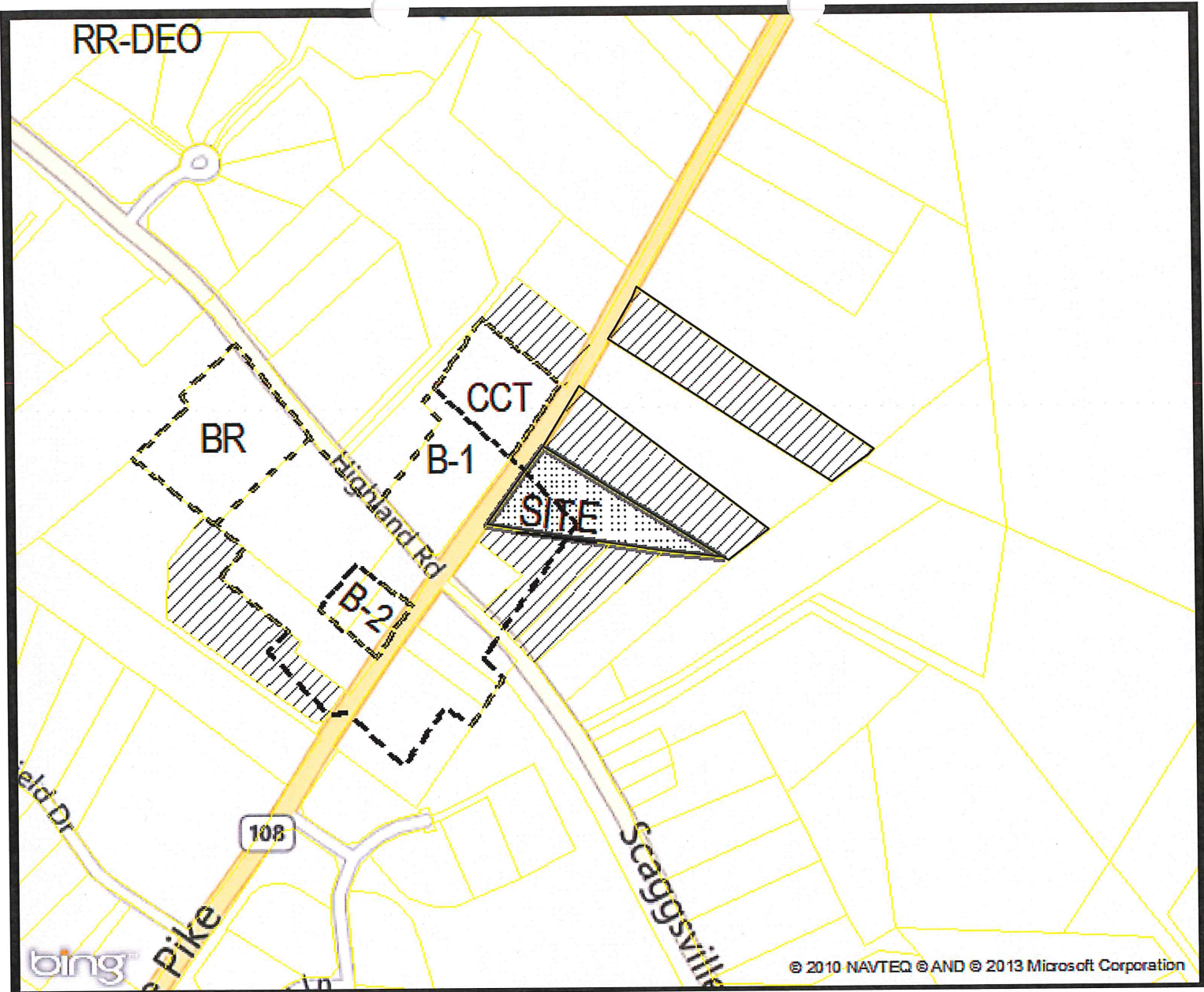
Please be advised that on March 7, 2013, the Howard County Ethics Commission determined that the Zoning Map Request Form needs to be accompanied by certain affidavits and disclosures. The Commission also determined that the Zoning Regulation Amendment Form needs to be accompanied by certain affidavits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



1	2	3	4	5		
6	7	8	9	10	11	
12	13	14	15	16	17	18
19	20	21	22	23	24	25
	27	28	29	30	31	32
	33	34	35	36	37	38
	39	40	41	42	43	44
		45	46	47	48	
				49		



Zoning Map General Plan Amendment: 40.005 Tax ID: 1405362601
 Current Zoning: RR-DEO / B-1 Council District: 4
 Tax Map: 40 Grid: 5 Parcel: 75 Lot: N/A
 Address: 13355 CLARKSVILLE PK

40.005

Made cc
Robin
maurke

Grey Pony - 40.005

2.23 acre split zoned property - .68 acres zoned B-1 and 1.55 acres zoned RR

1. DMZ's comment is wrong about the property being in residential use. See attached Tax Card (Exhibit A) and testimony of Owners.
2. DMZ's comments about 40.003 and 40.008 apply **exactly and equally** to the subject property 40.005. Those comments should be apply equally to all three properties. See Exhibit B - summary of recommendations. Also parcel 40.002 (south west of intersection bordering Boardman's in the rear) is a split zoned B-1/RR parcel with the same comment "B-1 allows expansion" as 40.003 (not a split zoned property- totally RR).
3. In addition to the comments about 40.003 and 40.008, across the street is currently a CCT Community Center Transition district ,which is analogous to B-1 zoning; it's north eastern boundary is northeast (towards Clarksville on 108) of the north east B-1 boundary of the Grey Pony. Thus there is effectively commercial zoning northeast of the northeast boundary line of the subject property. See current Highland zoning map, Exhibit C.
4. The subject property's northern most boundary is less than 500 feet to the Rt. 108/Rt. 216 intersection, in accord with Section 128.A.7 *Highland Bulk Regulations*, and thus is well within the 1,000 foot limitation.
5. Assuming the Council grants B-1 zoning to 40.003 and 40.008 you will have extended B-1 zoning northeast and southeast of the existing B-1 boundary of the subject property thus, there is no rationale for not granting B-1 zoning for the subject property.

6. If the position of the Council is that the extension of B-1 zoning for parcel 40.003 is the limit for B-1 zoning at this time our *Exhibit D* shows a modification of our original request (Exhibit E) to cut off our original B-1 request from extending all the way to the end of the triangle. I would point out however that leaving that small triangle RR does not make any logical zoning sense, because that triangle cannot be utilized for any residential purpose since it would only be 1/10+/- of an acre. It would make much more sense to include that small triangle in the B-1 designation so it could be utilized, for example, for storm water management since actual construction or even parking in that area probably would not work out.
7. Given the proposed treatment of parcels 40.003 and 40.008, the CCT zoning across the street, which extends northeast of the subject property's northeast boundary (towards Clarksville), rezoning the entire parcel (40.005) to B-1 is the most logical and correct zoning decision.

Exhibits

1. Exhibit A: SDAT Tax Card showing non-residential assessment
2. Exhibit B: Summary of DPZ/Planning Board recommendations
3. Exhibit C: Current Highland zoning map
4. Exhibit D: Modified zoning request
5. Exhibit E: Original zoning request

G:\Transferred Docs\MISC\Grey pony.argument 6-17.docx

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[Registration](#)

Account Identifier: District - 05 Account Number - 362601

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Owner Name: LISTRANI RICHARD
 LISTRANI EILEEN ET AL
Use: COMMERCIAL
Principal Residence: NO
Mailing Address: 23200 HOWARD CHAPEL RD
 BROOKEVILLE MD 20833-1318
Deed Reference: 1) /02173/ 00430
 2)

Location & Structure Information

Premises Address 13355 SE ROUTE 108
 HIGHLAND 20777-0000
Legal Description 2.2370 A
 13335 ROUTE 108
 HIGHLAND

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No: Plat Ref:
0040	0005	0075		0000				2	

Special Tax Areas
Town NONE
Ad Valorem 100
Tax Class

Primary Structure Built 1922
Enclosed Area 2185
Property Land Area 2.2300 AC
County Use

Stories RETAIL STORE
Basement
Type
Exterior

Value Information

	Base Value	Value	Phase-in Assessments		
			As Of 01/01/2011	As Of 07/01/2012	As Of 07/01/2013
Land	707,900	332,300			
Improvements:	107,500	117,700			
Total:	815,400	450,000	450,000	450,000	
Preferential Land:	0			0	

Transfer Information

Seller: LISTRANI RICHARD
Type: NON-ARMS LENGTH OTHER
Date: 06/09/1999
Deed1: /02173/ 00430
Price: \$0
Deed2:
Seller: RILEY ALAN W
Type: ARMS LENGTH IMPROVED
Date: 05/21/1990
Deed1: /04772/ 00265
Price: \$450,000
Deed2:
Seller: PARLETT WINIFRED S
Type: ARMS LENGTH IMPROVED
Date: 01/16/1985
Deed1: /01319/ 00317
Price: \$165,000
Deed2:

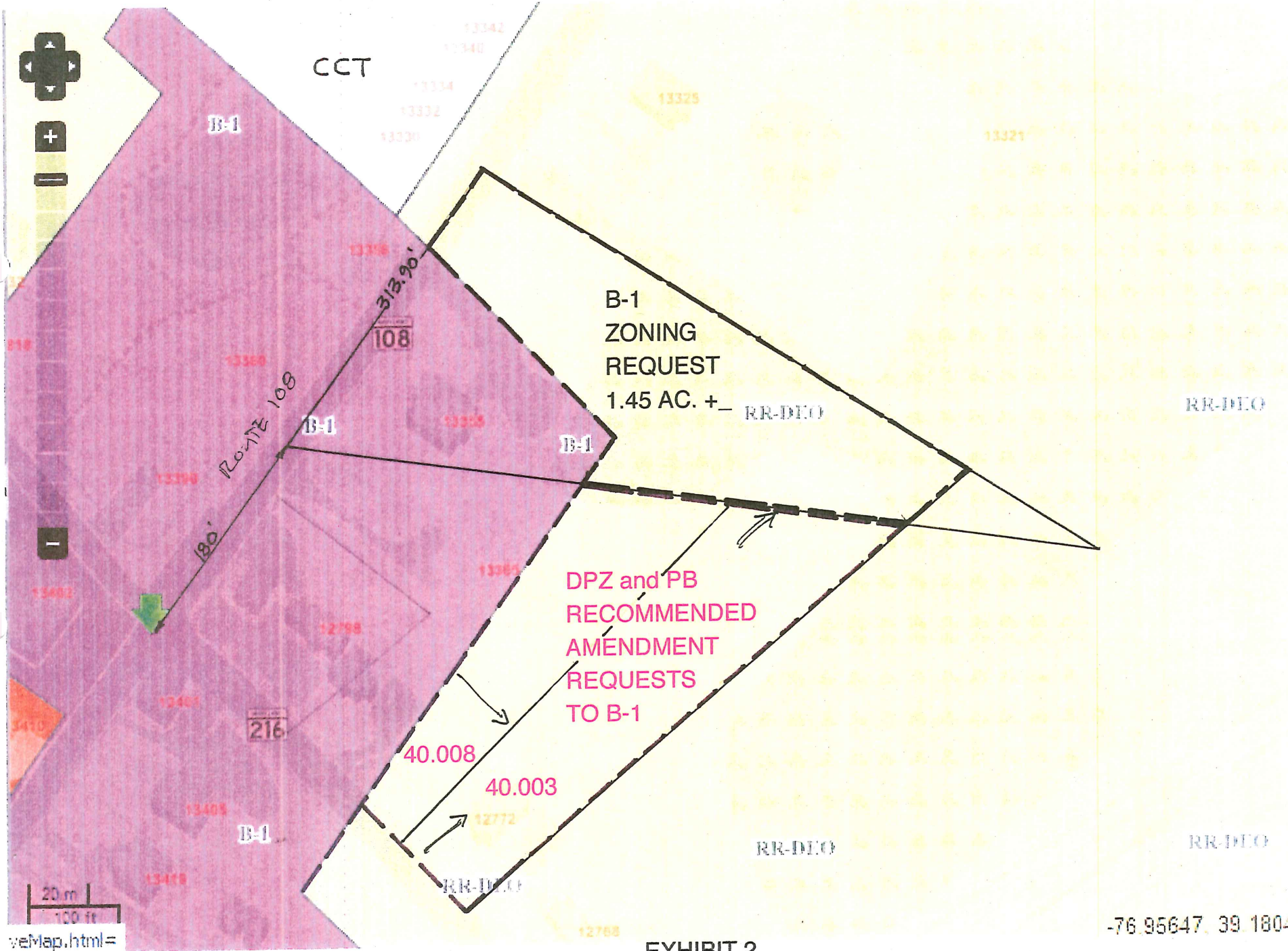
Exemption Information

Partial Exempt Assessments	Class	07/01/2012	07/01/2013
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00

Amendment Number	Property Address	Acres	Current Zoning	Requested Zoning	DPZ Notes	DPZ Recommendation	Planning Board Recommendation	Planning Board Notes
40.003	12772 SCAGGSVILLE RD	1.14	RR-DEO	B-1	Existing CU for beauty salon; B-1 allows expansion.	B-1	B-1	5-0
40.005	13355 CLARKSVILLE PK	2.23	B-1 & RR-DEO	B-1	Split zoned but currently in residential use; BRX option.	B-1 & RR	B-1 & RR	4-0 Keep the current zoning and considering BRX for a specific proposal.
40.008	13365 Clarksville Pike	1.47	B-1/RR	N/A	Split zoned; adjoins 40.003	B-1	B-1	5-0
40.002	13454 CLARKSVILLE PK	2.8	RR-DEO/B-1	B-1	Split zoned; B-1 allows expansion.	B-1	B-1	5-0

EXHIBIT B

GREY PONY SADDLERY AMENDMENT NO. 40.005

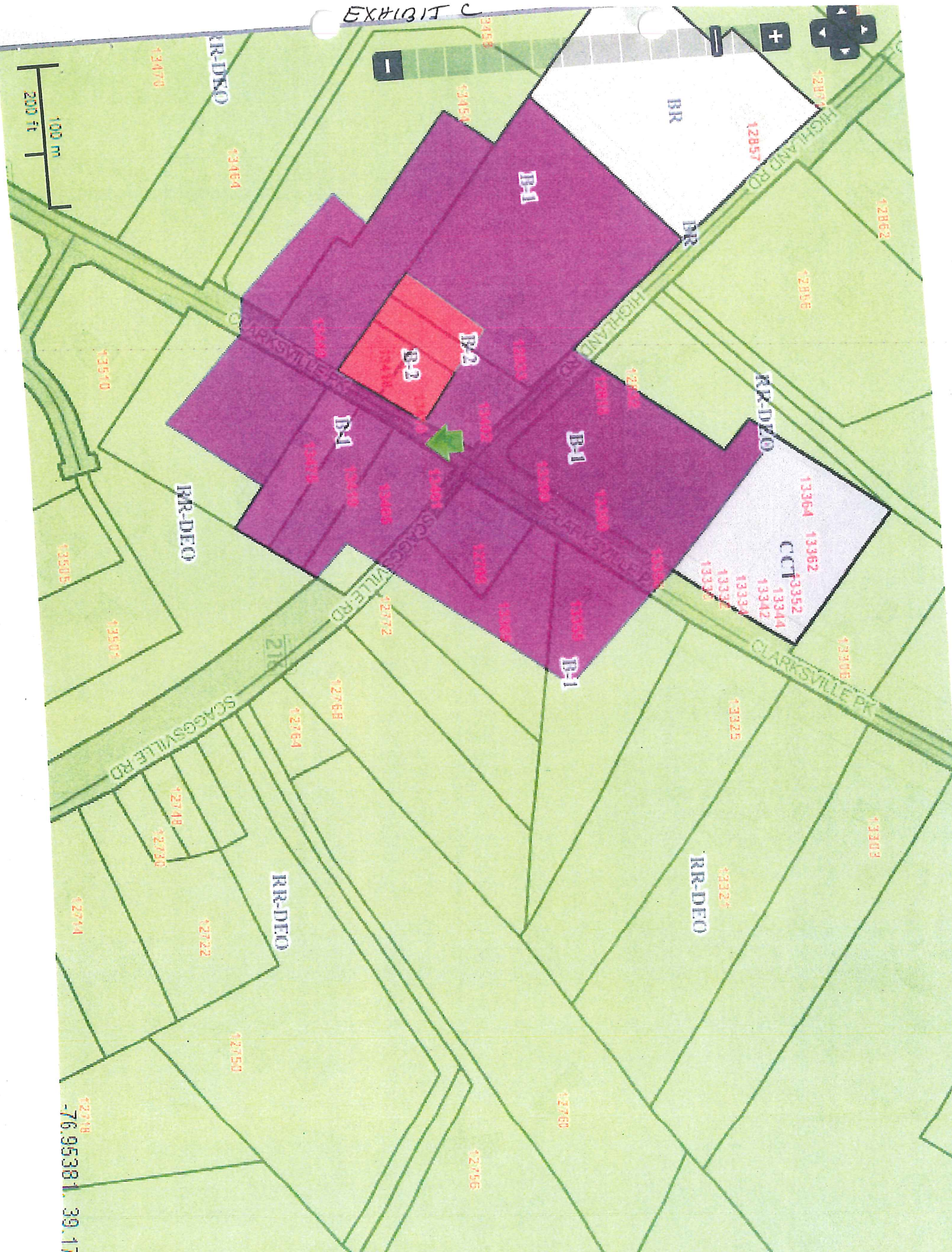
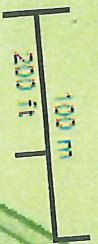


veMap.html=

EXHIBIT 2

-76 95647 39 18045

EXHIBIT C



RR-DEO

BR

RR-D/O

RR-DEO

RR-DEO

B-1

B-2

B-3

B-1

B-1

B-1

RR-DEO

13470

13464

13510

13505

13505

12745

12735

12714

12722

12750

12718

13458

13458

13440

13440

13440

13440

13440

12772

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12745

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12904

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12886

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12874

12868

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12856

13364

13362

13352

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13312

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13325

13325

12760

12756

76.95381, 39.17966

GREY PONY SADDLERY AMENDMENT NO. 40.005

EXHIBIT D



veMap.html=

CCT

B-1

B-1

B-1

B-1

B-1
ZONING
REQUEST
1.45 AC. +/- RR-DEO

DPZ and PB
RECOMMENDED
AMENDMENT
REQUESTS
TO B-1

13342
13340
13334
13332
13330

13325

13321

RR-DEO

13350

13356

108

13358

13390

180'

13365

12798

40.008

40.003

13401

216

13406

RR-DEO

RR-DEO

RR-DEO

13418

12768

-76.95647, 39.18045

EXHIBIT 2

Regner, Robin

From: Tolliver, Sheila
Sent: Thursday, June 20, 2013 11:17 AM
To: Regner, Robin
Subject: FW: Highland Map Amendments and The Expanded PSA
Attachments: BRX Map GHCA 130326.pdf

From: DanielOL@aol.com [mailto:DanielOL@aol.com]
Sent: Thursday, June 20, 2013 10:26 AM
To: CouncilMail; Knight, Karen
Subject: Highland Map Amendments and The Expanded PSA



June 20, 2013

Dear Council Members:

Thank you for your attention to my remarks last night. I hope you will find the following summary useful in your deliberations.

Actually, GHCA supported a modified BRX with NO map amendments, which option we chose when queried by DPZ. We will address BRX Monday under text amendments in the West.

Map #s 40.001 thru 40.007, Highland Crossroads: We support only one of them in order to allow the adjoining property to be eligible for BRX rather than B-1. (See Exhibit 1 attached)

- 40.004, 005 & 007: All of these lots (actually 4 lots) are on the NE side of 108. We strongly support DPZ's recommendation for denial. There is no demand for commercial space in Highland. There are still vacancies in Highland Crossing across 108, and 40.005 (Grey Pony) would still qualify for BRX.
- 40.001: This is a bald attempt to do an end-run around an existing BOA ruling against a nursing home proposal. The case is under judicial appeal. {According to Mr. Sun's testimony, there is no vested interest in this property because the BOA ruled against. Council is free act as it wishes, but a vote in favor of this amendment would be a vote to over-rule the BOA} Intervention by Council action is inappropriate and undermines a conditional use process that is already under heavy criticism.

- 40.002: This lot on the SW quadrant adjoins a lot by the same owner that was converted to B-1 in the last round. It is roughly 85% RR (see Exhibit 1). Only a tiny sliver of the old B-1 remains and should have been removed in 2004. Please read the letter to the Planning Board by the adjoining owners, the Messiers, about illegal commercial use. We strongly oppose it and recommend RR-DEO for the entire lot to clear up the issue. If expansion is needed it would qualify for BRX
- 40.008: We recommend adoption of B-1 to clear up the split zoning and to allow Ms. Caswell to apply for BRX status in lieu of the last amendment below: 40.003.
- 40.003: We would prefer to support a BRX proposal if 40.008 were granted.

Finally, we oppose map amendments 34.001-004, the Hoddinot property and 46.002, the Maple lawn property, both for the same reason: the PSA was improperly expanded under the General Plan. Even if it was legal, it was terrible public policy and procedure. It was never properly announced, explained or properly debated. We respectfully suggest the Council remove the PSA expansion from the GP, and take it up at a later date such as what was done in COMP LITE in 2004. It is too important an issue to have been passed under questionable procedures, Please correct this mistake.

Dan O'Leary, President
301 854 9424

Regner, Robin

From: Tolliver, Sheila
Sent: Monday, June 24, 2013 7:50 AM
To: Rene L Gelber
Cc: Regner, Robin
Subject: RE: Case #40.005, zoning appeal

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>

-----Original Message-----

From: Rene L Gelber [<mailto:RLGMD1@gelber.comcastbiz.net>]
Sent: Sunday, June 23, 2013 5:43 PM
To: CouncilMail
Subject: Case #40.005, zoning appeal

6-23-2013

For DPZ review: Case #/parcel 40-005, Highland, MD
From: Dr. Rene' Gelber, co-owner of this parcel
13550 Allnutt Lane
Highland, MD 20777-9745
301 919 2615

This is a brief summary of my oral presentation to the DPZ at its meeting on Wednesday, 6-12-2013.

This parcel, which houses the Grey Pony Saddlery, is located in Highland, MD, just off the intersection of Routes 216 and 108. The parcel is presently split-zoned, a 0.687 acre commercial parcel (30% of the total property) which fronts on 108, with the remaining 1.55 acres (70%) zoned residential. The total parcel is 2.237 acres.

We are requesting that the entire parcel be re-zoned commercial.

At a preliminary hearing several months ago DPZ denied this request and upheld the present split-zoning status on the understanding that this parcel has been in residential use.

1. This understanding is not correct. This parcel has been in pure commercial use for at least the past 33 years.
2. There is no commercial/residential conflict in this location. The entire area is commercial. Boarman's Market and the Highland Groomery are steps away. The Serendipity Boutique and a BGE power station adjoin this parcel and the

Highland Crossing commercial center is directly across the street (Twist 'N Turn Tavern, realty center, liquor store, laundry, Subway, hair salon, multiple offices).

3. The DPZ has clearly acknowledged the commercial status of this area and has allowed two adjacent parcels (BGE and James Caswell) to extend their commercial space into previously residential parcels, and both of these commercial extensions touch the 40-005 property line. It is simply illogical to allow these commercial extensions yet maintain split-zoning for the adjacent 40-005 parcel, which, as I have noted, is already in full commercial use in a fully commercial area.

4. The existing split zoning creates nearly unworkable constraints on the property use - on issues such as parking, storm water management, and required setbacks.

5. In conclusion: conversion of parcel 40-005 to total commercial use is consistent with the existing commercial use of this parcel and the adjacent area and does not remotely interfere or conflict in anyway with any residential interests.

My thanks for your consideration.

René L. Gelber, MD
rlgmd1@gmail.com

40.005

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, 3:37:56 PM EDT
To: "Tolliver, Sheila" <STolliver@howardcountymd.gov>
Subject: FW:

From: Marsha McLaughlin <MMcLaughlin@howardcountymd.gov>
Date: Fri, 5 Jul 2013 18:00:50 -0400
To: Alec <aaa@a-alaw.com>
Subject: RE:

We will do an amendment to the map for Watermont. Council discussed Grey Pony at work session today, and I said I don't object. Expect Council will do an amendment.

From: Alec [mailto:aaa@a-alaw.com]
Sent: Friday, July 05, 2013 10:22 AM
To: McLaughlin, Marsha
Subject:

Hi Marsha: We recently discussed 40.005 (Grey Pony Highland) and Watermont Center (31.001 – I sent you a revised exhibit from the engineer encompassing the existing SWM pond for the center). I see the final vote is scheduled for the 25th.

Has DPZ sent revised comments on either parcel?

Thanks.

Alec

E. Alexander Adams
Adams & Adams
PO Box 358
Glennlg, MD 21737
Phone: 410-489-9888
Fax: 410-489-9886
E-mail: aaa@a-alaw.com