

ADJOINING PROPERTY OWNERS FOR 9071 UPTON ROAD

Richard Brame
Jessica Woofter
9081 Upton Road
Ellicott City, MD 21042-2607
(24.002)(24.001)(24.004)

RP LLC
5300 Dorsey Hall Dr., Suite 102
Ellicott City, MD 21042-7819
(24.002)(24.001)(24.004)

"
"

Requested Zoning

Search Street:

UPTON RD

Next

Property Information:

Amendment No.: 24.004

Current Zoning: R-20

Requested Zoning: R-SA-8

Tax Account ID.: 1402243199

Map: 24

Grid: 5

Parcel: 40

Lot:

Acres: 0.491

Address: 9071 UPTON RD

City/State/Zip: ELLICOTT CITY, MD 21042

Owner:

Name: BALDWIN LEONARD RYAN JR

Email: lrb21474@yahoo.com

Phone: 410-203-1378

Mailing Address: 9071 UPTON RD

City/State/Zip: ELLICOTT CITY, MD 21042

Representative:

Name:

Email:

Phone:

Mailing Address:

City/State/Zip:

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)	9071	Upton Road
2	Tax Map Number	24	Grid 5
3	Parcel(s)	0040	
4	Lot(s)		
5	Tax Account Data:	District 02	Account # 243199
6	Size of Property:	Acres .491	Square feet
7	The Property is currently zoned:	R-20	
	I request that the Property be rezoned to:	RSA8 or alternatively RSC	

B. Owner Information

8	Owner Name	Leonard Baldwin
9	Mailing street address or Post Office Box	9071 Upton Road
	City, State	Ellicott City, MD
	ZIP Code	21042-2607
	Telephone (Main)	410-203-1378
	Telephone (Secondary)	410-220-7729
	Fax	
10	E-Mail	Lrb21474@yahoo.com



C. Representative Information

11	Name	N/A
	Mailing street address or Post Office Box	
	City, State	
	ZIP	
	Telephone (Main)	

C. Representative Information

	Telephone (Secondary)
	Fax
	E-Mail
12	Association with Owner

D. Alternate Contact [If Any]

	Name
	Telephone
	E-Mail

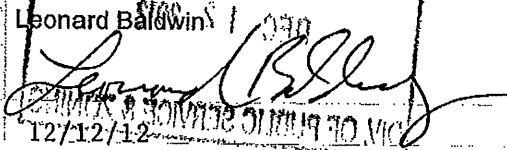
E. Explanation of the Basis / Justification for the Requested Rezoning

13	The Baldwin property needs a transitional residential zoning district between R-20 and POR/B-1. I adopt the Manahan submission except as follows: I request RSA-8 zoning or as an alternative RSC zoning.
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F. List of Attachments/Exhibits


14	Exhibit 1 - Extract of Howard County GIS Map Exhibit 2 - Tax Map Exhibit 3 - Zoning Map
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G. Signatures

15	Owner Leonard Baldwin	Owner (2)
		
	Date 12/12/12	Date

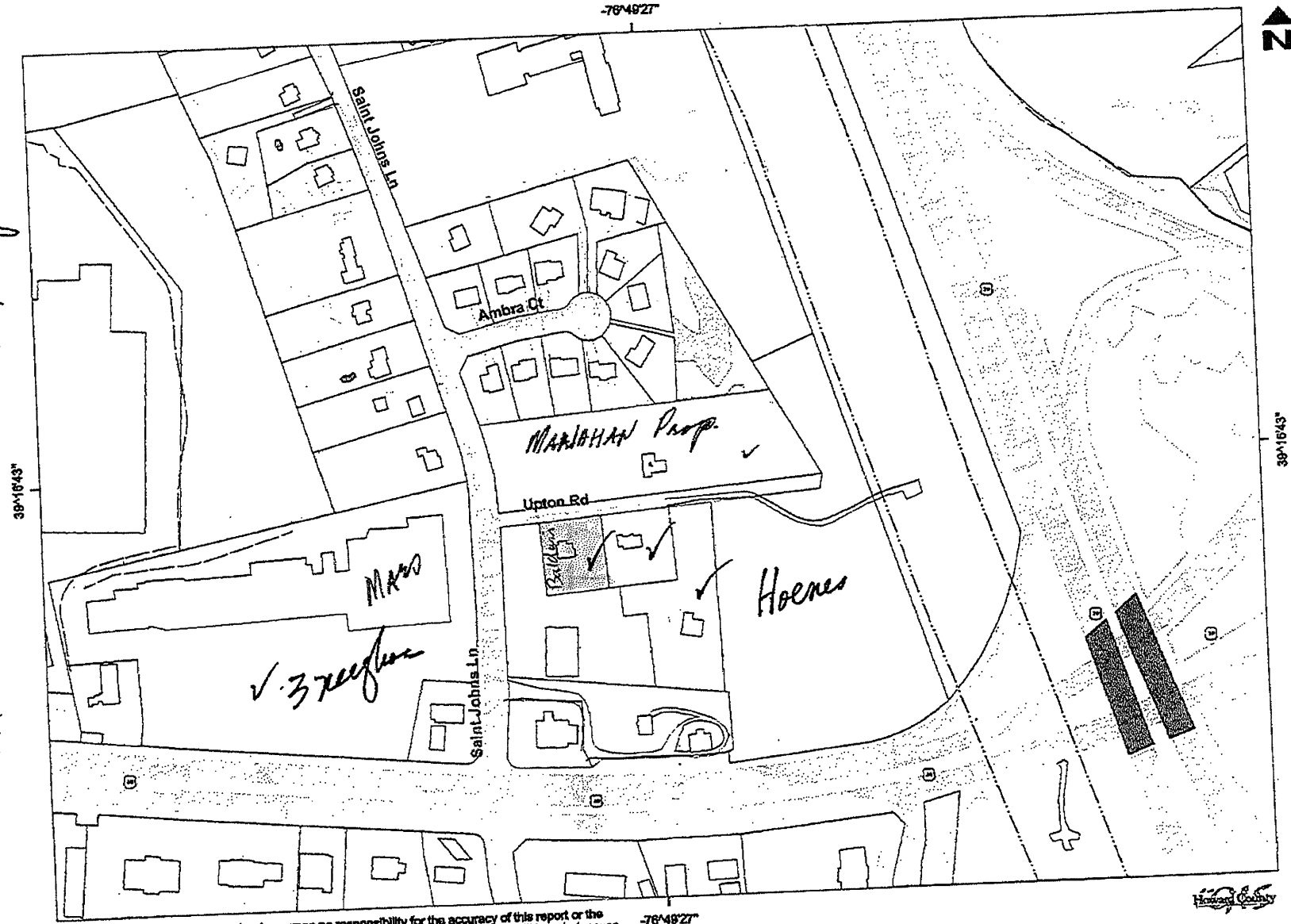
☐ Additional owner signatures? X the box to the left and attach a separate signature page.

16	Representative Signature
	Date

DPZ Use Only		Amendment No.	24.004
Notes			

72/13 parcel

EXHIBIT 1



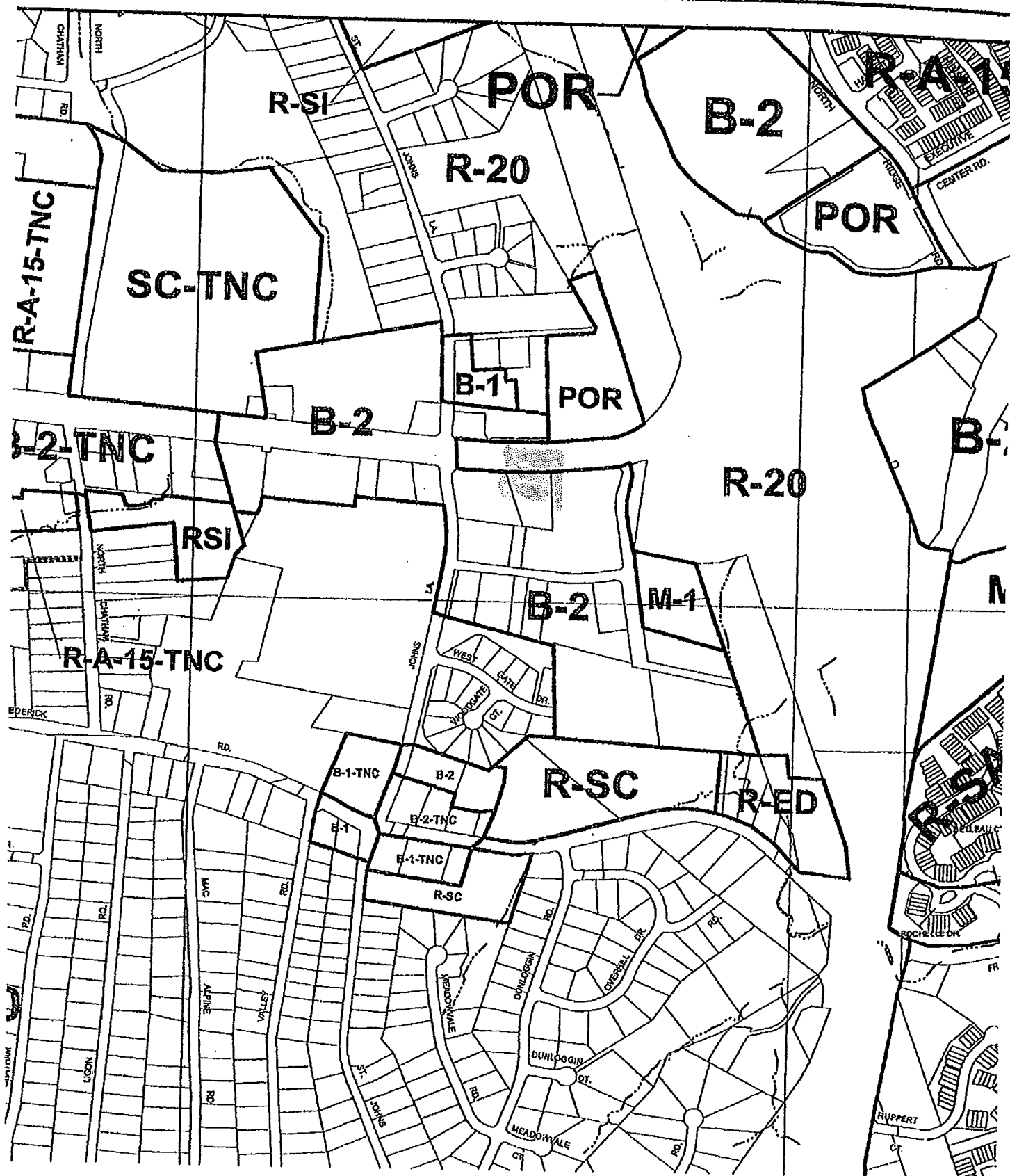
Disclaimer: Howard County, Maryland assumes no responsibility for the accuracy of this report or the information contained herein or derived therefrom. The user assumes all risks and liabilities whatsoever resulting from or arising out of the use of this information. There are no oral agreements or warranties relating to the use of this report.

Howard County
MARYLAND

Manahan

Name: Baldwin
Address: 9071 Upton Rd.
Map Width: 2,640.00 ft.
Print Date: 7/2/2009

Ex 2





VARIANCE PLAN

DATE: 10/10/2011
PROJECT NO.: 2011

PROJECT: UPTON ROAD
ADDRESS: 1100 UPTON ROAD
CITY: BALTIMORE, MD 21202

ENGINEERING, INC.

SCALE: AS SHOWN

PROPOSED LOT AREA

Lot	Area (sq. ft.)	Area (sq. ft.)
1	1,100	1,100
2	1,100	1,100
3	1,100	1,100
4	1,100	1,100
5	1,100	1,100
6	1,100	1,100
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46	1,100	1,100
47	1,100	1,100
48	1,100	1,100
49	1,100	1,100
50	1,100	1,100

PROPOSED LOT AREA

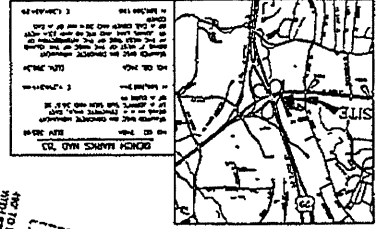
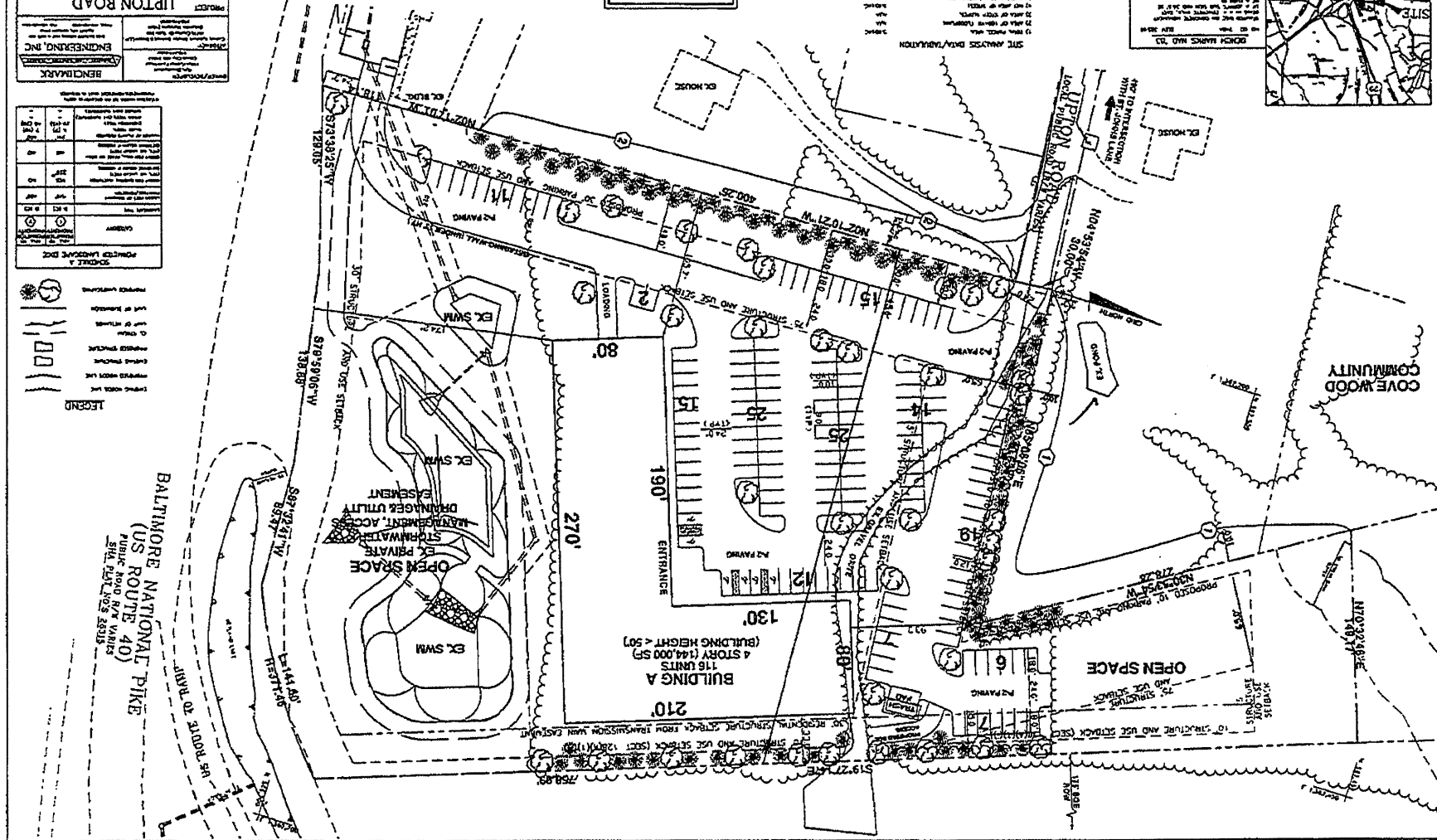
Lot	Area (sq. ft.)	Area (sq. ft.)
1	1,100	1,100
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49	1,100	1,100
50	1,100	1,100

VARIANCES REQUESTED

ADJACENT	REQUESTED	DIFFERENCE
455	455	0'
41	41	0'

PLAN

SCALE: 1" = 30'



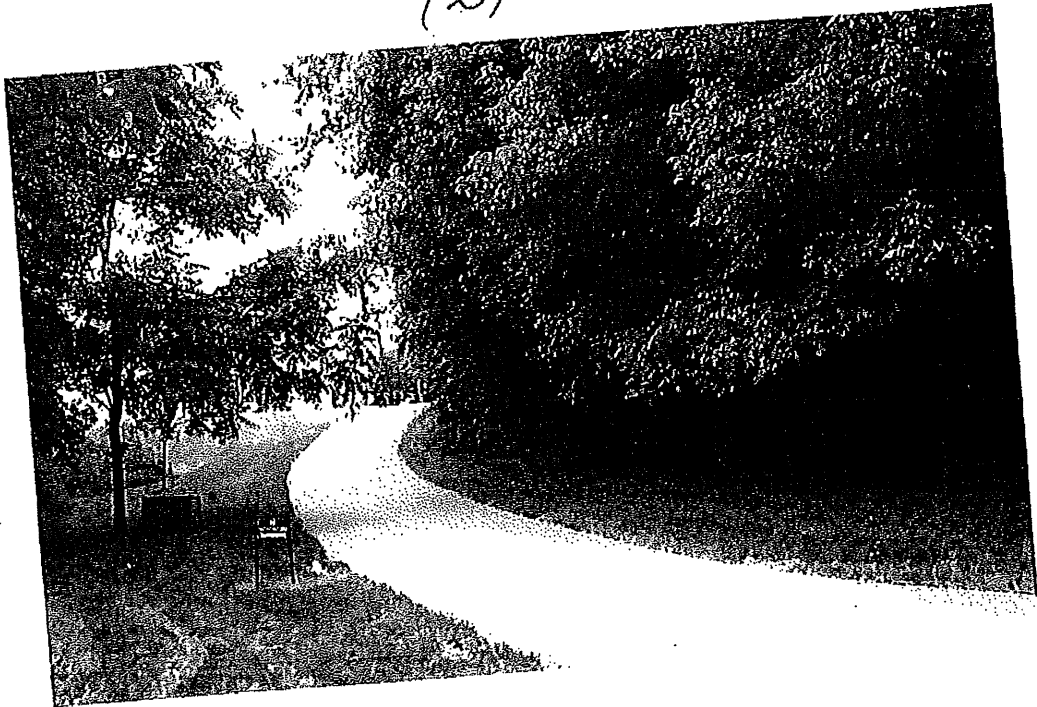
Ex 4.

(16)



Looking northeast across Manahan property

(17)



Looking up the driveway of
Choi residence on Upton Road

(M)



Looking east across St. John's Lane
from Ambra Court

(9)



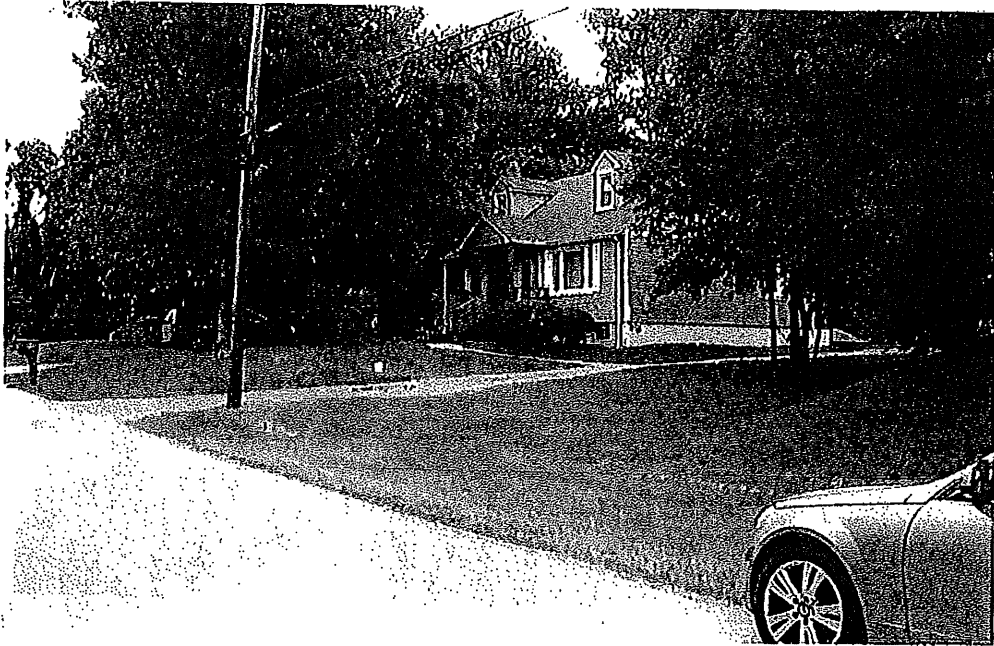
Looking east across Manahan property

(h)



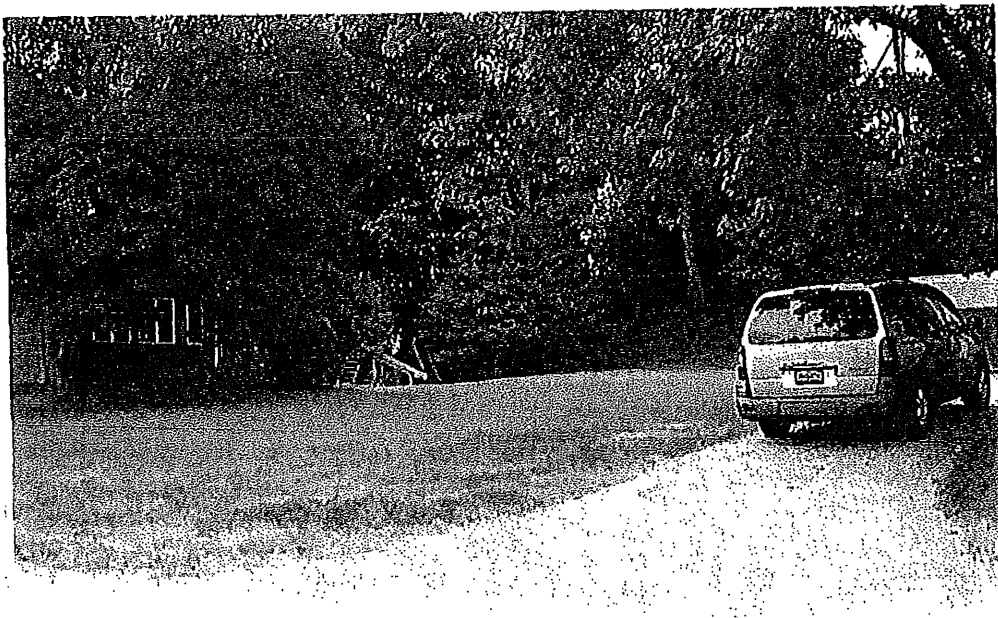
Looking east from Upton and St. John's Lane

(2)



Looking southeast from Upton Road at Baldwin
residence

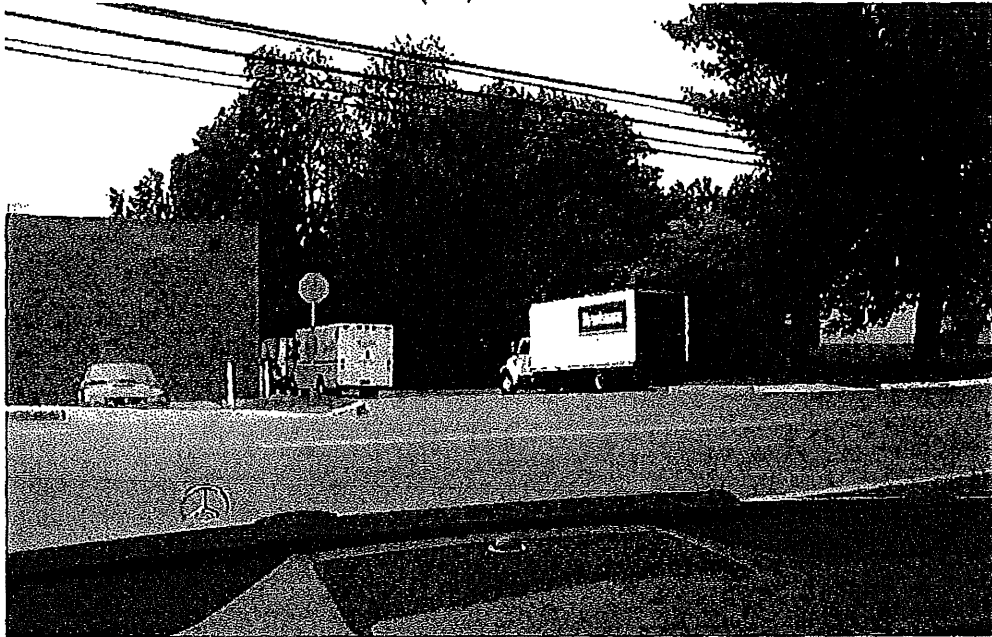
(1)



Looking south across Upton Road at
Brame residence

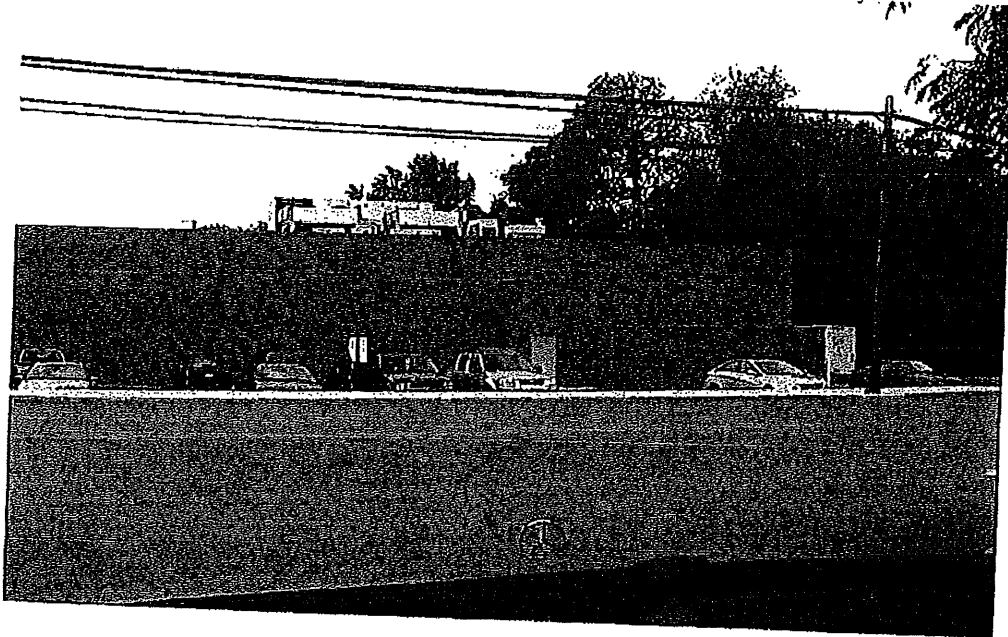
$$5 \times 3$$

EXHIBIT 6
(a)



Looking across Upon Road toward
St. John's Shopping Center

(b)



Looking across Upton Road toward
St. John's Shopping Center



Chapter 2: Vision for the Future

The Route 40 Task Force used the the policies in General Plan 2000, the facts from the Route 40 Characterization Report, the outcomes from a strategic planning exercise, and the findings of the Route 40 Market Study to develop goals for the future of the corridor. The Vision for Route 40, based on the Task Force goals, is an economically vibrant corridor that is accessible by many modes of transportation and that has identifiable centers reflective of the corridor's historic context and landscape.

General Plan 2000

General Plan 2000 makes several specific recommendations about commercial areas in Howard County. These recommendations can be found in Chapter 5: Community Conservation and Enhancement. The policy statements from *General Plan 2000* related to commercial corridors helped provide a context for the Route 40 Task Force members as they worked to develop their vision for the corridor.

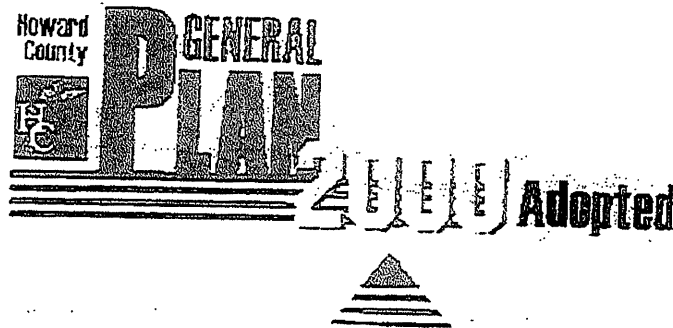


Figure 4: General Plan 2000 set the stage for this plan.

Goals

- Create vibrant, mixed use, pedestrian-oriented centers.
- Promote transit to increase mobility and offer an alternative to the private automobile.
- Improve the design of commercial areas.
- Coordinate with other Community Enhancement Programs.

Route 40 Characterization Report

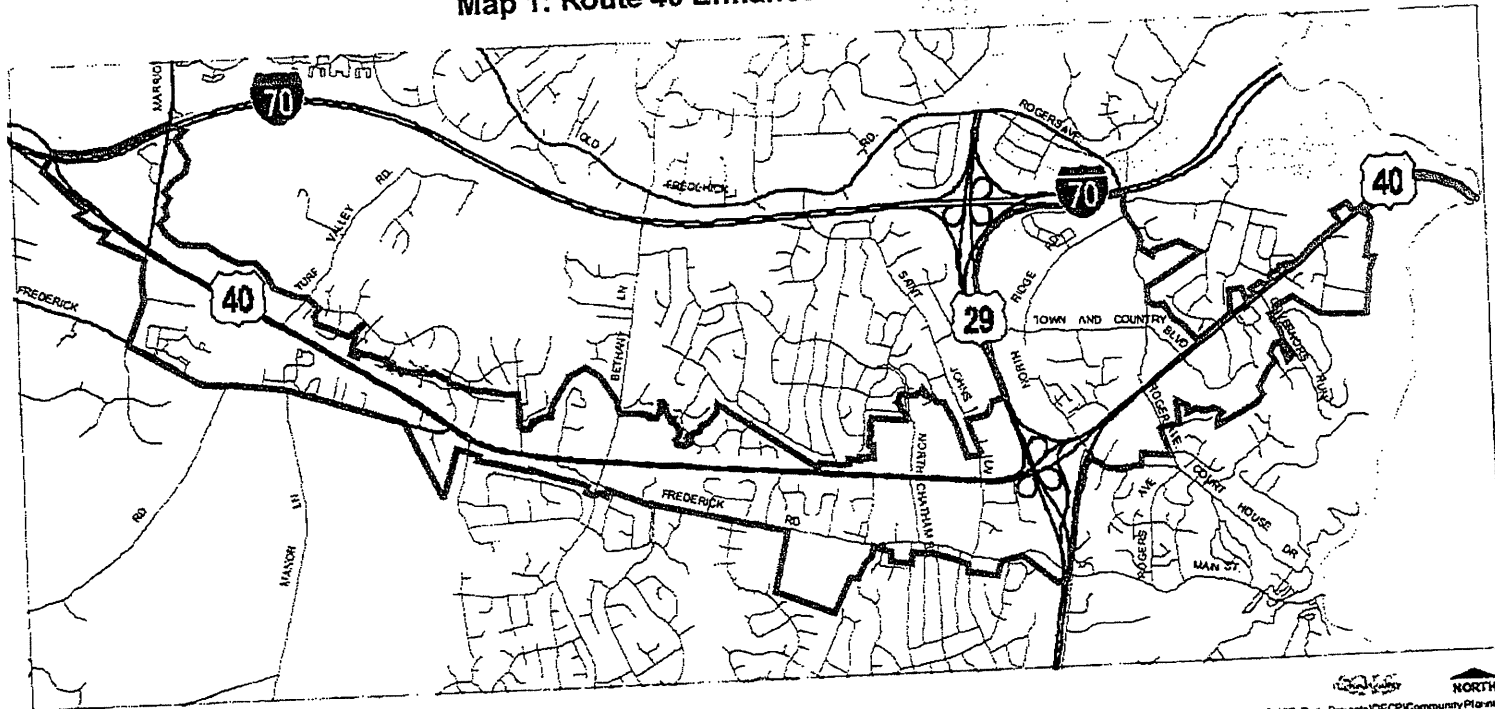
To assist the Route 40 Task Force, Howard County Department of Planning and Zoning staff assembled existing data into the Route 40 Characterization Study. The Characterization Report, in combination with the Route 40 Corridor Market Analysis, provides a technical basis for the decisions and recommendations made by the Task Force. The Characterization Report offers in-depth information on many of the topics not covered in this report: demographic data on population, housing, and employment; past and current zoning and land use; environmental features such as natural resources, stormwater management and green spaces; and community facilities including parks, schools, police and fire and rescue services, and health and human services. This report is available on the

Ex 9

(1)

Howard County MARYLAND

Route 40 Corridor Study Map 1: Route 40 Enhancement Study Area



Legend

Route 40 Study Area



G:\MF_D\A_Projects\CECP\Community Planning\Map0114REV.WOR
Route 40 Study Area\LocationMap0114REV.WOR
SOURCE: OPZ
September 2004

NORTH

threats of the corridor. The vision created for the future of the Route 40 Corridor attempts to build on the identified strengths, overcome the weaknesses, take advantage of opportunities, and minimize the possible future threats.

The Task Force identified many strengths of the corridor. Task Force members agreed that the corridor was an economically healthy group of businesses that complemented one another. These businesses are often framed by a wooded background, exist within the greater historical context of the corridor, and benefit from the tremendous transportation infrastructure. A low crime rate and the relative proximity of businesses to residences were also identified as assets.

The weaknesses identified were not as varied. The primary weaknesses of the corridor centered on accessibility both by vehicle and by foot. The lack of connectivity among uses combined with growing concerns about traffic congestion made transportation a key issue for the future vision of the corridor.

These concerns about transportation lead to the identification of some opportunities to improve connectivity and accessibility, but the key opportunity identified by the Task Force was developing an identity or "sense of place" for the corridor. The Task Force indicated that the identity could be formed through improved site design standards, streetscaping, better connectivity and the addition of entertainment uses.

Threats to the corridor also reflected the importance of transportation issues. Task Force members identified the tenuous balance between accessibility of residences to businesses and potential nuisance impacts of businesses on proximate, stable

neighborhoods.

The findings of the Task Force strategic planning exercise were distilled into six key goals that help to form the vision of the corridor.

Goals

- Recognize the economic vitality of this commercial corridor.
- Develop a sense of identity for the corridor.
- Use the highway infrastructure wisely.
- Balance development with transportation capacity.
- Prioritize and spend transportation dollars strategically.
- Make pedestrian movement possible.



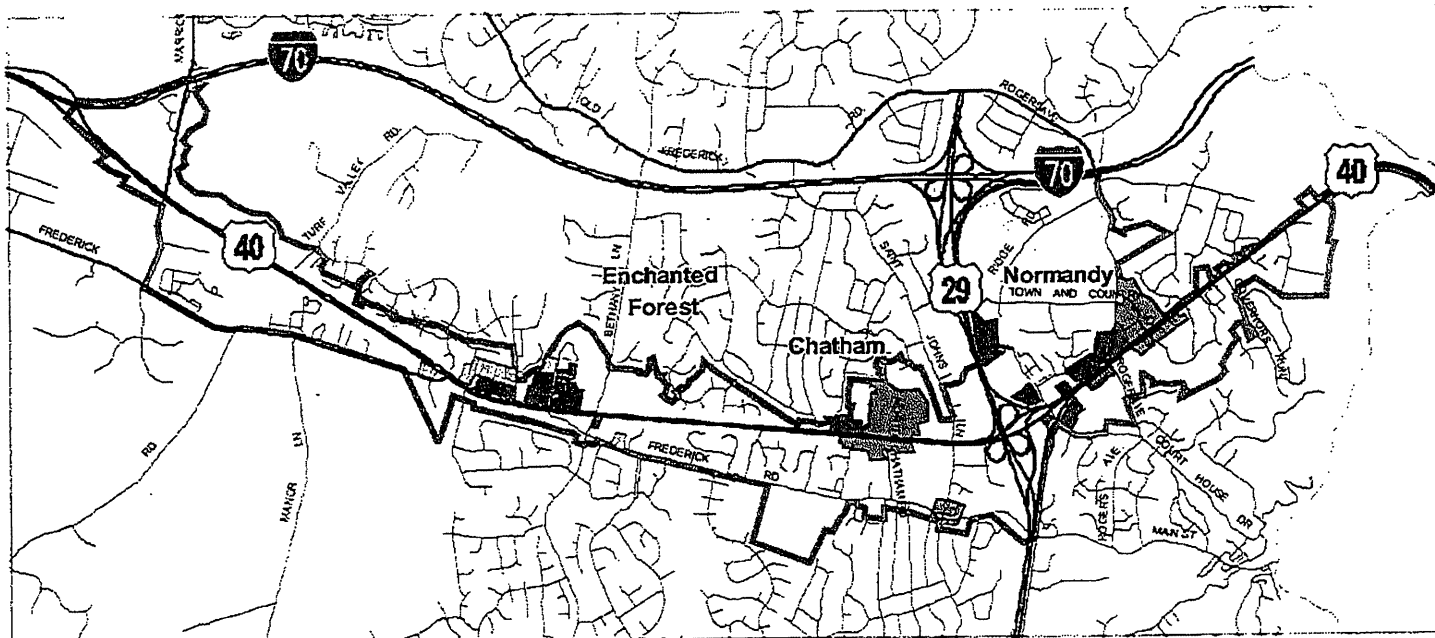
Figure 6: Task Force members discuss their vision for Route 40.

Ex 9 (2)



Route 40 Corridor Study

Map 2: Proposed Land Use Changes



Legend

Route 40 Study Area



Enhanced Retail



Neighborhood Center



Employment



Expanded Residential

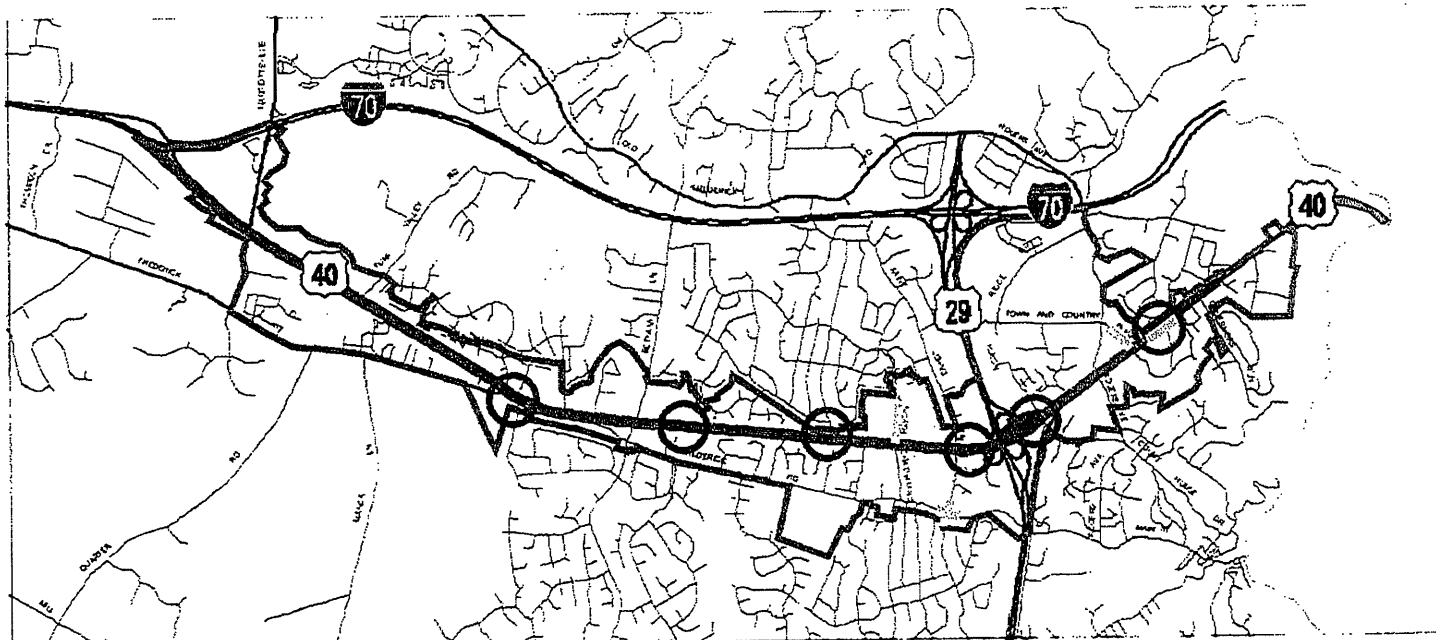


North
C:\MF Dp\ Projects\DECPC\Community Planning\ Route 40 Study Area\Map 2\Changes\Del 1 WGS SOURCE DPZ
September 2004

EX9 (3)



Route 40 Corridor Study Map 4: Proposed Streetscape Plan



Legend

Route 40 Study Area

Parkway

Suburban Boulevard





Neighborhood Center Street

Super Boulevard

Gateway/Transition Areas



C:\WF\DoA Projects\DECP\Community Planning
Route 40 Study Area\Roads\Streetscape\Map 4
SOURCE: DPZ
September 2004



Howard County Council

George Howard Building
3448 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. Leonard Baldwin
9071 Upton Road
Elkridge, MD 21042

Dear Mr. Baldwin:

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."

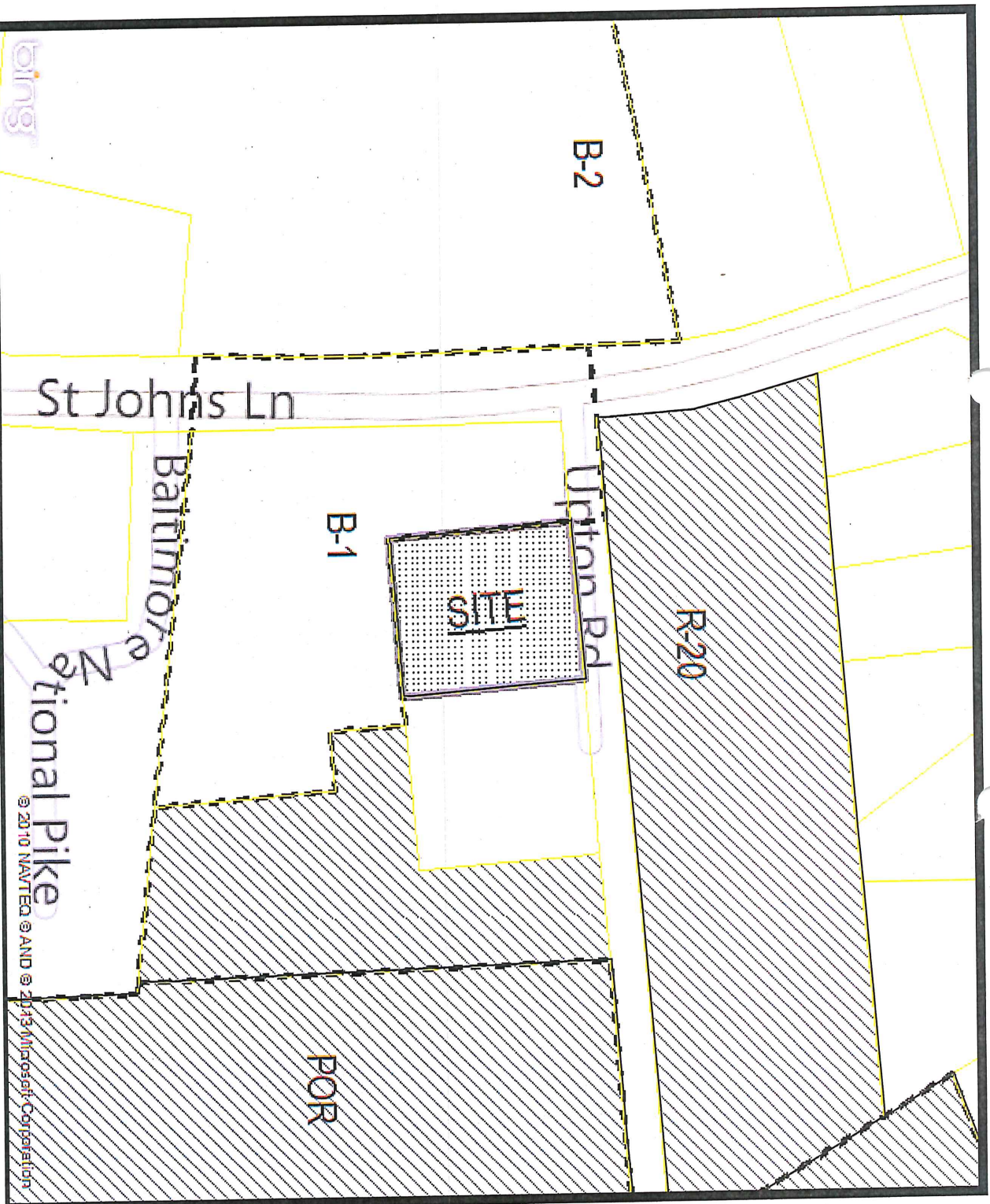
The Commission directed me to notify applicants of their obligation to file the affidavit and disclosure. The obligation is set forth in Md. Code Ann., St. Gov't, Sec. 15-849(b), which provides in part, **"the affidavit or disclosure shall be filed at least 30 calendar days prior to any consideration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

A handwritten signature in cursive script that reads "Stephen M. LeGendre".

Stephen M. LeGendre
Administrator



1	2	3	4	5	
6	7	8	9	10	11
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18	19	20	21	22	23
24	25	26	27	28	29
30	31	32	33	34	35
36	37	38	39	40	41
42	43	44	45	46	47
48	49	50			



Zoning Map General Plan Amendment: **24.004** Tax ID: **1402243199**
 Current Zoning: **R-20** Council District: **1**
 Tax Map: **24** Grid: **5** Parcel: **40** Lot: **N/A**
 Address: **9071 UPTON RD**

Zoning Map Amendment Request Form

Howard County Comprehensive Zoning Plan

[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) **4844 Green Bridge**
- 2 Tax Map Number **0028** Grid **0007**
- 3 Parcel(s) **0018**
- 4 Lot(s)
- 5 Tax Account Data: District **05** Account # **347831**
- 6 Size of Property: Acres **2.21** Square feet
- 7 The Property is currently zoned: **RR DEO**
- I request that the Property be rezoned to: **B-Z**

B. Owner Information

- 8 Owner Name **Robert L. Orndorff and Joyce M. Orndorff, Trustees of the**
- 9 Mailing street address or Post Office Box **P.O. Box 57** **Robert L. Orndorff Revocable Living Trust**
and Joyce M Orndorff Revocable Living Trust
- City, State **Dayton, MD**
- ZIP Code **21036**
- Telephone (Main) **410-531-2288**
- Telephone (Secondary) **410-977-8990**
- 10 E-Mail **rlo@rlocontractors.com**

C. Representative Information

11 Name

Mailing street address
or Post Office Box

City, State

ZIP

Telephone (Main)

Telephone (Secondary)

E-Mail

12 Association with Owner

D. Alternate Contact [If Any]

Name Stan Merson

Telephone 410-531-2288 x 613

E-Mail smerson@rlocontractors.com

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

13

p. 38 is owned by Applicant and zoned B-2.

p. 18 has been owned by Applicant since December 2005 and has been vacant. Rezoning will provide additional usable space to Applicant.

F. List of Attachments/Exhibits

14

G. Signatures

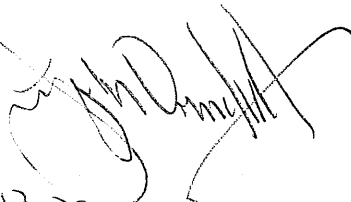
15 Owner



Date

6-12-13

Owner (2)



Date

06-12-2013

☐

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

16 Representative
Signature

Date

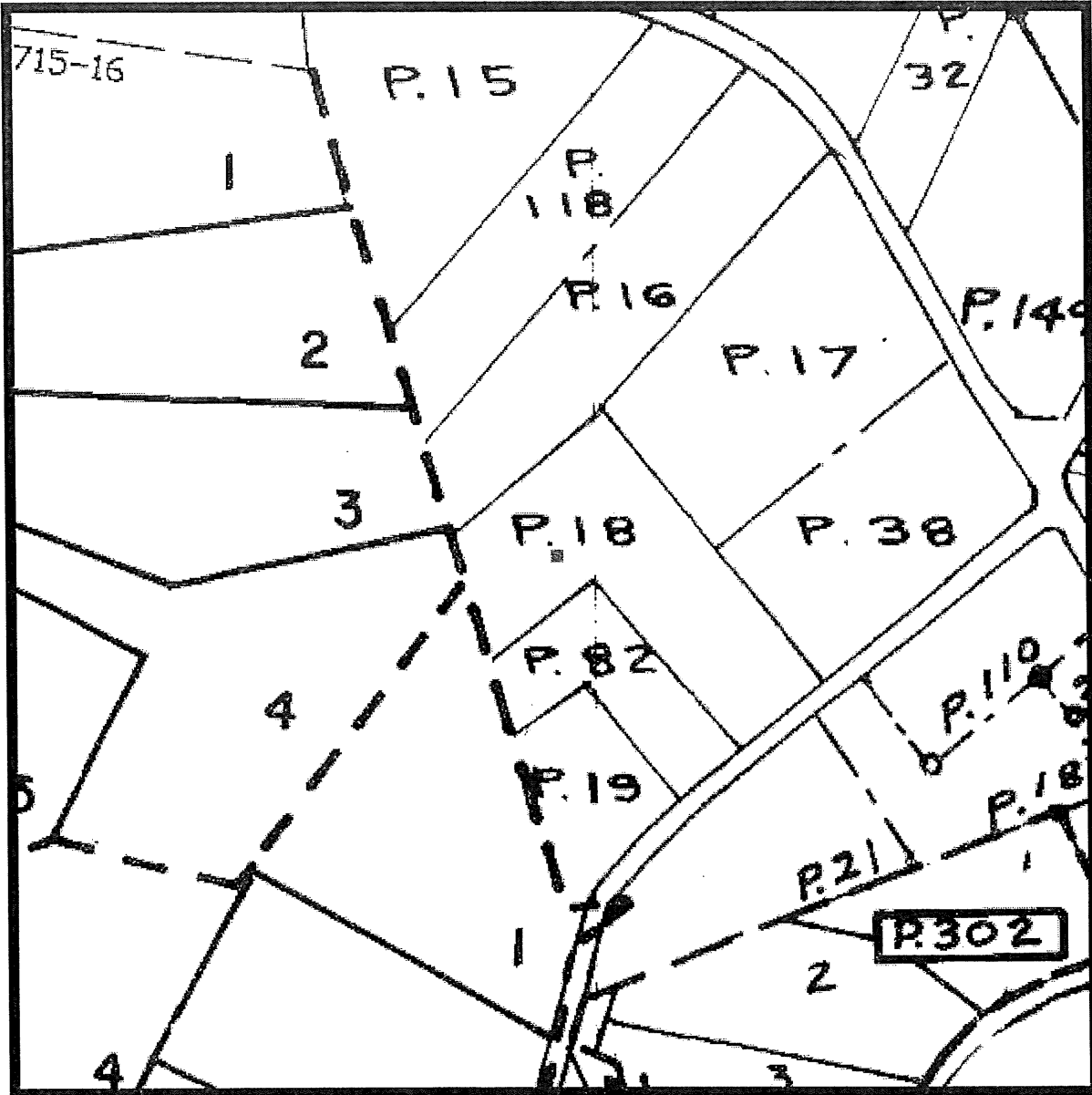
County Council Use Only		Amendment No.	
Notes			



Maryland Department of Assessments and Taxation
HOWARD COUNTY
Real Property Data Search

[Go Back](#)
[View Map](#)
[New Search](#)

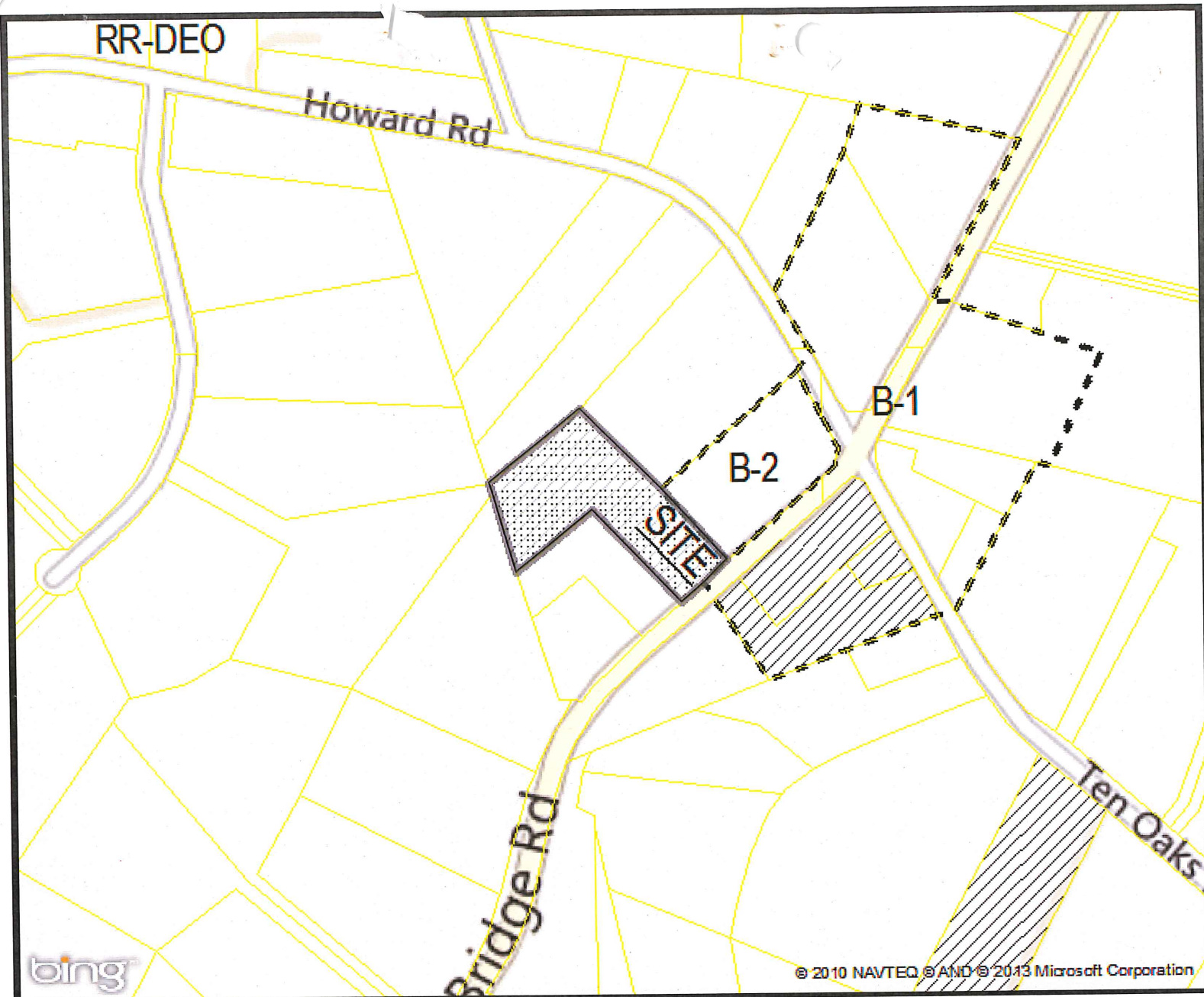
District - 05 **Account Number - 347831**



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net.

Property maps provided courtesy of the Maryland Department of Planning ©2011.
 For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml



1	2	3	4	5		
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	32	33	34	35	36	37
	38	39	40	41	42	43
	44	45	46	47	48	49



Zoning Map General Plan Amendment:

28.003

Tax ID: **1405347831**

Current Zoning: **RR-DEO**

Tax Map: **28** Grid: **7** Parcel: **18** Lot: **N/A**

Proposed Zoning: **B-2**

Address: **4844 Greens Bridge Road**

Council District: **5**

PETITIONER: Robert L. and Joyce M. Orndorff

AFFIDAVIT AS TO ENGAGING IN BUSINESS WITH AN ELECTED OFFICIAL

As required by the Annotated Code of Maryland
State Government Article, Sections 15-848-15-850

I, Robert L. + Joyce M. Orndorff, the applicant in the above zoning matter

_____, AM X AM NOT

Currently engaging in business with an elected official as those terms are defined by Section 15-848 of the State Government Article of the Annotated Code of Maryland.

I understand that if I begin engaging in business with an elected official between the filing of the application and the disposition of the application, I am required to file an affidavit in this zoning matter at the time of engaging in business with elected official.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Name: Robert L. Orndorff 6-12-13
Name: Joyce M. Orndorff
Date: 06.12.2013

PETITIONER: Robert L. Orndorff
Joyce M. Orndorff

DISCLOSURE OF CONTRIBUTION

As required by the Annotated Code of Maryland
State Government Article, Sections 15-848-15-850

This Disclosure shall be filed by an Applicant upon application or by a Party of Record within 2 weeks after entering a proceeding, if the Applicant or Party of Record or a family member, as defined in Section 15-849 of the State Government Article, has made any contribution or contributions having a cumulative value of \$500 or more to the treasurer of a candidate of the treasurer of a political committee during the 48-month period before the application was file or during the pendency of the application.

Any person who knowingly and willfully violates Sections 15-848-15-850 of the State Government Article 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: Robert L. + Joyce M. Orndorff

RECIPIENTS OF CONTRIBUTIONS:

<u>Name</u>	<u>Date of Contribution</u>	<u>Amount</u>
<u>Friends of Ken Ulman</u>	<u>Fall 2012</u>	<u>\$ 500.00</u>
<u>Friends of Courtney Watson</u>	<u>9.10.12</u>	<u>\$500.00</u>
<u>Friends of Ken Ulman</u>	<u>9.7.10</u>	<u>\$500.00</u>

I understand that any contribution made after the filing of this Disclosure and before final disposition of the application by the County Council shall be disclosed with five (5) business days of the contribution.

Name: [Signature] 6-12-13
Name: [Signature]
Date: 10.12.2013

The undersigned hereby certify:

- (1) They have property that adjoins or touches the property known as 4844 Green Bridge Road, Dayton, Md. 20136.
- (2) They are well aware that Robert and Joyce Orndorff, the owners of 4844 Green Bridge Road, have applied under the Comprehensive Zoning process to have the property rezoned to B-2.
- (3) They SUPPORT Robert and Joyce Orndorff in their efforts to rezone their property.

Carol Lee Brown

Carol Lee Brown

P. 17

4762 Linthicum Rd

Dayton, MD 21036

Catherine G. Grimes

Catherine G. Grimes

P. 16

4720 Linthicum Rd

Dayton, MD 21036

Good Evening. My name is Robert Orndorff and I reside at 13730 Triadelphia Mill Road in Clarksville. I am a life long and 5th generation Howard Countian. My wife and I have owned and operated RLO Contractors, Inc. since 1976. We do a majority of our business in Howard County and we have operated out of a 2+ acre site at 4790 Linthicum Road in Dayton since 1989.

In 2006 we purchased the residential property known as 4844 Green Bridge Road which adjoins our commercial property. This property, also a 2+ acre site, is improved by an old house which had been vacant for some time and is in disrepair. We have applied under Comprehensive Zoning to re-zone this property to B-2 zoning, the same as our commercial property. The two most affected neighbors, Carol Brown and Catherine Grimes, are in support of this request and I have an affidavit of their support if you wish to see it. Mrs. Brown is in attendance this evening to support us. Also in attendance tonight is Ronald Hines who owns the commercially zoned property directly across the street from the subject property. He too supports our request.

As you know, Dayton is where Ten Oaks, Linthicum and Green Bridge Roads all come together. Each of the 4 corners is zoned commercial and approval of our request will not, in any way, change the character of the community. Both the Department of Planning and Zoning and the Planning Board have recommended approval of our request.

If approved we plan on tearing down the house which is in disrepair and to expand our yard. In doing so we will comply with all regulations including adequate screening.

Thank you for your time. I am happy to answer any questions.

July 18, 2013

To: Courtney Watson, Calvin Ball, Jen Terrasa, Mary Kay Sigaty,
Greg Fox, Sheila Tolliver, and Karen Knight

From: Robert Orndorff

Re: Comprehensive Zoning Request for 4844 Green Bridge Road

I want to thank each you for the opportunity to testify before the council on Tuesday evening July 16th. As you consider our request I thought it may be helpful for you to review the following:

- The presentation I prepared for the hearing.
- A copy of the Zoning Map showing our currently zoned B-2 site and the subject site.
- A copy of the SDAT Plat showing the various properties by owner name.
- An affidavit in support of our request signed by the two most affected property owners, Carol Brown and Catherine Grimes.

There was only one neighbor, Mr. Williamson, who testified at the hearing who expressed some limited concern. As you can see from the SDAT plat and the Goggle map his property is fairly removed from the subject site. There are two houses and a wide tree line between his house and the subject property. His concern is the uncertainty of how the subject property may be used. Let me point out that we are a family business with children in the business. We believe they will choose to operate the business long after my wife and I are gone. Our property is well maintained with adequate screening. We are very respectful of our neighbors. Most importantly, anything we elect to do to the subject property will be professionally designed by certified engineers and subject to various permits and approvals. We plan to work with Mr. Williamson during the permitting phase and ongoing as required.

The Department of Planning and Zoning has recommended approval of our request. The Planning Board unanimously recommended approval after at least one member visited site. Thank you again for your time and

consideration. Being able to utilize the subject property is important to the vitality of our business. If you have questions or comments please let us know. We look forward to your favorable vote.

Regner, Robin

From: Knight, Karen
Sent: Friday, July 19, 2013 8:51 AM
To: Regner, Robin
Subject: FW: Letter in support of rezoning request

Karen Knight

From: miz_b@verizon.net [mailto:miz_b@verizon.net]
Sent: Friday, July 19, 2013 12:00 AM
To: Ball, Calvin B; Fox, Greg; Knight, Karen; Sigaty, Mary Kay; Terrasa, Jen; Tolliver, Sheila; Watson, Courtney
Cc: jmo@rlocontractors.com; rlo@rlocontractors.com
Subject: Letter in support of rezoning request

To: Howard County Council Members

This email message is to register my support for the amendment proposed by Robert Orndorff to rezone 4844 Green Bridge Road, Dayton, MD, to the B-2 zoning designation. On July 16, 2013, I attended the HC Council meeting to support Mr. Orndorff's proposal. I chose not to testify but rather to send my testimony to you via email.

My property, 4762 Linthicum Road, adjoins 4844 Green Bridge Road as well as Mr. Orndorff's business, RLO Contractors, Inc., at 4796 Linthicum Road. When the RLO facility was built, they planted several large pine trees on our shared property line; these trees have visually screened the business significantly. The property is well maintained, and I have every reason to believe that Mr. Orndorff will maintain the subject property (4844 Green Bridge Road) in the same manner as the RLO property. The Orndorffs and their employees have been good neighbors. I don't expect that to change with the expansion of their business.

I have lived at the Linthicum Road address for 45 years and owned the property for 40 years. As a life-long resident of Dayton, I have seen the town grow but still retain its small-town feel. I don't anticipate that this zoning change will have any affect on that. I am very comfortable having RLO Contractors, Inc., located adjacent to my property and have no hesitation supporting the rezoning request for Mr. Orndorff's Green Bridge Road property.

If you have any questions, please feel free to contact me at 410.531.2260 or by response to this email.

Sincerely,

Carol L. Brown



CONTRACTORS, INC.

June 14, 2013

Carol Lee Brown
4762 Linthicum Road
Dayton, Md. 21036

Certified Mail
Return Receipt Requested

Dear Mrs. Brown:

We have owned the property adjacent to our office/shop since 2005 and have recently applied to have it rezoned to B-2 zoning under the Comprehensive Zoning Plan. property, which is currently zoned B-2. The proper zoning change is being sent to all adjoining property owners. The rezoning will be held on July 11th, 2013, at the Board Room, of the George Howard Drive, Ellicott City, MD 21043.

531 2260

of the subject property on Ben Bridge Rd., this letter is being sent to you in the proposed rezoning of the Banneker Court House

If you have any questions regarding this rezoning, please contact Stan Merson in our office at 410-531-2288 x613, or contact Howard County at 410-313-2001 or on line at www.howardcountymd.gov/compzoning.

Sincerely,

Robert L. Orndorff

Joyce M. Orndorff

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Carol Lee Brown
4762 Linthicum Rd
Dayton, MD 21036

2. Article Number
(Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☒ Agent ☐ Addressee
Carol Brown

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes ☐ No
If YES, enter delivery address below:

3. Service Type
☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

410-531

7010 1060 0001 4556 2765



CONTRACTORS, INC.

June 14, 2013

531 3605

Catherine G. Grimes
4720 Linthicum Road
Dayton, Md. 21036

Dear Mrs. Grimes:

We have owned the property adjacent to our office/shop since 2005 and have recently applied to have it rezoned to B-2 zoning under the Comprehensive Zoning Plan. The property address of the subject property, which is currently zoned RR DEO, is 4844 Green Bridge Rd., Dayton, Md. 21036. The property has been posted and this letter is being sent to all adjoining property owners. The hearing on the proposed rezoning will be held on July 15, 2013 at 7:30 p.m. in the Banneker Room, of the George Howard Building located at 3430 Court House Drive, Ellicott City, MD 21043.

If you have any questions regarding this matter, you can contact Stan Merson in our office at 410-531-2288 x613, or contact Howard County at 410-313-2001 or on line at www.howardcountymd.gov/compzoning.

Sincerely,

Robert L. Orndorff

Joyce M. Orndorff

SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Catherine G. Grimes
4720 Linthicum Rd
Dayton, MD 21036

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☐ Agent ☐ Addressee
B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from Item 1? ☐ Yes ☒ No
If YES, enter delivery address below:

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label)

7010 1060 0001 4556 2772

Domestic Return Receipt

102595-02-M-1540



CONTRACTORS, INC.

June 14, 2013

Federal National Mortgage Association
950 E. Pacers Ferry Rd.
Atlanta, GA 30326

Certified Mail
Return Receipt Requested

Gentlemen:

We have owned the property adjacent to our office/shop since 2005 and have recently applied to have it rezoned to B-2 zoning under the Comprehensive Zoning Plan. The property address of the subject property, which is currently zoned RR DEO, is 4844 Green Bridge Rd., Dayton, Md. 21036. The property has been posted and this letter is being sent to all adjoining property owners. The hearing on the proposed rezoning will be held on July 15, 2013 at 7:30 p.m. in the Banneker Room, of the George Howard Building located at 3430 Court House Drive, Ellicott City, MD 21043.

If you have any questions regarding this matter, you can contact Stan Merson in our office at 410-531-2288 x613, or contact Howard County at 410-313-2001 or on line at www.howardcountymd.gov/com/zoning

Sincerely,

Robert L. Orndorff
Robert L. Orndorff

Joyce M. Orndorff
Joyce M. Orndorff

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Federal National Mortgage
Association
950 E. Pacers Ferry Rd
Atlanta, GA 30326

410-531

2. Article Number
(Transfer from service label)

7010 1060 0001 4556 2789

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

- A. Signature ☒ Agent ☐ Addressee
x Fred Bradley
- B. Received by (Printed Name) *Fred Bradley*
- C. Date of Delivery *6/19/13*
- D. Is delivery address different from item 1? ☐ Yes ☒ No
If YES, enter delivery address below:

- Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ O.O.D.
4. Restricted Delivery? (Extra Fee) ☐ Yes

102595-02-M-1540



CONTRACTORS, INC.

June 14, 2013

Maxwell Chih-Pai Yao
Vivian Malenab Yao
13821 Dayton Meadows Court
Dayton, MD 21036

Certified Mail
Return Receipt Requested

Dear Mr. and Mrs. Yao:

We have owned the proper
have recently applied to
Comprehensive Zoning Pl
property, which is currently
Dayton, Md. 21036. The pr
sent to all adjoining proper
rezoning will be held on Ju
Room, of the George Howa
Drive, Ellicott City, MD 2104

443 832
4546

shop since 2005 and
zoning under the
ess of the subject
Green Bridge Rd.,
this letter is being
on the proposed
in the Banneker
430 Court House

If you have any questions regarding this matter, you can contact Stan
Merson in our office at 410-531-2288 x613, or contact Howard County at
410-313-2001 or on-line at www.howardcountymd.gov

Sincerely,

Robert L. Orndorff

Joyce M. Orndorff

SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Maxwell Chih-Pai Yao
Vivian Malenab Yao
13821 Dayton Meadows Ct
Dayton, MD 21036

P.O.
410-531-

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent

☒ Addressee

B. Received by (Printed Name)

VIVIAN YAO

C. Date of Delivery

6/19/13

D. Is delivery address different from Item 1?
If YES, enter delivery address below:

☐ Yes

☒ No

3. Service Type

☒ Certified Mail

☐ Registered

☐ Insured Mail

☐ Express Mail

☐ Return Receipt for Merchandise

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(service label)

7010 1060 0001 4556 2746

10259802-M-15



CONTRACTORS, INC.

June 14, 2013

Stephen R. Williamson
Mary J. Williamson
4856 Green Bridge Road
Dayton, MD 21036

Certified Mail
Return Receipt Requested

Dear Mr. and Mrs.:

We have owned the
have recently appli
Comprehensive Zon
property, which is cu
Dayton, Md. 21036.

office/shop since 2005 and
to B-2 zoning under the
y address of the subject
is 4844 Green Bridge Rd.,

has been posted and this letter is being
sent to all adjoining property owners. The hearing on the proposed
rezoning will be held on July 15, 2013 at 7:30 p.m. in the Banneker
Room, of the George Howard Building located at 3430 Court House
Drive, Ellicott City, MD 21043.

If you have any questions regarding this matter, you can contact Stan
Merson in our office at 410-531-2288 x613, or contact Howard County at
410-313-2001 or o

Sincerely,

Robert L. Orndorff

Joyce M. Orndorff

SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Stephen R. Williamson
Mary J. Williamson
4856 Green Bridge Rd
Dayton, MD 21036

2. Article Number
(Transfer from service label)

7010 1060 0001 4556 2758

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X
☐ Agent
☐ Addressee

B. Received by (Printed Name)
Steve Williams
C. Date of Delivery
7/6/2013

D. Is delivery address different from Item 1? ☐ Yes
If YES, enter delivery address below: ☒ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

410-53

The undersigned hereby certify:

- (1) They have property that adjoins or touches the property known as 4844 Green Bridge Road, Dayton, Md. 20136.
- (2) They are well aware that Robert and Joyce Orndorff, the owners of 4844 Green Bridge Road, have applied under the Comprehensive Zoning process to have the property rezoned to B-2.
- (3) They SUPPORT Robert and Joyce Orndorff in their efforts to rezone their property.

Carol Lee Brown

Carol Lee Brown

P. 17

4762 Linthicum Rd

Dayton, MD 21036

Catherine G. Grimes

Catherine G. Grimes

P. 16

4720 Linthicum Rd

Dayton, MD 21036

Regner, Robin

From: Tolliver, Sheila
Sent: Monday, June 17, 2013 11:56 AM
To: Ball, Calvin B; Fox, Greg; Greg Fox (Greg.Fox@Constellation.com); Sigaty, Mary Kay; Terrasa, Jen; Watson, Courtney
Cc: Regner, Robin; Wimberly, Theo
Subject: FW: Orndorff

FYI, these e-mails relate to a late-filed application in Greg's district.

From: Knight, Karen
Sent: Thursday, June 13, 2013 12:56 PM
To: Tolliver, Sheila
Subject: Orndorff

Sheila,

Here's a string of e-mails re: **Orndorff property**. I guess I should call Stan and see if B-1 would be acceptable???? We can discuss when you are in.

Karen Knight

From: McLaughlin, Marsha
Sent: Thursday, June 13, 2013 12:52 PM
To: Knight, Karen; Hamilton, Cindy
Subject: RE: Late filers, summary as of

If he just wants to expand office space, I'd be more comfortable with B-1, after all upset over the used car lot in Daisy. If he's doing repair work, he need's B-2.

From: Knight, Karen
Sent: Thursday, June 13, 2013 12:46 PM
To: Hamilton, Cindy; McLaughlin, Marsha
Subject: RE: Late filers, summary as of

He just put in his application for B-2

Karen Knight

From: Hamilton, Cindy
Sent: Thursday, June 13, 2013 12:36 PM
To: Knight, Karen; McLaughlin, Marsha
Subject: RE: Late filers, summary as of

Karen—I believe Marsha is on her way up to NYC. We discussed this briefly this morning. DPZ would support the rezoning request. I wasn't certain if he requested B-1 or B-2.

From: Knight, Karen
Sent: Thursday, June 13, 2013 11:49 AM
To: Hamilton, Cindy; McLaughlin, Marsha
Subject: RE: Late filers, summary as of

Greg read your reply but still asks if DPZ favors this request or not? He is thinking of having him testify on Monday.
Thanks

Karen Knight

From: Hamilton, Cindy
Sent: Thursday, June 13, 2013 9:39 AM
To: McLaughlin, Marsha; Knight, Karen

Subject: RE: Late filers, summary as of

The address of 4844 Green Bridge corresponds to parcel 18 on Tax map 28. It is currently zoned RR-DEO. It directly adjoins a B-2 parcel to the NE (also owned by Orndorff) and a property across Green Bridge which is currently B-1 (proposed for B-2 as amendment #28.002). If this late request to rezone this site was granted, it would extend the commercial zoning southwest-ward along Green Bridge, but it would not create a new island of commercial zoning.

Please let me know if you need more information.

From: McLaughlin, Marsha
Sent: Thursday, June 13, 2013 6:44 AM
To: Knight, Karen
Cc: Hamilton, Cindy; Hartner, John E
Subject: Re: Late filers, summary as of

Karen, Thanks for tracking down the address. His map was hard to read. Has he made a formal application or waiting for response? I'm collecting our daughter from college today and tomorrow, so Monday would be easier to respond unless he's holding off.

Cindy and JJ, please check address below and confirm it abuts existing commercial zoning in Dayton. How does it relate to the other B-1 application we have nearby? Going towards or away?

Marsha McLaughlin, Director
Dept. of Planning & Zoning
3430 Courthouse Drive
Ellicott City, MD 21043

(w) 410 313 4301
(c) 410 206 5478

On Jun 12, 2013, at 4:20 PM, "Knight, Karen" <kknight@howardcountymd.gov> wrote:

Hi Marsha,
Did you get a chance to look into Mr. Orndorff's lot? The address is 4844 Green Bridge Rd Dayton 21036
Thanks

Karen Knight

From: Fox, Greg
Sent: Monday, June 10, 2013 4:01 PM

Subject: RE: Late filers, summary as of

All:

We have one in Dayton that that contact us looking to expand their commercial business at the Dayton Crossroads. It doesn't appear to be a big deal and seems to make sense.

At this point, I believe that Karen was waiting for direction on this from a number of parties including Marsha. I had asked her to get feedback from Marsha on the proposal and had asked the property owner to reach out to his neighbors that adjoin the property. For the most part, he had reached out to most of them other than one neighbor in a small residential community behind his business. They abut each other at the rear of the property, but are buffered by a pretty significant treed area. Assuming there are no issues from that neighbor (the rest of the properties that abut this one are friends, family or business associates of the owner and support the change) or Marsha, I am inclined to support it based on what was presented to me.

Thanks,

Greg

From: Tolliver, Sheila

Sent: Monday, June 10, 2013 3:51 PM

To: Ball, Calvin B; Fox, Greg; Greg Fox (Greg.Fox@Constellation.com); Sigaty, Mary Kay; Terrasa, Jen; Watson, Courtney

Cc: Wimberly, Theo; Regner, Robin; McLaughlin, Marsha; Chaconas, Terry; Clay, Mary; Knight, Karen; Pruim, Kimberly; Shopland, Jamie

Subject: Late filers, summary as of

Attached is a summary chart of the late-files I have received so far. I will send letters and forms today to the two who have not disclosed in accordance with ethics forms. There is one additional use request which you received this month (dated May 7) from Thomas Palacorolla. He has a farm in ag. Preservation and wants to use it for a golf driving range. He did not ask for a specific amendment. Theo is researching whether or not this should have been construed as a comp zoning late. request.

If you have additional names, please send to me ASAP.

Sheila Tolliver
Administrator
Howard County Council
410 313-2001

6-11-13 work session
38.013



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Marsha S. McLaughlin, Director

www.howardcountymd.gov
FAX 410-313-3467
TDD 410-313-2323

June 17, 2013

TECHNICAL STAFF REPORT

Petition Accepted on April 18, 2013
Hearing Authority Hearing of June 24, 2013

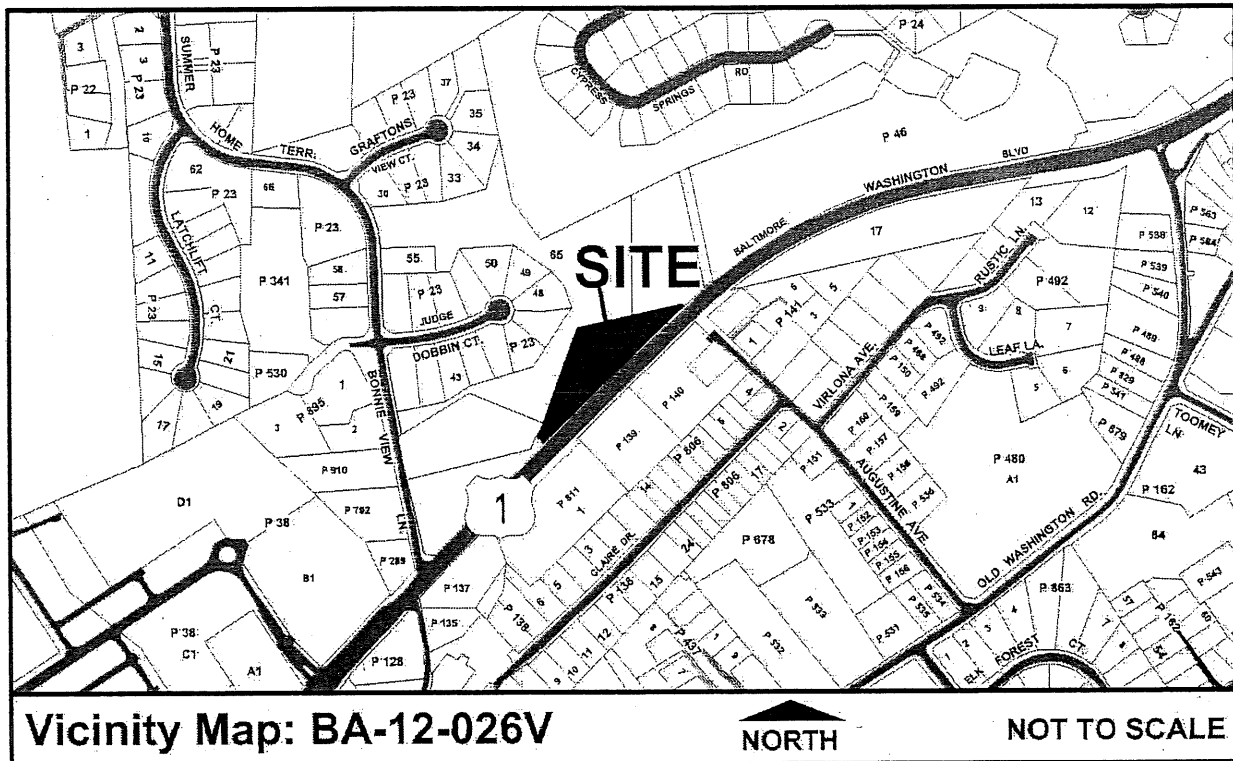
Case No./Petitioner: BA 12-026V – James S. Guzman

Request: Variance to reduce the required 30 foot setback from a public street right-of-way to approximately 6 inches for a fence (Section 119.D.2.a.)

Location: First Election District
Northwest side of US 1; the improved area is approximately 950 feet northeast of Bonnie View Lane;
Tax Map 38, Grid 3, Parcel 861; 6100 Washington Boulevard (the "Property").

Area of Site: 1.73 acres

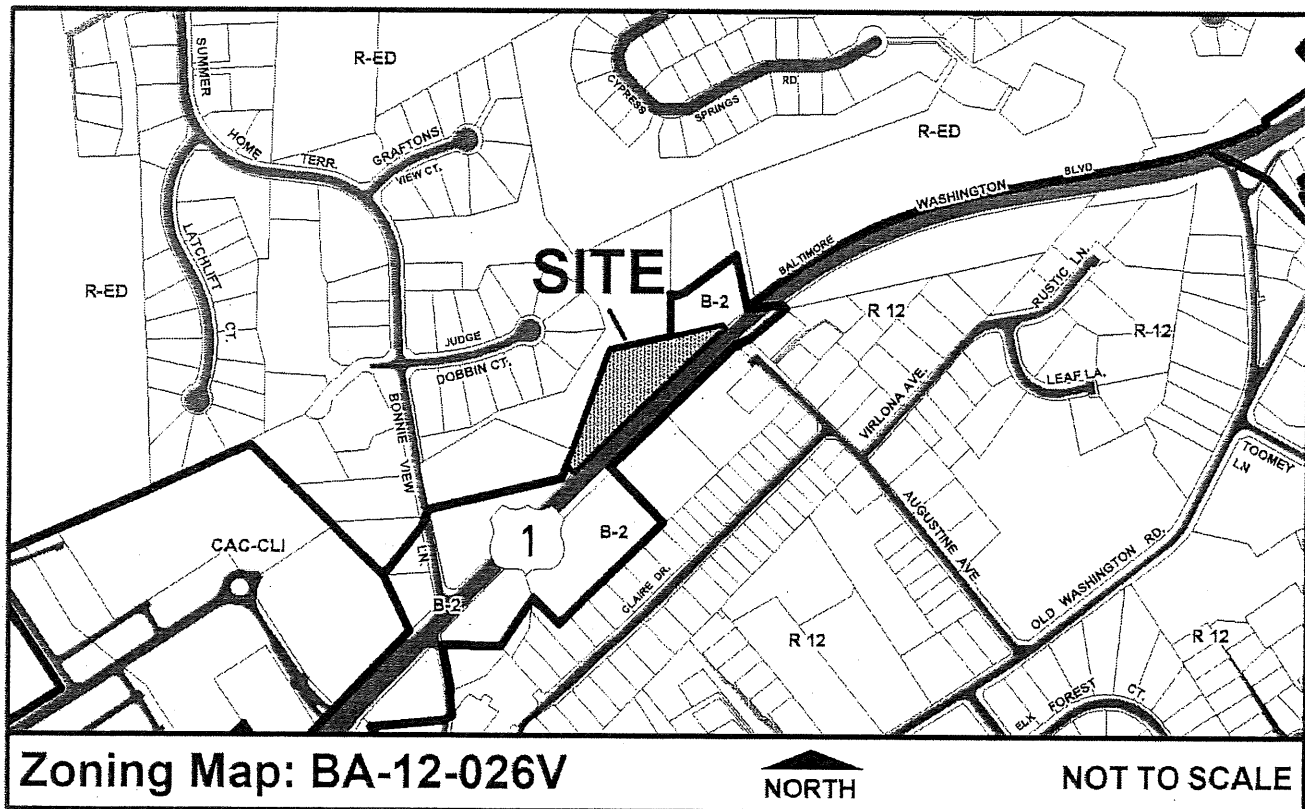
Zoning: B-2 (Business: General)



I. HISTORY AND VARIANCE PROPOSAL

The Property is the site of a former tavern use which was confirmed as a nonconforming use in 1985, when the Property was zoned R-20. Later, in the 1993 Comprehensive Zoning Plan the Property became zoned B-2, so after this the tavern use continued for a certain period of time as a permitted use. At some point, however, the tavern use ceased operating on the Property, and the Property was unused. In September, 2012, the Petitioner purchased the Property and subsequently began using the Property for certain motor vehicle related uses which, while technically permitted as a matter of right in the B-2 District, require Site Development Plan approval because of the change-in-use of the Property from the prior tavern use.

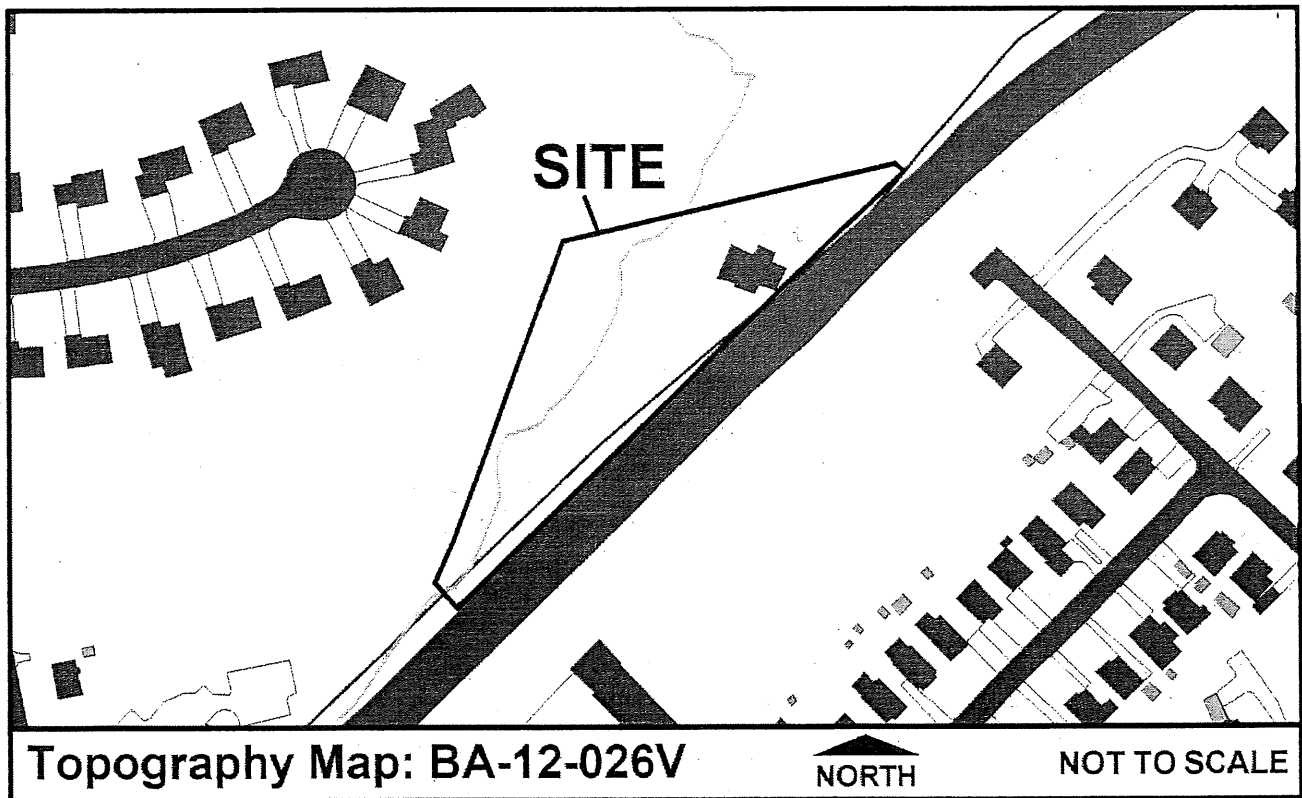
The Petitioner had a five foot, eleven inch tall fence constructed along the front of the Property. As stated in the petition, the Petitioner explains that the Property "...sits on RT 1 in an industrial area with little lighting making it an ideal place for dumping", and also that currently "...our 5' 11" fence is preventing illegal dumping of car parts, tires, dirt and trash. Anything shorter would only encourage continued dumping." The Petitioner notes that the narrowness of the Property is a factor, and requests a variance to reduce the 30 foot front setback. The staff has estimated that the setback reduction would be to approximately six inches, based on the submitted plat.



II. BACKGROUND INFORMATION

A. Site Description

The Property is an irregularly-shaped, almost triangular parcel which, in addition to its shape, has several other unique characteristics. Even taken in its entirety, the Property is relatively shallow in comparison to other properties along US 1 in this area southwest of Elkridge, as it is approximately 200 feet from the front lot line to the "point" of the Property at the northwest. However, the improved/improvable area of the Property is only a relatively small area at the northeast of the site, and this area is even more shallow. This improved area consists of the former tavern building, with one corner almost at the front lot line, and open gravel-surfaced areas adjacent to the building; the largest to the northeast of the building, and a smaller area to the south. This improved area extends approximately 60 to 70 feet into the Property from the front lot line, and beyond this area the Property elevation drops steeply to a stream which flows through the Property. From the front of the building, it is estimated that the Property elevation drops down approximately 38 to 40 feet to the stream. The area of the Property behind the building to the northwest is open, but the southwestern-half of the Property is wooded.



II. BACKGROUND INFORMATION

B. Vicinal Properties

Adjoining to the north and northwest of the Property is Open Space Lot 65 of the Gables of Lawyers Hill subdivision. This Open Space lot and the nearby residential lots on Judge Dobbin Court are zoned R-ED. To the northeast is Parcel 805; the front of this property is also zoned B-2 while the rear is zoned R-ED. The front area of Parcel 805 is a parking area but there is no building on this parcel. Across US 1 to the southeast are Parcel 140 and Parcel 139, which are zoned R-12 and are both unimproved wooded parcels. The property to the southwest is Parcel 39, which is zoned B-2 and is the site of a motel development.

C. Roads

US 1 in this location has two northbound travel lanes and two southbound travel lanes and approximately 48 feet of paving within an existing 66 foot wide right-of-way.

According to data from the State Highway Administration, the traffic volume on US 1 north of MD 100 was 35,500 ADT (average daily trips) as of 2010.

D. Water and Sewer Service

The Property is in the Metropolitan District and is within the Existing Service Area according to the Howard County Geographic Information System maps.

E. General Plan

The Property is designated Growth and Revitalization on the Designated Place Types Map of the PlanHoward 2030 General Plan, and is designated Retail on the Land Use Map.

US 1 is depicted as a Intermediate Arterial on the Transportation Map of the PlanHoward 2030 General Plan.

F. Agency Comments

See attached comments on the proposal from the following agencies:

1. State Highway Administration
2. Department of Fire and Rescue Services

The following agencies had no objections to the proposal:

1. Department of Recreation & Parks
2. Bureau of Environmental Health
3. Department of Inspections, Licenses and Permits

II. BACKGROUND INFORMATION

G. Adequate Public Facilities Ordinance

This variance petition is not subject to the Adequate Public Facilities Ordinance.

III. ZONING HISTORY

- A. Case No. CE 12-122
Issued to: James Guzman
Violation: Development and use without a Site Development Plan and the construction of a fence within the setbacks.
Status: Pending
- B. Case No. BA 84-43N
Petitioner: Anna Broyles
Request: Confirmation and enlargement of a Nonconforming Use for a tavern and a parking lot.
Action: Granted, March 26, 1985

IV. PROPOSED COMPREHENSIVE ZONING PLAN

Due to its relatively small size and to its topographic characteristics, the Property is being proposed to be rezoned from B-2 to R-ED as Amendment No. 38.013 of the 2013 Comprehensive Zoning Plan (the "2013 CZP"). The Planning Board recommended approval to rezone the Property to R-ED by a vote of 5 to 0. The 2013 CZP is now under consideration by the County Council.

IV. EVALUATION AND CONCLUSIONS

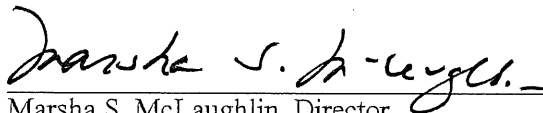
- A. Evaluation of petition according to Section 130.B.2.a of the Zoning Regulations (general criteria for evaluating variances):
1. The irregular-shape of the Property, the shallowness of the Property and the improved area, and the steep topography of the Property beyond the improved area are certainly unique physical conditions. However, the Property is considered to be too small for B-2 District uses and is being proposed in the 2013 CZP to be rezoned to R-ED. The current request for the variance also does not take into consideration that the setback will be required from the full design right-of-way width of 102 feet, and not the current width of 66 feet.
 2. Allowing a fence to be almost adjoining the existing US 1 right-of-way will alter the essential character of the neighborhood, and will alter the essential character of the B-2 District, in which appropriate buffers are intended along the roads. Except for the parking area in front of Parcel 805, which the aerial photographs suggest was also used for parking for the tavern on the Property, the improved area of the Property is surrounded by unimproved, wooded land. The adjoining land to the north and northwest cannot be developed due to the steep slopes and other environmental features, and the land to the northwest is also Open Space. The requested variance for the fence will not substantially impair the appropriate use or development of these adjacent properties.

IV. EVALUATION AND CONCLUSIONS

3. The Petitioner purchased the Property with its current unique characteristics. The practical difficulties or hardships have not been created by the owner.
4. Any use of this Property will require the approval of a Site Development Plan. As noted above, the variance request does not take into consideration that with any proposal for a Site Development Plan, the Department of Planning and Zoning will require the front setback to be measured from the full design right-of-way width of 102 feet for this section of US 1, not the current right-of-way width.

V. RECOMMENDATION

For the reasons stated above, the Department of Planning and Zoning recommends that the request for a variance to reduce the required 30 foot setback from a public street right-of-way to approximately 6 inches for a fence be **DENIED**.


Marsha S. McLaughlin, Director

MM:JRL/jrl

NOTE: The file on this case is available for review at the Public Service Counter in the Department of Planning and Zoning.

QRL

Department of Planning and Zoning
Howard County, Maryland
Recommendations/Comments

Date: April 23, 2013

Hearing Examiner 6/24/13

Planning Board _____ Board of Appeals _____ Zoning Board _____

Petition No. BA 12-026V Map No. _____ Block _____ Parcel _____ Lot _____

Petitioner: _____ James Guzman

Petitioner's Address: _____

Address of Property: _____

Return Comments by June 3, 2013 to Public Service and Zoning Administration

Owner: (if other than applicant) _____

Owner's Address: _____

Petition: SEE APPLICATION

To: _____ MD Department of Education – Office of Child Care
3300 N. Ridge Road, Ste. 190, EC, MD 21043 (Louis Valenti)
_____ Bureau of Environmental Health
_____ Development Engineering Division
_____ Department of Inspections, Licenses and Permits
_____ Department of Recreation and Parks
_____ Department of Fire and Rescue Services
_____ ☒ State Highway Administration
_____ Sgt. Karen Shinham, Howard County Police Dept.
_____ James Irvin, Department of Public Works
_____ Office on Aging, Terri Hansen (senior assisted living)
_____ Police Dept., Animal Control, Deborah Baracco, (kennels)
_____ Susan Fitzpatrick, Health Dept. (Nursing & Res. Care)
_____ Land Development - (Religious Facility & Age-Restricted
Adult Housing)
_____ Housing and Community Development
_____ Economic Development
_____ Route 1 Cases – DCCP – Dace Blaumanis
_____ Telecommunication Towers – Josh Levy (Comm. Dept.)

RECEIVED

APR 24 2013

ACCESS MANAGEMENT
DIVISION

MAY - 2 2013

COMMENTS:

NO COMMENT AT THIS TIME AS FENCE IS NOT IMPACTING TRAVELED ROADWAY
HOWEVER SHA RESERVES THE RIGHT TO MAKE ADDITIONAL COMMENT OR REQUEST
REMOVAL/REALIGNMENT OF FENCE IF SAFETY/MAINTENANCE ISSUES
COME TO LIGHT.

ANY FUTURE DEVELOPMENT OF SITE WILL BE SUBJECT TO THE TERMS & CONDITIONS
OF AN ACCESS PERMIT.

SHA-AMS
SIGNATURE

JRL

Department of Planning and Zoning
Howard County, Maryland
Recommendations/Comments

Date: April 23, 2013

Hearing Examiner 6/24/13

Planning Board _____ Board of Appeals _____

Zoning Board _____

Petition No. BA 12-026V Map No. _____ Block _____ Parcel _____ Lot _____

RECEIVED

Petitioner: _____ James Guzman

Petitioner's Address: _____ JUN 3 2013

Address of Property: _____

Return Comments by June 3, 2013 to Public Service and Zoning Administration Development Engineering Division

Owner: (if other than applicant) _____

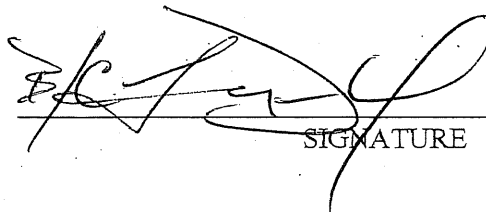
Owner's Address: _____

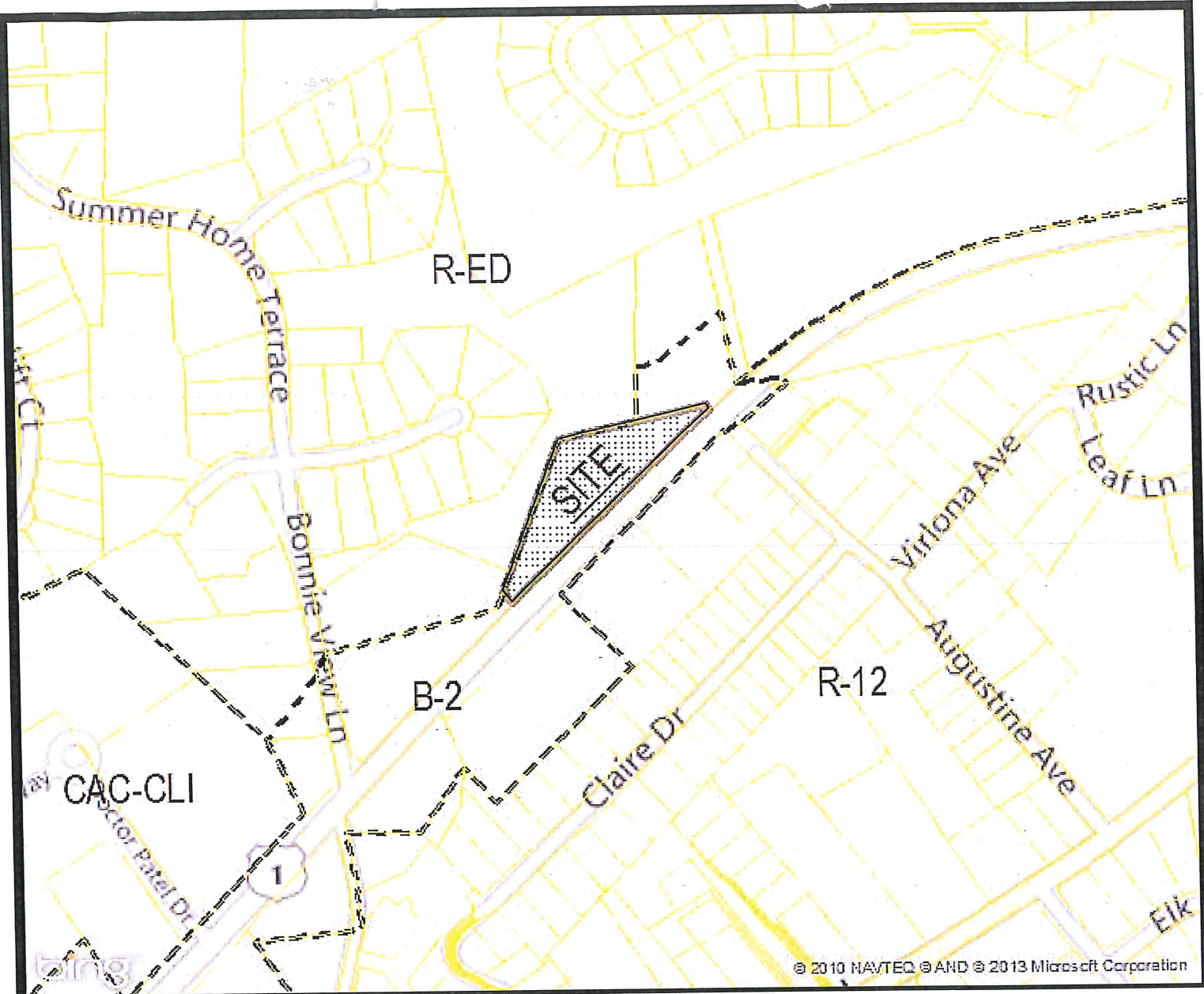
Petition: _____ SEE APPLICATION

To: _____ MD Department of Education – Office of Child Care
3300 N. Ridge Road, Ste. 190, EC, MD 21043 (Louis Valenti)
_____ Bureau of Environmental Health
_____ Development Engineering Division
_____ Department of Inspections, Licenses and Permits
_____ Department of Recreation and Parks
✓ _____ Department of Fire and Rescue Services
_____ State Highway Administration
_____ Sgt. Karen Shinham, Howard County Police Dept.
_____ James Irvin, Department of Public Works
_____ Office on Aging, Terri Hansen (senior assisted living)
_____ Police Dept., Animal Control, Deborah Baracco, (kennels)
_____ Susan Fitzpatrick, Health Dept. (Nursing & Res. Care)
_____ Land Development - (Religious Facility & Age-Restricted
Adult Housing)
_____ Housing and Community Development
_____ Economic Development
_____ Route 1 Cases – DCCP – Dace Blaumanis
_____ Telecommunication Towers – Josh Levy (Comm. Dept.)

COMMENTS:

Gate must be sized to allow entry by
emergency vehicle 12' clear width


SIGNATURE



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Zoning Map General Plan Amendment: **38.013** Tax ID: **1401171518**
 Current Zoning: **B-2** Council District: **1**
 Tax Map: **38** Grid: **3** Parcel: **861** Lot: **N/A**
 Address: **6100 Washington Boulevard**



38013
10624 Harpoon Hill
Columbia, MD 21044
Tel: (443) 535-9715
Fax: (443) 535-9716
www.thienel-law.com

Rebekah D. Lusk, Esq.
443-535-9715
rlusk@thienel-law.com
Admitted in MD

June 27, 2013

(Via email: councilmail@howardcountymd.gov)
Howard County Council
George Howard Building
3430 Court House Drive
Ellicott City, Maryland 21043

Re: *Zoning of 6100 Washington Blvd*

Dear Council Members,

I am writing on behalf of my client, Mr. James Guzman. Mr. Guzman is the property owner of 6100 and 6080 Washington Blvd, Elkridge, Maryland. This property is the old Buttermilk Inn on Route 1. Mr. Guzman purchased this property in September 2012. Mr. Guzman owns Executive Management, which is a commercial cleaning company. Mr. Guzman purchased this property because it is zoned B-2 and with the express intent to renovate the property and make the building an office space for his company. Mr. Guzman has begun renovations on the building and is going through the Howard County permit process. He has hired an architect, an engineer and a structural engineer, who are preparing building renovation plans and a detailed site plan.

This past Monday, on June 24, 2013, Mr. Guzman had a variance hearing regarding the fence he installed on the property. Prior to this hearing, Mr. Guzman received the Planning and Zoning Staff Technical Report and, for the first time, learned that, as part of the comprehensive zoning process, there is a recommendation to rezone his property from B-2 to R-ED. He also learned that the planning board has approved the recommendation. Mr. Guzman did not receive any notices regarding this proposed rezoning, either via mail, email, or posted on his property. Additionally, while the zoning department has me listed as his attorney in their files, I did not receive any notices of the proposed rezoning or the hearing that was held earlier this month.

Mr. Guzman strongly opposes any change to the zoning of 6100 and 6080 Washington Blvd. Mr. Guzman purchased this property for \$550,000 less than a year ago with the express intent to locate his business on this property, as it conforms with the current zoning. This property had been vacant for many years and was on the open market. Mr. Guzman purchased the property at a well-advertised auction and intends to renovate both the inside and outside of the building. Mr. Guzman's business has approximately eight



10624 Harpoon Hill
Columbia, MD 21044
Tel: (443) 535-9715
Fax: (443) 535-9716
www.thienel-law.com

Rebekah D. Lusk, Esq.
443-535-9715
rlusk@thienel-law.com
Admitted in MD

office employees and they would be the only individuals accessing the building. He does not have customers that come to his office, so the size of the building is ideal for his employees. With Mr. Guzman's business located at this property, Howard County will receive the benefit of an attractive building, occupied with a stable business. Mr. Guzman currently rents office space on another part of Route 1 and wants to keep his business in Howard County, which is why he purchased this property. In addition to having approximately eight office employees, he also has approximately 300 employees who work for him and clean commercial space through Howard County and the surrounding counties.

If the zoning change is approved, this property will be completely unusable for Mr. Guzman and will once again be vacant and an eyesore until he can determine how to proceed.

Mr. Guzman requests that you deny the proposed zoning change for the following reasons: 1) He was not provided any notice or an opportunity to comment regarding this change prior to the planning board hearing; 2) He recently purchased the property with the express intent to utilize the B-2 zoning of the property; 3) He is a well-established businessman in Howard County who has a thriving business and this is an ideal location for him to house the offices for his business; and 4) The B-2 zoning, with the appropriate business and appearance, is the best suited zoning for this narrow and uniquely-shaped strip of land located on busy Route 1.

If you have any questions or would like to discuss in more detail with Mr. Guzman, please contact me. Thank you for your consideration in this matter.

Best regards,

Rebekah D. Lusk

Rebekah D. Lusk

ADJOINING PROPERTY OWNERS FOR 13325 CLARKSVILLE PIKE

Westerlund Family, LLC
6285 Linkythorn Lane
Clarksville, MD 21029-1320
(40.004)

Highland Crossing, LLC
14190 Twisting Lane
Dayton, Maryland 21036-1229
(40.004)

Richard & Eileen Listrani
23200 Howard Chapel RD
Brookeville, MD 20833-1318
(40.004)

"
"

Requested Zoning

Search Street:

CLARKSVILLE PK

Property Information:

Amendment No.: 40.004

Current Zoning: RR-DEO

Requested Zoning: B-1

Tax Account ID.: 1405363314

Map: 40

Grid: 5

Parcel: 74

Lot:

Acres: 3.07

Address: 13325 CLARKSVILLE PK

City/State/Zip: CLARKSVILLE, MD 21029

Owner:

Name: BOLDUC JOHN PAUL

Email: mjkalinock@jpbe.com

Phone: 410-884-1960

Mailing Address: 13237 WESTMEATH LN

City/State/Zip: CLARKSVILLE, MD 21029

Representative:

Name: William E. Erskine

Email: WErskine@offittkurman.com

Phone: 443-864-8844

Mailing Address: 8171 Maple Lawn Blvd, Suite 200

City/State/Zip: Fulton, MD 20759

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.

RECEIVED

DEC 14 2012

A. Property Information

1	Address / Street (Only)	13325	Clarksville Pike
2	Tax Map Number	40	Grid 5
3	Parcel(s)	74	
4	Lot(s)	N/A	
5	Tax Account Data:	District: 05	Account #: 403251 and 363314

DIV. OF PUBLIC SERVICE & ZONING

6	Size of Property:	Acres: 6.27	Square feet:
---	-------------------	-------------	--------------

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

B. Owner Information

8	Owner Name	JP Bolduc ✓
9	Mailing Street address or Post Office Box	13237 Westmeath Lane ✓
	City, State	Clarksville, Maryland
	ZIP Code	21029
	Telephone (Main)	410-884-1960
	Telephone (Secondary)	
	Fax	
10	E-Mail	mjkalinock@jpbe.com

C. Representative Information

11	Name	William E. Erskine, Esq.
	Mailing Street address or Post Office Box	8171 Maple Lawn Boulevard, Suite 200
	City, State	Fulton, Maryland
	ZIP	20759
	Telephone (Main)	301-575-0363

Receipt # 147444

C. Representative Information

Telephone (Secondary)	443-864-8844
Fax	301-575-0335
E-Mail	WErskine@offitkurman.com
12 Association With Owner	Zoning Attorney

D. Alternate Contact [If Any]

Name	
Telephone	
E-Mail	

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

13	Subject property is located in the Highland Commercial Crossroads. Environmental features on the property require development to be situated very close to MD Route 108 and the existing commercial development on the opposite side of MD Route 108. These conditions make the property ill suited for single family detached residential uses. The Petitioner would like to develop the property in a manner that is consistent with the permitted uses in the B-1 district such as office, retail and restaurant uses by way of example.
----	---

F. List of Attachments/Exhibits

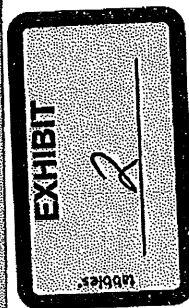
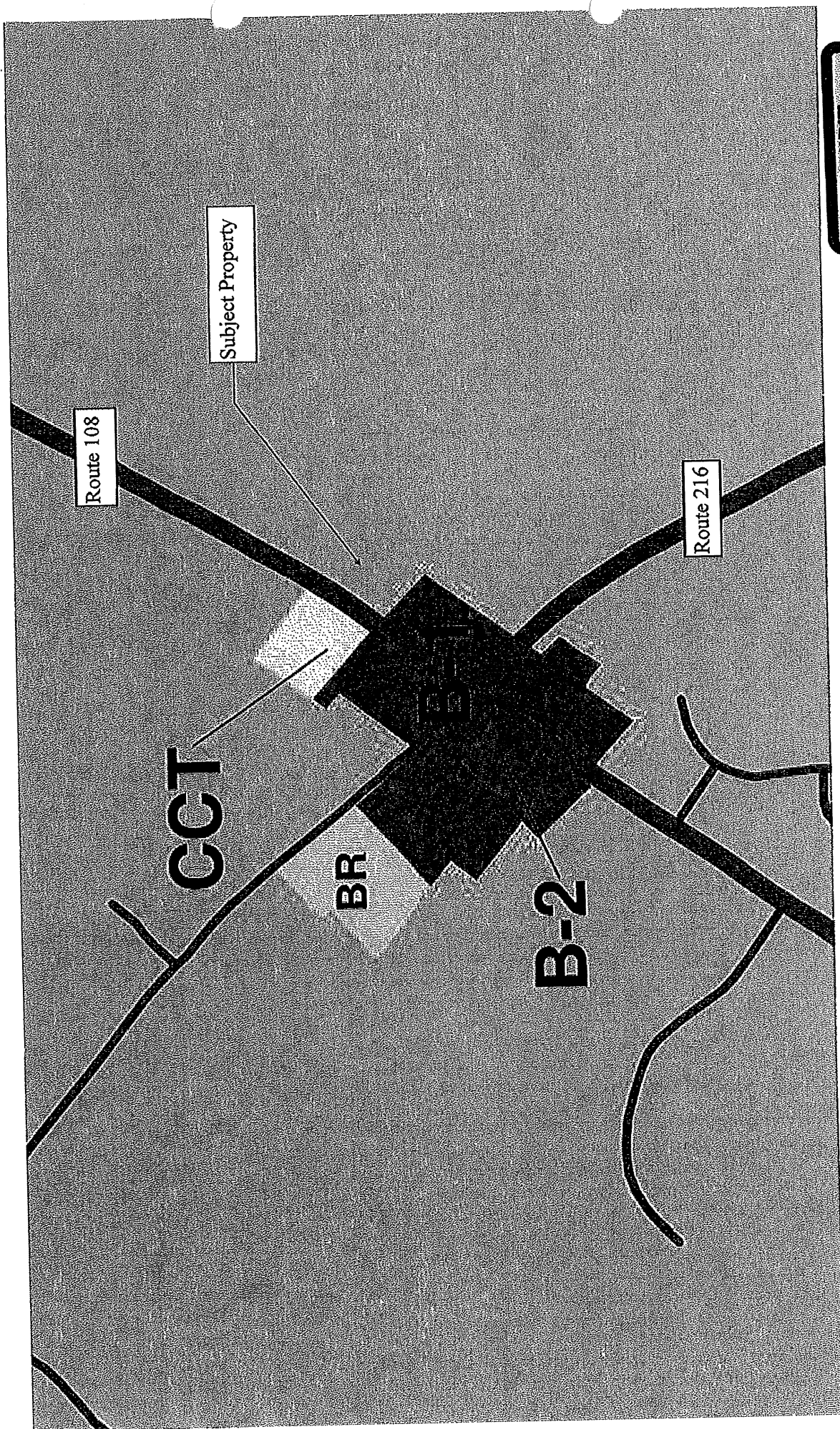
14	1. Aerial view of subject property and surrounding area. 2. Current Zoning Map of subject property. 3. SDAT Parcel Tax Map of subject property.
----	---


G. Signatures

15	Owner	<i>J.P. Bolduc</i>	OWNER (2)	
	Date	12/13/12	Date	
	Additional owner signatures? <input checked="" type="checkbox"/> the box to the left and attach a separate signature page.			

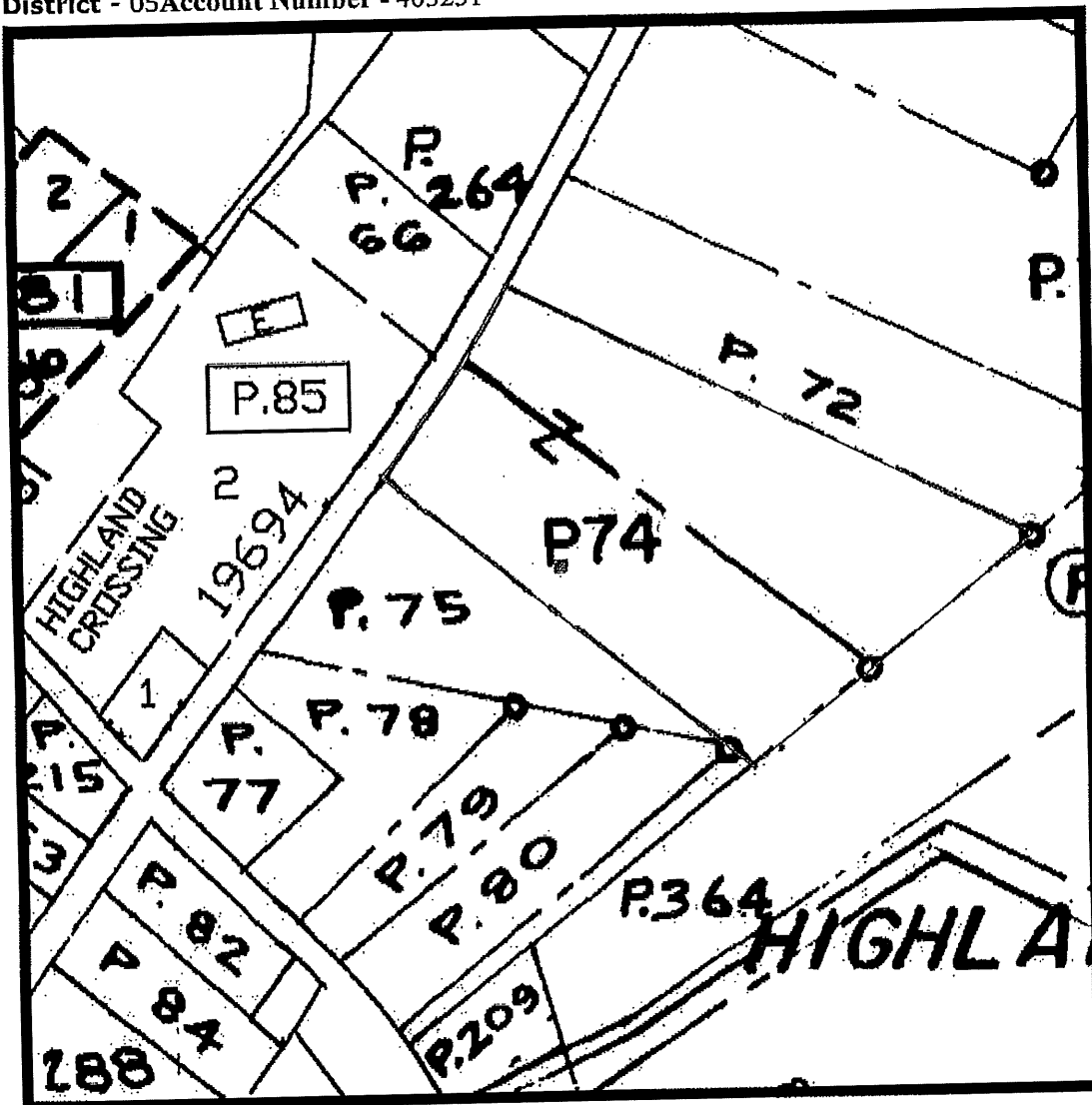
16	Representative Signature	<i>William E. Erskine</i>
	Date	12/14/12

DPZ Use Only	Amendment No.	40.004
Notes	<i>GAH 12/17/12</i>	



	Maryland Department of Assessments and Taxation	Go Back
	HOWARD COUNTY	View Map
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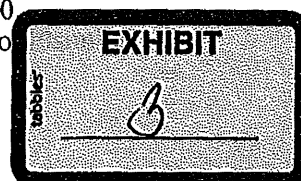
District - 05 Account Number - 403251



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net.

Property maps provided courtesy of the Maryland Department of Planning ©2010
For more information on electronic mapping applications, visit the Maryland Department of
web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml





Howard County Council

George Howard Building
3502 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. John Paul Bolduc
13237 Westmeath Lane
Clarksville, MD 21029

Dear Mr. Bolduc:

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."

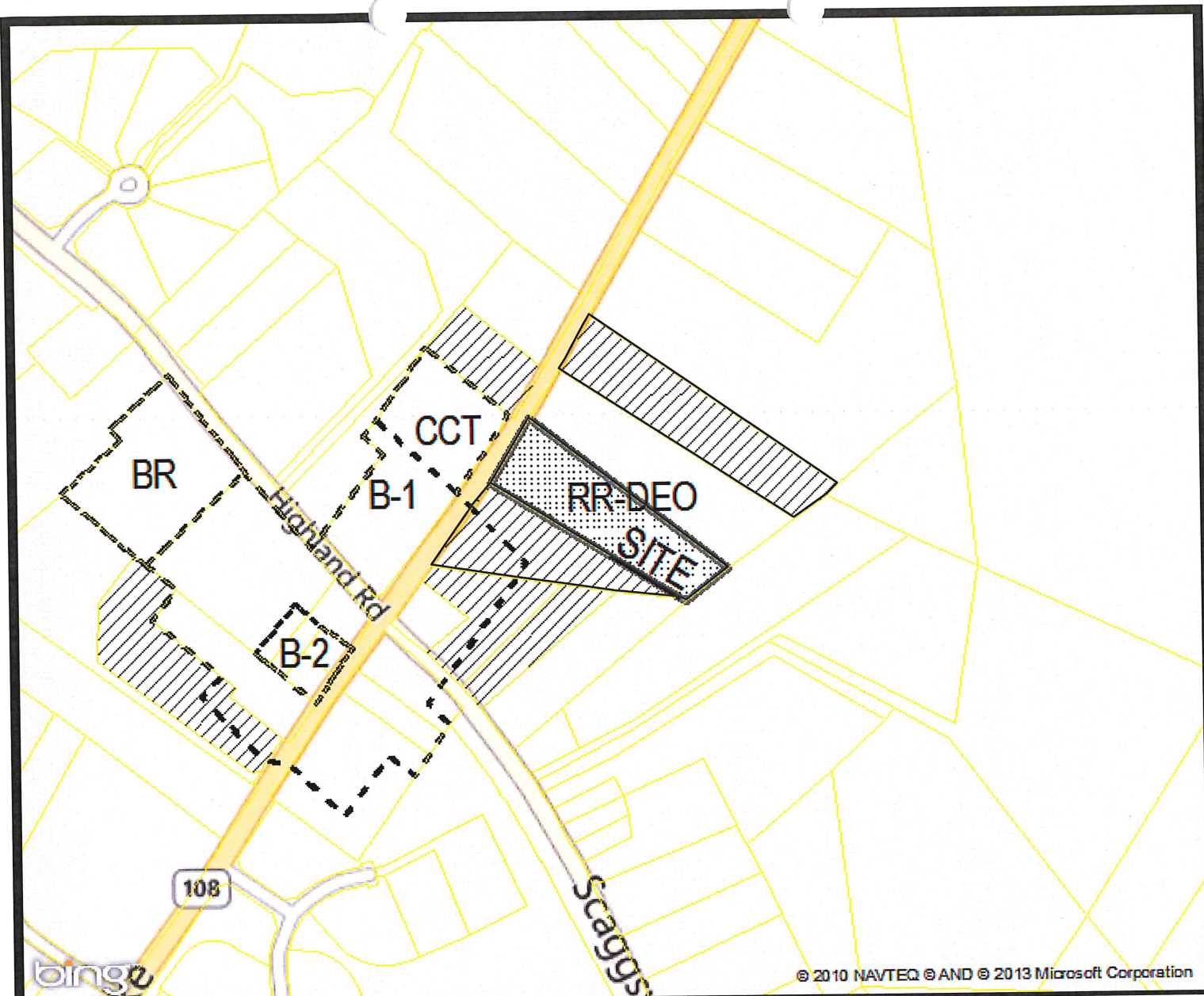
The Commission directed me to notify applicants of their obligation to file the affidavit and disclosure. The obligation is set forth in Md. Code Ann., St. Gov't, Sec. 15-849(b), which provides in part, **"the affidavit or disclosure shall be filed at least 30 calendar days prior to any consideration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

A handwritten signature in cursive script that reads "Stephen M. LeGendre".

Stephen M. LeGendre
Administrator

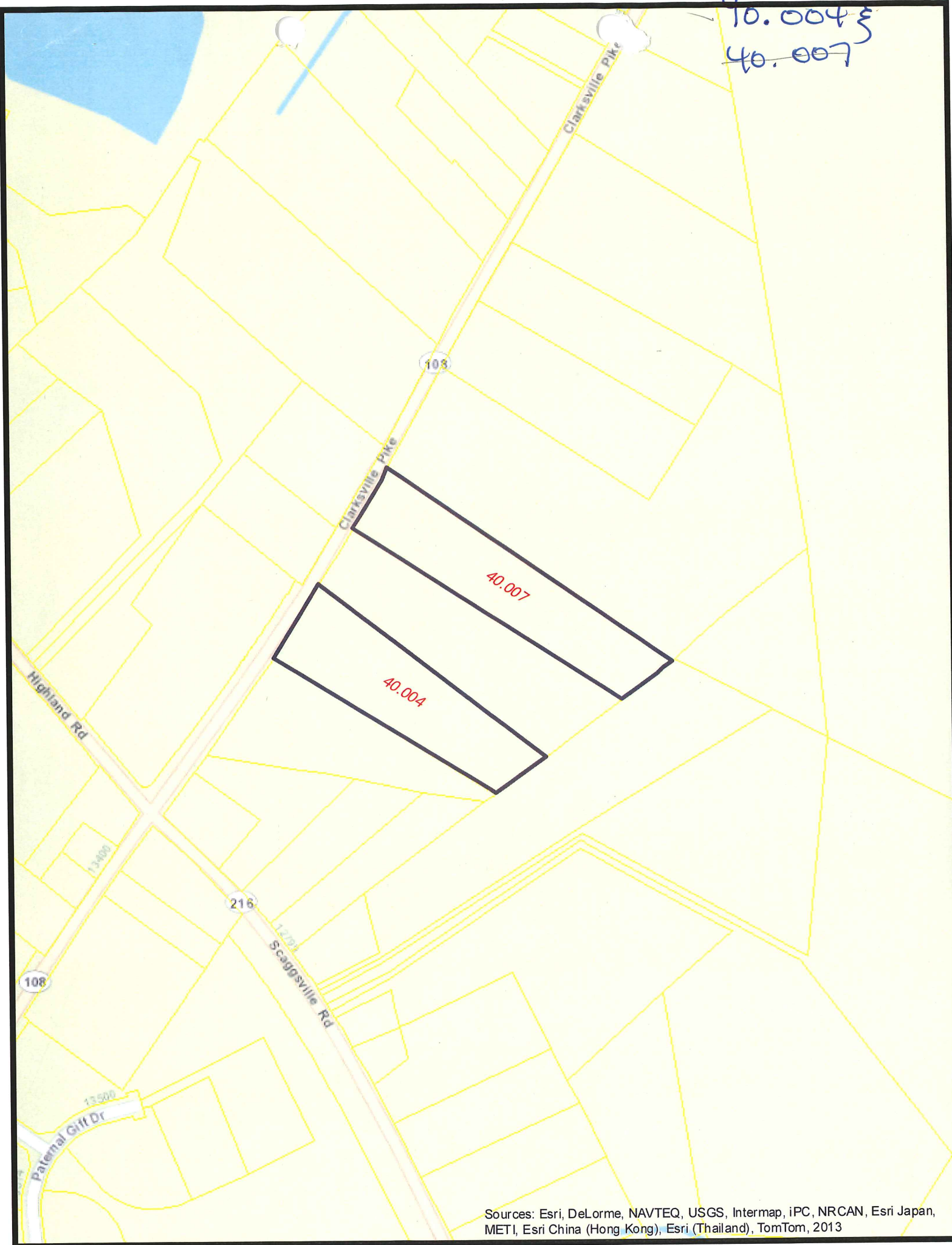


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Zoning Map General Plan Amendment: **40.004** Tax ID: **1405363314**
 Current Zoning: **RR-DEO** Council District: **4**
 Tax Map: **40** Grid: **5** Parcel: **74** Lot: **N/A**
 Address: **13325 CLARKSVILLE PK**

40.004 &
40.007



Regner, Robin

From: Tolliver, Sheila
Sent: Thursday, August 01, 2013 1:31 PM
To: Regner, Robin
Subject: FW: Letters to DPZ
Attachments: Written Testimony for Amendment 40.004 - highlighted.pdf; JPB Highland Comp Zoning Request.pdf; Highland Exhibits.pdf

From: Sigaty, Mary Kay
Sent: Wednesday, July 31, 2013 3:33 PM
To: Tolliver, Sheila
Subject: FW: Letters to DPZ

On 7/1/13 7:46 AM, "Erskine, William" <werskine@offitkurman.com> wrote:

>Mary Kay,
>
>Please see attached correspondence. I have highlighted the relevant
>reference to the parcel size, etc. I may have some additional emails
>on the topic. I will continue to look and will send them over if I am
>able to locate them. I have also attached a copy of the Application
>for Rezoning (with Exhibits) filed on December 14, 2012. You will note
>that on Exhibit 3 that I carefully outlined the entirety of Parcel 74
>in red to make it clear that the Applicant was seeking to rezone all 6.27 acres.
>
>I am available this morning if you would like to discuss.
>
>William E. Erskine
>Principal
>Offit | Kurman
>Attorneys At Law
>
>
>
>-----Original Message-----
>From: Sigaty, Mary Kay [<mailto:mksigaty@howardcountymd.gov>]
>Sent: Monday, July 01, 2013 6:23 AM
>To: Erskine, William
>Subject: Letters to DPZ
>
>Bill,
>
>Would you please send me copies of the letters you sent DPZ requesting
>the site correction for the Highland property?
>
>Thanks.
>
>Mary Kay Sigaty
>Howard County Council, District 4

>3430 Court House Drive
>Ellicott City, MD 21043
>410-313-2001
>

Offit|Kurman

Attorneys At Law

William E. Erskine, Esquire
Tel: 443-738-1563
WErskine@offitkurman.com

April 12, 2013

Howard County Planning Board
3430 Courthouse Drive
Ellicott City, MD 21043

Re: Comprehensive Zoning Map Amendment Request No. 40.004

Dear Chairman Grabowski and Distinguished Members of the Planning Board:

Thank you for your consideration of zoning map amendment request No. 40.004. As stated in the Application for Rezoning filed in this matter, the Property owner does not feel that the current RR-DEO zoning of the subject property is the most appropriate zoning for this property given its close proximity to surrounding commercial uses within the Highland commercial crossroads. The Applicant feels strongly that B-1 zoning is the most appropriate zoning classification for this property. Having said that, the Applicant has recently had an opportunity to review the proposed text amendments prepared by DPZ that would create a new zoning category known as BRX. In the event that this new zoning category were to be approved by the Council, the Applicant would welcome the opportunity to apply for this exciting new zoning category. With this purpose in mind, the Applicant urges the Planning Board to resist any proposed amendments to the new BRX district that would effectively exclude the Applicant (and other similarly situated property owners) from having at least the opportunity to apply for this new zoning category. Whether the Zoning Board decides to grant the application or not will depend on the merits of the particular application. (See, DPZ recommendation set forth immediately below).

40.004	40	5	74	13325 Clarksville Pike	Bolduc John Paul	3.07	RR- DEO	B-1	RR- DEO	Residential Use; BRX option
--------	----	---	----	------------------------------	------------------------	------	------------	-----	------------	-----------------------------------

I would also like to clarify the fact that Amendment No. 40.004 actually seeks to rezone the entirety of Parcel 74 (consisting of 6.27 acres. Not 3.07 as reported by DPZ). Having said this, roughly half of the property is unsuitable for development because of wet site conditions existing on the rear of the property so the actual usable area of property sought to be rezoned is very close to that which has been reported by DPZ.



Thank you for your consideration of this important amendment request.

Sincerely,

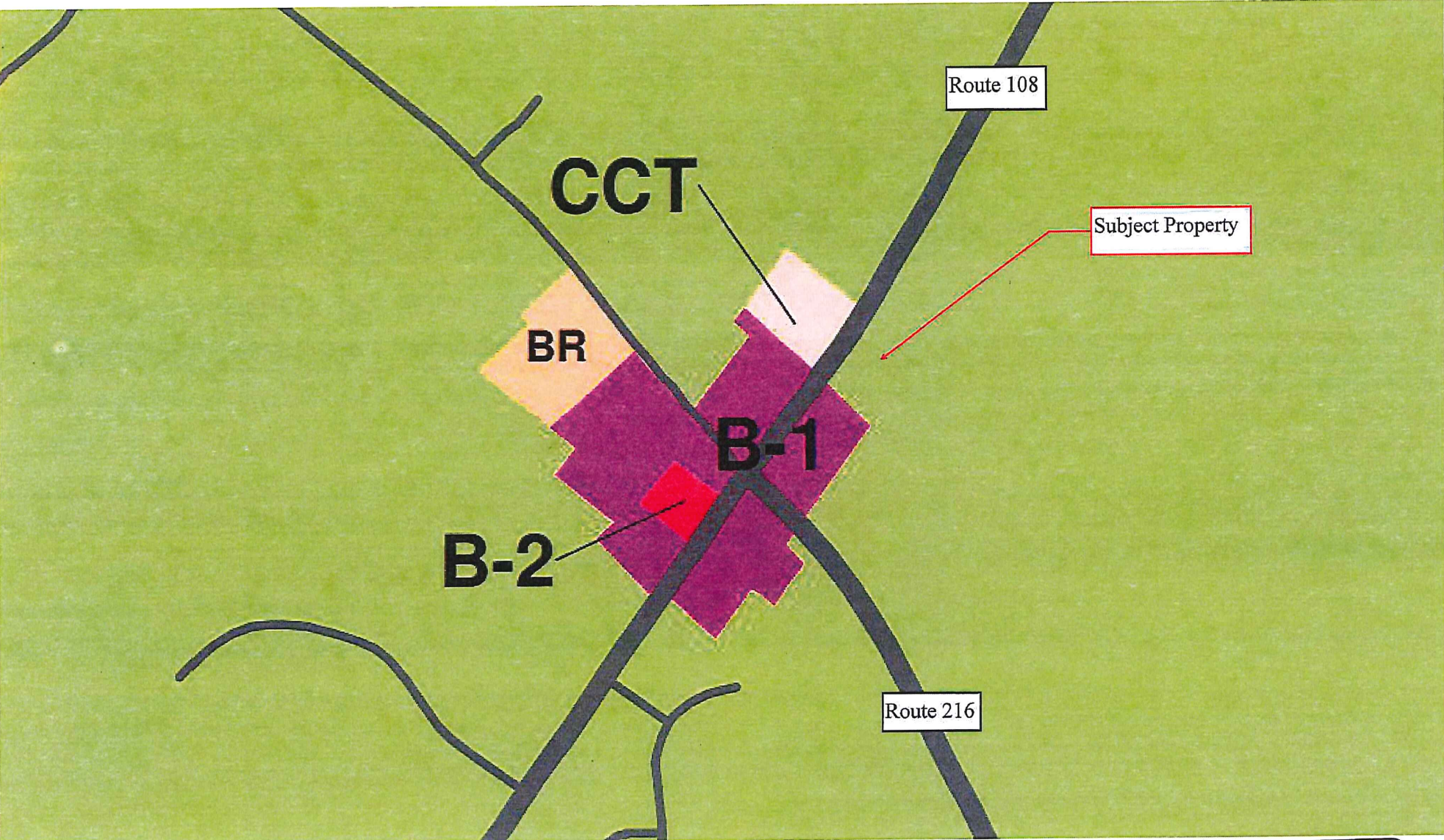
A handwritten signature in blue ink that reads "William E. Erskine". The signature is written in a cursive style with a small "E" at the end.

William E. Erskine

WEE/lmk

4834-6737-3331, v. 1



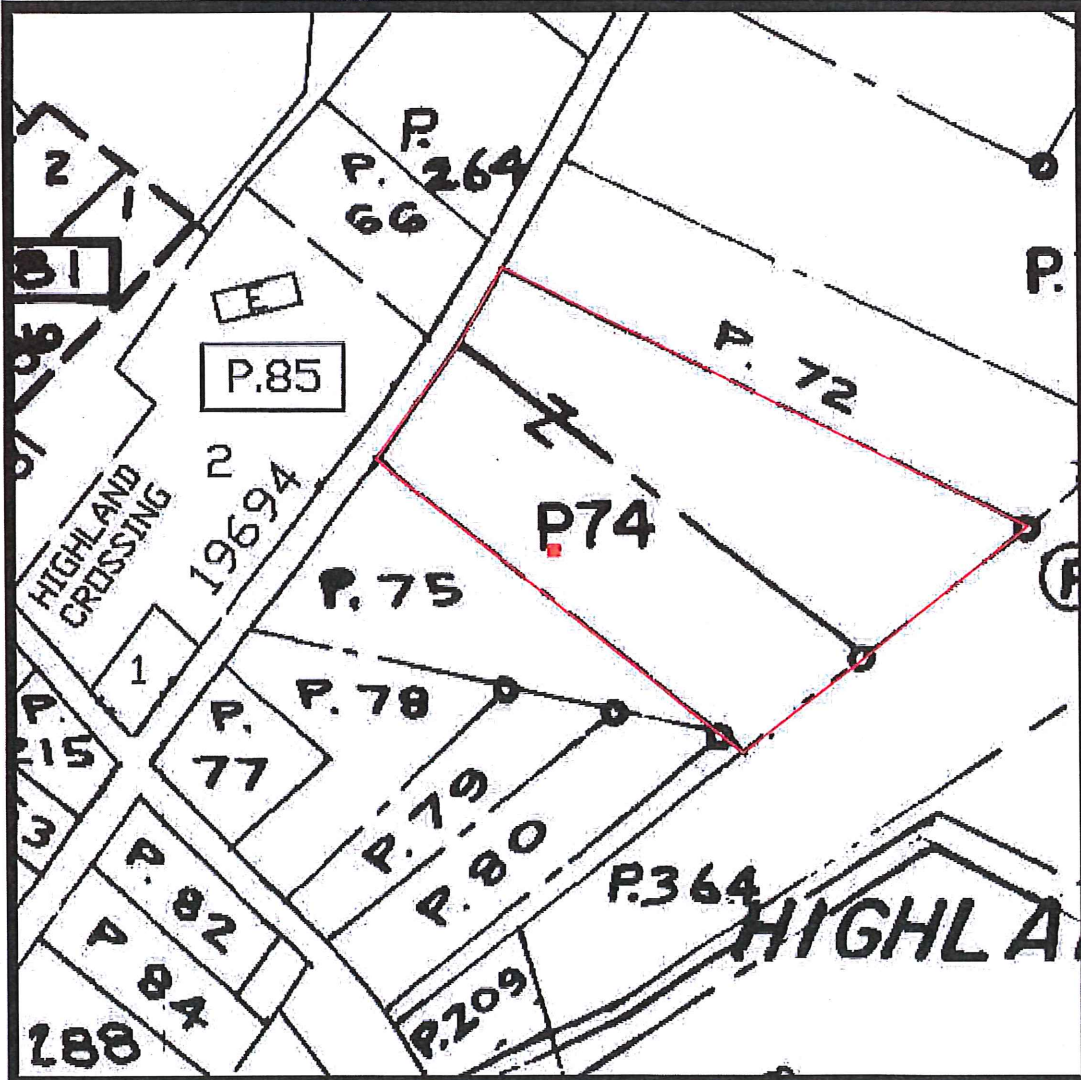




Maryland Department of Assessments and Taxation
HOWARD COUNTY
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District - 05 Account Number - 403251



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Property maps provided courtesy of the Maryland Department of Planning ©2010
For more information on electronic mapping applications, visit the Maryland Department of
web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml



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.

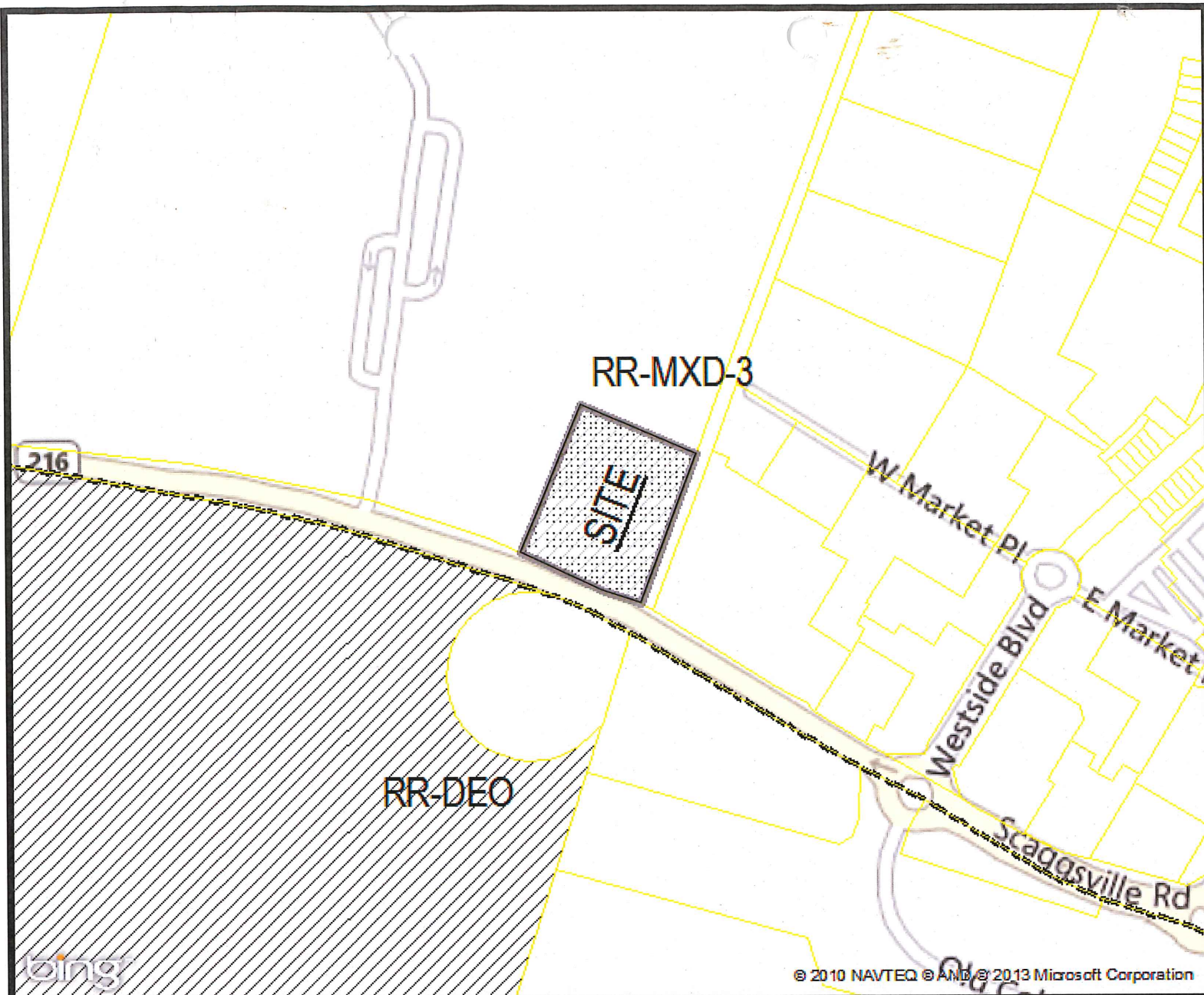
Map #s 40.001 thru 40.007, Highland Crossroads: We support only one of them in order to allow the adjoining property to be eligible for BRX rather than B-1. (See Exhibit 1 attached)

- 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



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Zoning Map General Plan Amendment: **41.001** Tax ID: **1405417813**
 Current Zoning: **RR-MXD-3** Tax Map: **41** Grid: **21** Parcel: **476** Lot: **N/A**
 Proposed Zoning: **CCT**
 Address: **11584 Scaggsville Road** Council District: **4**

Carney, Kelehan
Bresler, Bennett
& Scherr LLP
ATTORNEYS AT LAW

DMBS, RR, TW
ST

HOWARD COUNTY COUNCIL
RECEIVED

2013 JUN -5 P 4: 58

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Daniel H. Scherr
P. Tyson Bennett
Kevin J. Kelehan
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Eric C. Brousaides
Michelle DiDonato
B. Darren Burns
Manisha S. Kavadi
Heather S. Swan
Andrew H. Robinson
Karen S. Ellsworth
Lisa L. Bennett

OF COUNSEL:
Fulton P. Jeffers

IN MEMORIAM:
Laurence B. Raber

June 5, 2013

Ms. Sheila Tolliver
Council Administrator
Howard County Council
3430 Courthouse Drive
Ellicott City, MD 21043

RE: Comprehensive Zoning

Dear Ms. Tolliver:

Please be advised that I represent Ms. Lois Peters, the owner of 11584 Scaggsville Road in Fulton.

Enclosed is a completed Zoning Map Amendment Request Form and accompanying material relevant to the Request.

Also enclosed are the following forms executed by my client:

- (1) Affidavit as to Contribution;
- (2) Disclosure of Contribution; and
- (3) Affidavit as to Engaging in Business with an Elected Official.

We actually first submitted this Request to the Department of Planning and Zoning on January 23, 2013, following a conversation with the Department. The Department then returned the material stating that the Request was after the submittal time, which of course was the subject of my conversation with DPZ prior to our submittal.

In another discussion with DPZ, following the return of our Request, the thought was we would appear before the Planning Board to initiate our participation in the comprehensive zoning process. I did appear on behalf of Ms. Peters, and offered testimony and documentation regarding the Request.

At the time of the Planning Board work sessions, we were advised that the Board would not be taking up our Request. I then consulted with DPZ and the Office of Law regarding the procedure to follow to have this Request submitted

Ms. Sheila Tolliver
Council Administrator
Howard County Council
June 5, 2013
Page 2

for Council consideration, and if I understood the response correctly, the procedure would be for an amendment to the comprehensive zoning bill to be filed, and so we were in the process of providing information to the Council members on our Request so that hopefully they would see the merits of the proposal.

I have set forth this history so that it can hopefully be seen that we have been diligent in trying to make this Request part of the process for over four months. We do not believe that any inability to do so to date has been because of any disagreement with the merits of the proposal.

Thank you for your assistance and cooperation in this matter. Please do not hesitate to contact me if you have any questions.

Very truly yours,

CARNEY, KELEHAN, BRESLER,
BENNETT & SCHERR, LLP



Thomas M. Meachum

TMM/pjm
Enclosures

cc: Ms. Lois Peters
P:\TMM\WPDATA\Peters, Lois\Tolliver ltr.wpd

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) 11584 Scaggsville Road
2 Tax Map Number 41 Grid 21
3 Parcel(s) 476
4 Lot(s)
5 Tax Account Data: District 05 Account # 417813

6 Size of Property: Acres 3 Square feet

7 The Property is currently zoned: RR-MXD-3
I request that the Property be rezoned to: CCT

B. Owner Information

8 Owner Name Lois Peters
9 Mailing street address 11584 Scaggsville Road
or Post Office Box
City, State Fulton, MD
ZIP Code 20759
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
or Post Office Box
City, State Columbia, MD
ZIP 21044
Telephone (Main) 410-740-4600

C. Representative Information

Telephone (Secondary)

Fax

E-Mail

12 Association with Owner

D. Alternate Contact [If Any]

Name

Telephone

E-Mail

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

- 13 The property has been used as an assisted living facility since 2003. It was approved a few years ago for 13 beds. The maximum number of beds the property can be approved for is 16 because of the zoning. Because of strong community acceptance, there is a demand for more beds, beyond the 16 bed maximum.

The property to the east is part of Maple Lawn commercial center, specifically the back of the Harris Teeter grocery store. To the north and west, although quite a bit lower topographically, is the parking lot for Reservoir High School.

CCT is the appropriate zoning for this use and location. See Supplement.

F. List of Attachments/Exhibits

- 14 1 - Technical Staff Report dated March 28, 2011 for recent bed expansion.
2 - Aerial photographs of property and vicinal properties.
3 - Plot plan of property.

G. Signatures

15 Owner Lois Peters

Owner (2)

Date

1/24/13

Date

☐

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

16 Representative
Signature

Date

1/24/13

DPZ Use Only	Amendment No.
Notes	

Zoning Map Amendment Request Form
Supplement for Lois Peters' request for CCT Zoning
for 11584 Scaggsville Road

Route 216 is a busy road at this location. Properties across 216 are an unimproved lot owned by the SHA, and the other property is occupied by a water tower.

CCT (Community Center Transition) is stated in the Regulations as "established to permit community serving office, institutional service and cultural facilities, as well as age-restricted housing. These uses serve the surrounding residential community and provide a transition between residential neighborhoods and retail activity centers."

While the High School and other schools on the same side of Route 216 as this property are not neighborhoods, this property would serve the same overall purpose by being CCT. This assisted living facility use, as the other institutional uses allowed in CCT, would fit in well with the institutional use of the school and the retail shopping area.



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Marsha S. McLaughlin, Director

www.howardcountymd.gov
FAX 410-313-3467
TDD 410-313-2323

TECHNICAL STAFF REPORT

ADDENDUM

April 13, 2011

Case No./Petitioner: BA-11-001C - Lois Peters t/a International Health Care Consultants

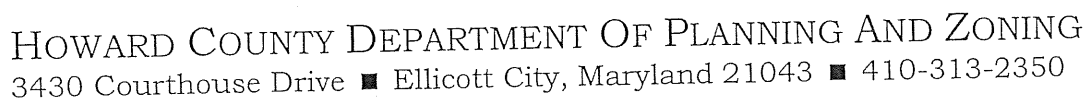
The purpose of this addendum is to add a comment to the Recommendation in Section V. on page 6 of the Technical Staff Report ("TSR") for this case dated March 28, 2011 concerning the connection of the Property to the public water system as follows:

V. RECOMMENDATION

3. It is recommended that the commencement of the Conditional Use be conditioned upon the Petitioner's demonstration that all necessary permits for connections to the public water system as may be required for an assisted living facility have been acquired and all associated fees have been paid by a date specified by the Hearing Authority.


Marsha S. McLaughlin, Director

4/13/11
Date

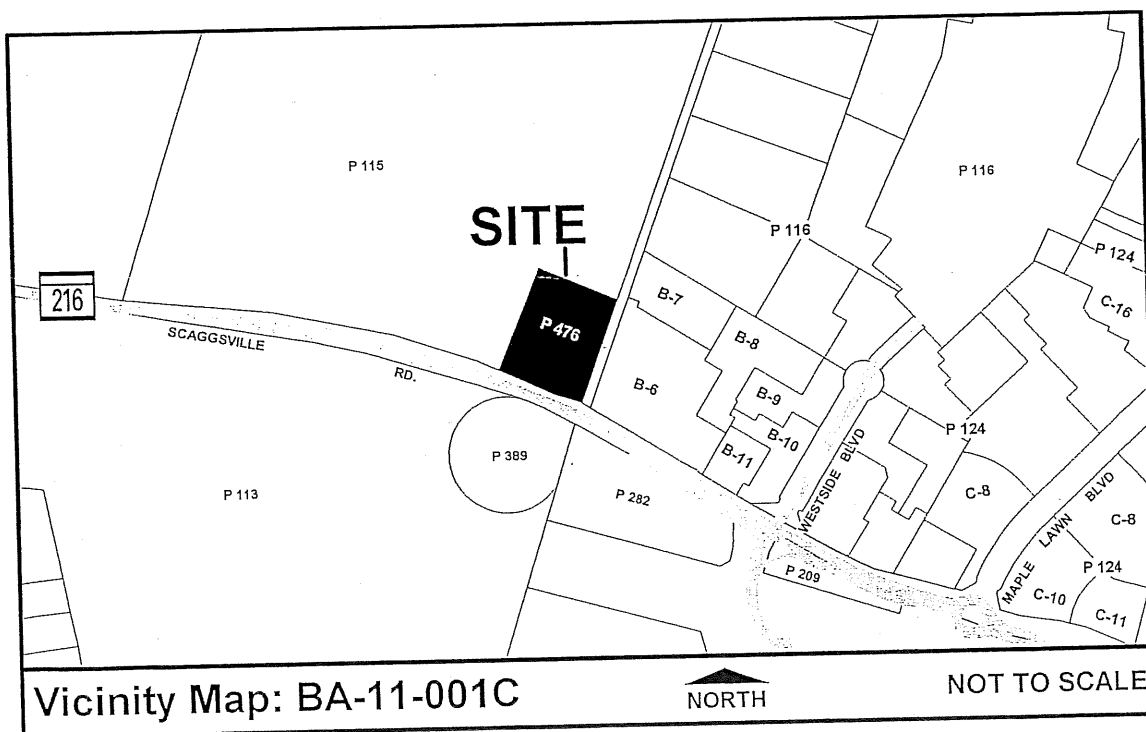


www.howardcountymd.gov
FAX 410-313-3467
TDD 410-313-2323

TECHNICAL STAFF REPORT

*Petition Accepted on February 3, 2011
Hearing Examiner Hearing of April 11, 2011*

Case No./Petitioner:	BA-11-001C Lois Peters t/a International Health Care Consultants
Request:	Conditional Use for a Residential Care Facility for a maximum of 13 residents (Section 131.N.37)
Location:	Fifth Election District North side of MD 216 (Scaggsville Road) approximately 1600 feet west of Maple Lawn Boulevard Tax Map 41, Grid 21, Parcel 476; 11584 Scaggsville Road
Area of Site:	3.0 acres (the “Property”)
Zoning:	RR-MXD-3 (Rural Residential: Mixed Use Overlay District)



I. CONDITIONAL USE PROPOSAL

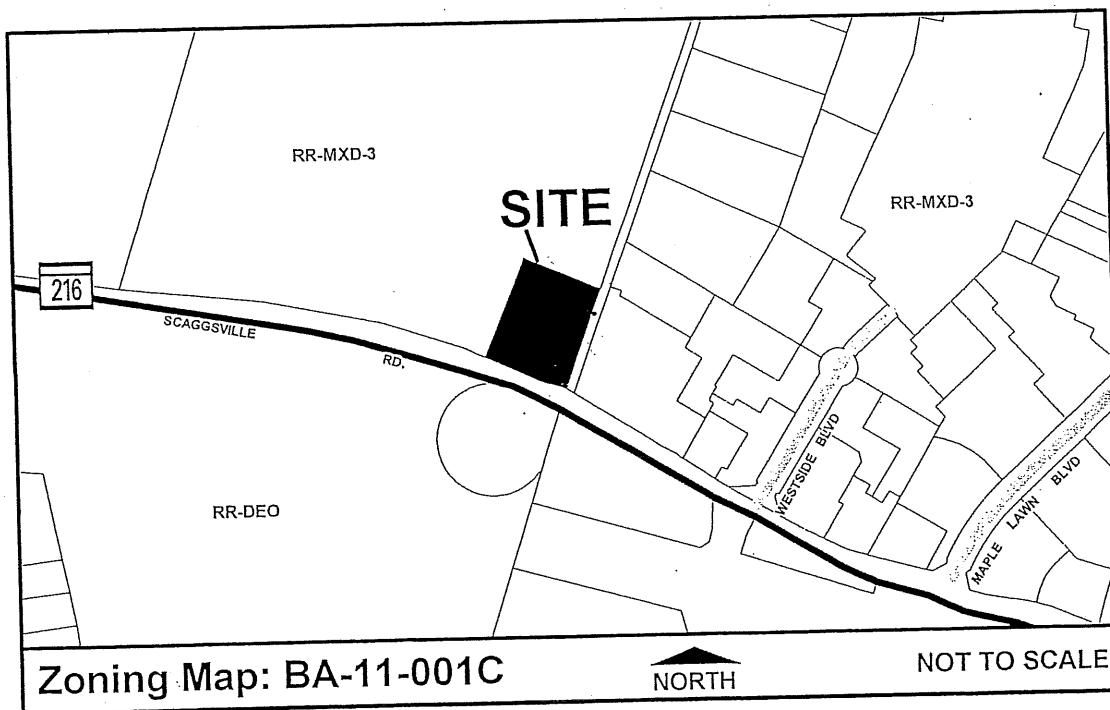
Currently, an eight bed assisted living facility is operated on the Property. The Petitioner seeks Conditional Use approval for an assisted living facility for a maximum of 13 beds.

The assisted living facility will operate 24 hours per day, seven days per week with four to five employees. The petition states that only lighting appropriate for a single-family home will be used. There will be 17 striped parking spaces on the Property. An existing building at the rear of the Property will be used for storage.

II. BACKGROUND INFORMATION

A. Site Description

The Property is generally rectangular in shape and comprises three acres with approximately 300 feet of frontage on MD 216. A one-story brick residential structure is situated approximately 200 feet from the front property line in the central area of the Site. A three-bay garage structure is located to the rear of the residential structure and appears to be located about 35 feet from the rear property line. A paved driveway located approximately 60 feet from the southwest Property corner provides access to the site. This driveway extends along the western side of the Site and branches to the east to form a loop around the rear of the residence. Three parking spaces are situated near the southeast corner of the residence, four spaces are located in the southeast corner of the parking area at the front of the residence and 10 spaces are located between the rear of the residence and the garage.



B. Vicinal Properties

Adjoining properties to the north, east and west are also zoned RR-MXD-3. Parcel 115 abuts the west and north sides of the Property. This approximately 101 acre parcel is the site of Reservoir High School.

Part of Parcel 1, an Open Space lot of Maple Lawn Farms adjoins the east side of the Property. To the east of this Open Space Lot are Parcels B-6 and B-7 (Parcel 116) of the Maple Lawn Shopping Center, the site of an existing grocery store.

Properties across MD 216 to the south are zoned RR-DEO. Parcel 113 is an approximately 13.5 acre unimproved lot owned by the State Highway Administration. Parcel 389 is the site of a water tower.

C. Roads

MD 216 has one travel lane in each direction in the vicinity of the Property and a variable paving width within a variable width right-of-way.

According to data from the State Highway Administration, the traffic volume on MD 216 west of US 29 was 17,672 AADT (annual average daily trips) as of 2009.

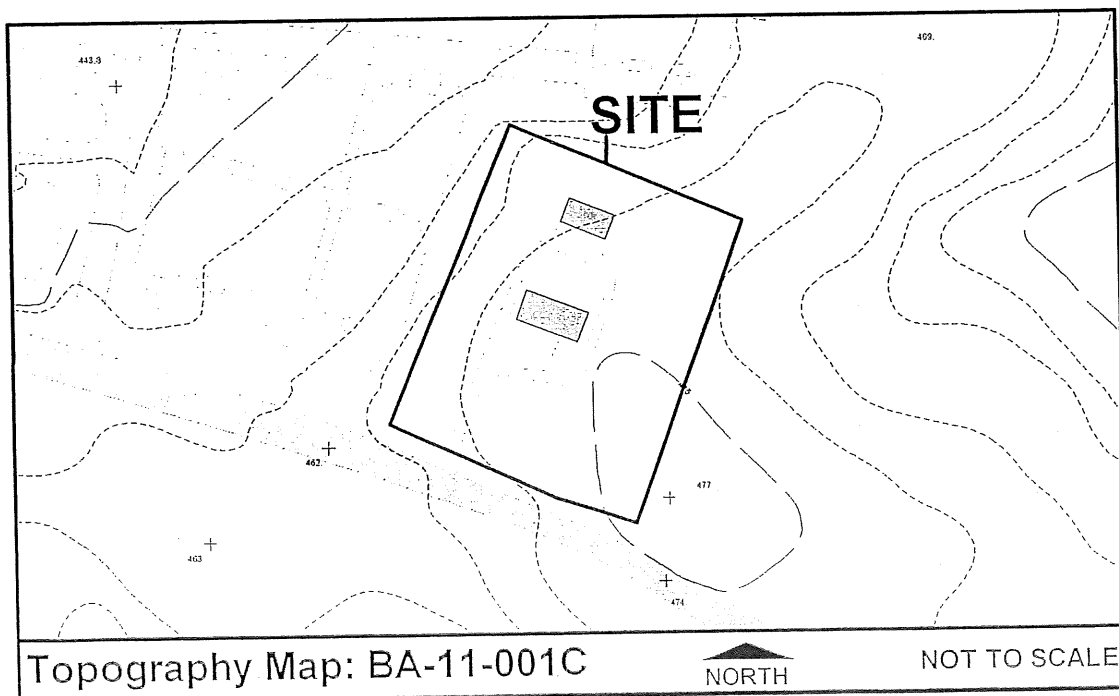
D. Water and Sewer Service

The Property is within the Metropolitan District according to the Howard County Geographic Information System maps. Based on comments from the Bureau of Environmental Health, the Property is served by public water and private septic facilities.

E. General Plan

The Property is designated Existing or Proposed Mixed-Use Center on the Policies Map 2000-2020 of the 2000 General Plan.

MD 216 is depicted as a Minor Arterial on the Transportation Map 2000-2020 of the 2000 General Plan.



PETITIONER: Lois Peters t/a International Health Care Consultants

F. Agency Comments

See attached comments on the proposal from the following agencies:

1. Department of Inspections, Licenses and Permits
2. Bureau of Environmental Health
3. Division of Land Development
4. Department of Fire and Rescue Services

The following agencies had no objections to the proposal:

1. Department of Recreation and Parks
2. State Highway Administration

III. ZONING HISTORY

A. CE 10-130

Action/Status: Zoning violation notice issued to property owner on December 10, 2010 for "The housing of eight mentally and/or physically disabled persons without a resident family. Operating without a conditional use approval for Nursing Homes and Residential Care Facility with thirteen beds on a RR (Rural Residential) zoned property." The case is currently open.

IV. EVALUATION AND CONCLUSIONS

A. Evaluation of petition according to Section 131.B. of the Zoning Regulations (general criteria for Conditional Uses):

1. The proposed use of the Property as a residential care facility for a maximum of 13 occupants is generally harmonious with surrounding properties predominately characterized by commercial and institutional use. The Property is 3.0 acres, the dwelling has existed in its current location for many years and is currently used as a residential care facility for eight residents. The expansion of the facility for use by 13 residents would not create adverse impacts on adjacent properties. The limited nature and intensity of the proposed use, the size of the site in relation to the use, and the location of the site with respect to streets giving access to the site are such that the use will be in harmony with the land uses and policies indicated in the Howard County General Plan for the district in which it is located.
2. The use will be operated predominantly indoors, will not generate dust, fumes, odors, or noise. No outdoor lighting other than that typical of a single family dwelling is proposed in conjunction with the petition. The impact of adverse effects at the subject site will not be greater than it would generally elsewhere in the zone or applicable other zones.

PETITIONER: Lois Peters t/a International Health Care Consultants

3. No additions to the existing building are proposed. Vicinal properties are in commercial and institutional use and buildings on those sites are well separated by distance. The nature, height and size of the existing structure to be utilized for the Conditional Use, the proximity of the Property to properties characterized by commercial and institutional uses, and the buffering of the structure on the Property by distance is such that the use will not hinder or discourage the development and use of adjacent land and structures more at the subject property than it would generally in the zone or applicable other zones.
4. The requirement of the Zoning Regulations is for one parking space per two beds; therefore, a total of seven parking spaces would be required for the Conditional Use. The 17 paved parking spaces depicted on the submitted plan will provide an adequate amount of parking for the proposed use. The petition complies with this section regarding the quantity of parking spaces.
5. The existing access point will likely continue to provide safe access with adequate sight distance, based on actual conditions.

B. Evaluation of petition according to Section 131.N.37 (Specific Criteria for a Conditional Use for a Residential Care Facility):

1. The Petitioner proposes a maximum of 13 residents; therefore, the petition meets the requirement of Section 131.N.37.a.
2. The Property is 3.0 acres in area; therefore, the requirement of Section 131.N.37.b. that the lot be a minimum of 40,000 square feet has been met.
3. No new building additions are being proposed; therefore, Section 131.N.37.c. does not apply.
4. This section requires that buildings, parking areas and outdoor activity areas to be at least 50 feet from residentially zoned properties other than public road right-of-ways, except that the Hearing Authority may reduce this setback to no less than 20 feet or the minimum required by the zoning district, whichever is greater, if:
 - (a) The adjoining land is committed to a long term institutional or open space use that provides an equivalent or better buffer for vicinal residential development; or
 - (b) The petition includes detailed plans for appropriate screening, consisting of a combination of a solid fence or wall and landscaping, or an equivalent combination, that presents an attractive and effective buffer for neighboring residential properties.

The principal structure, driveway and parking areas are located at least 50 feet from residentially zoned properties other than public road right-of-ways. Although the Petitioner did not specifically request a reduced setback in accordance with the provisions of this section, the petition states that all uses are at least 50 feet from boundary lines except a block building in the rear which seems to be approximately 40 feet from the rear property line which adjoins the parking lot of Reservoir High School. This accessory building does not comply with the 50 foot setback requirement of this section.

PETITIONER: Lois Peters t/a International Health Care Consultants

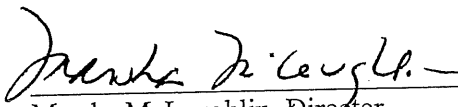
Following the provision for reduced setbacks, the required rear setback in the RR-MXD-3 District for an accessory structure is 10 feet so the 20 foot setback is the greater of the two requirements; the accessory structure is depicted on the submitted plan as being approximately 35 feet from the rear property line. The accessory structure would be potentially eligible for approval of a reduced setback in accordance with Section 131.N.37.d.(1) because the Property adjoins the parking lot of land committed a long term institutional use.

5. Although a green space calculation has not been shown on the plan, it is evident from the plan and aerial photographs of the Property that the requirement that at least 20 percent of the area within the building envelope shall be green space not used for buildings, parking and driveways has been met.

V. RECOMMENDATION

For the reasons stated above, the Department of Planning and Zoning recommends that the request for a Conditional Use for a Residential Care Facility for a maximum of 13 residents (Section 131.N.37) be **APPROVED**.

1. The Conditional Use shall be conducted in conformance with and shall apply only to the Conditional Use for a Residential Care Facility for a maximum of 13 residents as described in the petition and as depicted on the Conditional Use plan submitted on February 3, 2011 and as may be revised by the Hearing Examiner, and not to any other activities, uses, or structures on the Property.
2. The Petitioner must address all agency comments.

 3/28/11
Marsha McLaughlin, Director Date

NOTE: The file is available for public review at the Department of Planning and Zoning Public Information Counter.

MM:ZLK/zlk



Howard County
Health Department

Bureau of Environmental Health
7178 Columbia Gateway Drive, Columbia MD 21046
(410) 313-2640 Fax (410) 313-2648
TDD (410) 313-2323 Toll Free 1-866-313-6300
website: www.hchealth.org

Peter L. Beilenson, M.D., M.P.H., Health Officer

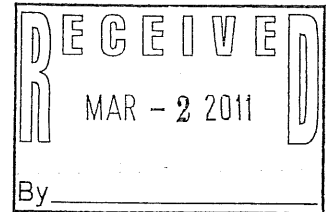
MEMORANDUM

TO: Cindy Hamilton, Chief
Division of Planning & Zoning Administration

FROM: Michael J. Davis *mjd*
Assistant Director
Bureau of Environmental Health

DATE: February 28, 2011

RE: Petition # BA 11-001C



The Health Department has reviewed the above referenced conditional use. The conditional use plan is incomplete because it does not indicate where the on-site sewage disposal system (OSDS) is located. Health Department records indicate the property is currently served by public water and an OSDS designed based on wastewater generated from a four bedroom home. The Health Department has no objection to the proposed conditional use provided that an approval is limited no more than eight occupants unless the OSDS is upgraded or the property is connected to public sewer.

MJD

MEMO TO: Department of Planning and Zoning

FROM: Department of Inspections, Licenses and Permits

Petition No.: BA 11-001 Date Due: ASAP Date Rec'd: 2/04/2011

Tax Map No.: 41 Block 21 Parcel: 476

Applicant: Lois Peters T/A International Healthcare Consultants


Location/Address: 11584 Scaggsville Road, Fulton MD 20759

Nature of Petition: Assisted living facility from 8 beds to 13 beds

Approved, subject to the following advisory comments:

The applicant shall be advised that the change in the number of beds will require a change in the design of the automatic sprinkler systems from a 13D to a 13R.

FEB - 9 2011


James Hobson, Plan Review Division
Department of Inspections, Licenses and Permits

Department of Planning and Zoning
Howard County, Maryland
Recommendations/Comments

Date: 2/4/11

Hearing Examiner TBS
Planning Board _____ Board of Appeals _____ Zoning Board _____
Petition No. BA 11-001C Map No. 41 Block 21 Parcel 476 Lot _____
Petitioner: Lois Peters T/A International Healthcare Consultants
Petitioner's Address: see application
Address of Property: see application **FEB 17 2011**
Return Comments by ASAP to Public Service and Zoning Administration
Owner: (if other than applicant) _____
Owner's Address: _____
Petition: See application

To: _____ MD Department of Education – Office of Child Care
_____ 3300 N. Ridge Road, Ste. 190, EC, MD 21043 (Louis Valenti)
_____ Bureau of Environmental Health
_____ Development Engineering Division
_____ Department of Inspections, Licenses and Permits
_____ Department of Recreation and Parks
_____ ✓ Department of Fire and Rescue Services
_____ State Highway Administration
_____ Sgt. Karen Shinham, Howard County Police Dept.
_____ James Irvin, Department of Public Works
_____ Office on Aging, Terri Hansen (senior assisted living)
_____ Police Dept., Animal Control, Deborah Baracco, (kennels)
_____ Susan Fitzpatrick, Health Dept. (Nursing & Res. Care)
_____ Land Development - (Religious Facility & Age-Restricted
_____ Adult Housing)
_____ Housing and Community Development
_____ Economic Development
_____ Route 1 Cases – DCCP – Dace Blaumanis
_____ Telecommunication Towers – Josh Levy (Comm. Dept)

COMMENTS:

NO OBJECTIONS TO THE PROPOSAL
SUBJECT TOO MEETING ALL STATE AND LOCAL
FIRE CODE REQUIREMENTS TO INCLUDE
AUTOMATIC SPRINKLERS.

K. J. [Signature] HCDPRS/FMO
SIGNATURE 02-16-2011



Howard County Department Of Planning And Zoning
3430 Court House Drive ■ Ellicott City, MD 21043 ■ (410)313-2350

Marsha S. McLaughlin, Director

www.howardcountymd.gov

FAX 410-313-3467

February 8, 2011

TO: Cindy Hamilton, Chief
Division of Public Service and Zoning Administration

FROM: Kent Sheubrooks, Chief *KS*
Division of Land Development

THRU: Brenda Barth *BAB*
Division of Land Development

RE: BA Case No. 11-001C
Lois Peters, T/A International Healthcare Consultants
11584 Scaggsville Road, Fulton, MD

FEB - 8 2011

The Division of Land Development has reviewed the above referenced Conditional Use Plan for expansion of an existing assisted living facility. Attached comments are provided for consideration by your Division. If you have any questions regarding the attached comments, please contact Brenda Barth at your convenience.

:btb
attachment

DEPARTMENT OF PLANNING AND ZONING
Division of Land Development
Comments

February 8, 2011

RE: BA 11-001C; Lois Peters, Petitioner
T/A International Healthcare Consultants

Location of Property: 11584 Scaggsville Road, Fulton, MD
Tax Map 41, Block 21, Parcel 476
Zoned RR

1. **Site Development Plan Requirements:** This site contains a single family brick rancher which is currently utilized as an assisted living facility. The petitioner proposes an expansion of the facility so as to provide up to 13 beds and utilize a detached three-car garage for storage. No expansion or new construction is proposed to the existing house or garage. No grading or removal of vegetation or outside disturbance will occur. Petitioner's Exhibit B, Sheet 2, shows existing paved areas which will be stripped to provide 17 parking spaces. No other exterior alterations are proposed.
2. **Environmental Protection Regulations:** Petitioner's Exhibit B, Sheet 1, and a review of aerial photography does not show any on-site environmental features or steep slopes.
3. **Landscape Requirements:** No outside alterations to the existing structures on this site are proposed. Paved parking areas are existing and will not be expanded. Reservoir High School parking lots about this site to the west and north. A retail center is located adjacent to the east. No adverse affect to surrounding properties will occur from on-site parking, and no exterior lighting is proposed. No perimeter landscaping is required in accordance with the Howard County Landscape Manual for the proposed expansion of the Conditional Use. However, the Board of Appeals may impose landscaping.
4. **Forest Conservation Requirements:** No grading or removal of existing trees or vegetation is proposed. No grading on this site will occur and no forests over 20,000 sq.ft. in size will be removed.
5. **Parking:** Required parking spaces shall be in accordance with the Zoning Regulations and as may be further required by the Board of Appeals. Disturbance over 20,000 sq.ft. to accommodate additional parking may require a site development plan or require waiver to any applicable Subdivision and Land Development Regulations.
6. **Lighting:** No additional lighting beyond what is existing is proposed. All lighting is subject to compliance with Section 134 of the Zoning Regulations.
7. **Entranceway:** This site is located on a State Highway restricted right-of-way (MD Rt. 216). MD Rt. 216 is not listed on the Scenic Roads Inventory. The driveway is existing and no other entranceway or upgrade is proposed. Ingress/egress to this site shall be in accordance with comments received from the SHA (State Highway Administration) as applicable.


:btb

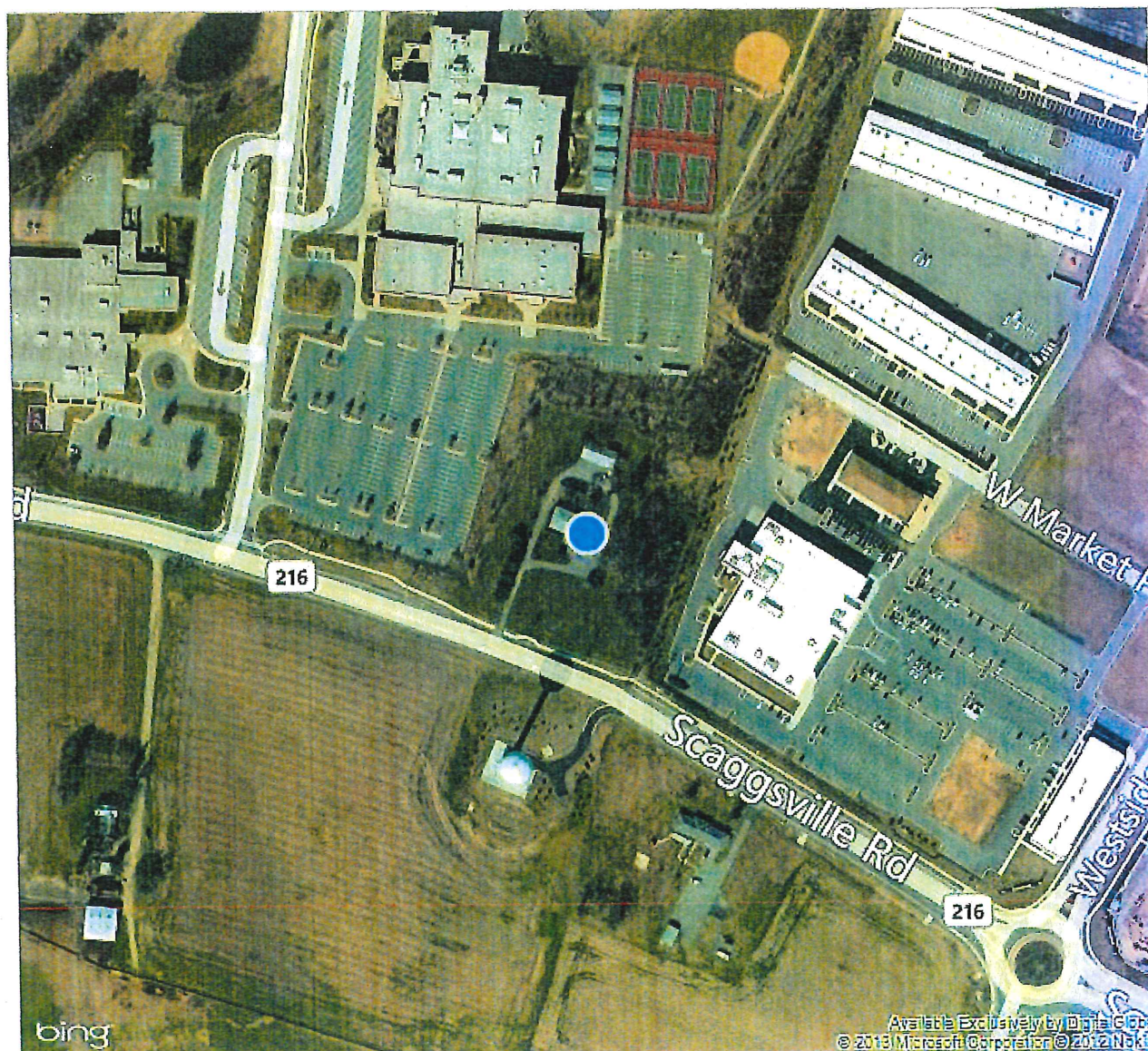
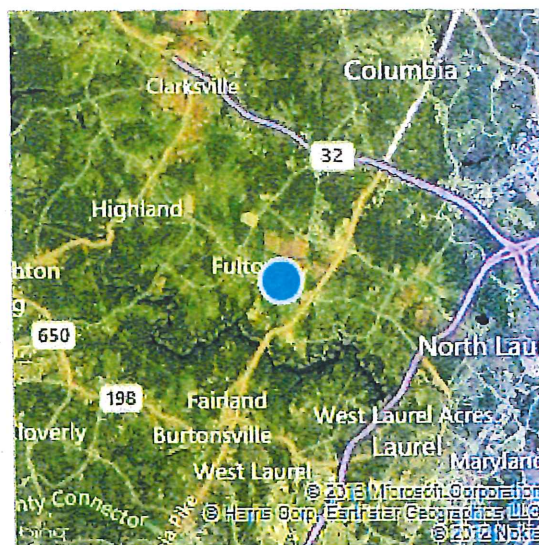
bing Maps

11584 Scaggsville Rd, Fulton, MD 20759

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.

BASELINE OF RIGHT OF WAY &
BASELINE OF CONSTRUCTION
SHA PLAT No. 54945

R=1909.86'
 $\Delta = 14^{\circ}28'54.9''$
D=3'00'00"
T=242.66'
L=482.73'

TAX MAP 41 PARCEL 115
THE BOARD OF EDUCATION OF HOWARD COUNTY
MDR 3218/618

3rd LINE MDR 9293/183
S 69°11'15" E 315.86'

PIPE 0.16' SE
REBAR HELD

REBAR HELD

BLOCK GARAGE

TAX MAP 41 PARCEL 476
LOIS PETERS, et.al.
MDR 9293/183

8" METAL PIPE
8" METAL PIPE

3 1/2' CONCRETE
DIAMETER LID
BGE359389

CABLE
TV

BRICK
RANCHER

PAVED
DRIVEWAY

4th LINE MDR 9293/183
S 20°27'53" W 420.78'

VICINITY MAP
1"=3000'

PARCEL B-6
MAPLE LAWN FARMS
WEST SIDE DISTRICT - AREA 1
PLAT No. 19902-19903

2nd LINE MDR 9293/183
N 20°48'45" E 412.17'

391.52'

REBAR W/
SHA CAP

MAILBOX
#11584

BGE315157

BASELINE OF RIGHT OF WAY &
BASELINE OF CONSTRUCTION
SHA PLAT No. 54945

R=1955.01 L=318.89 T=159.80
CH=N 67°38'24" W 318.54

BGE315156

UNDERGROUND
COMMUNICATION
MARKINGS

SEE DETAIL SHEET 2 OF 2

SIGN

BGE

UNDERGROUND
GAS MARKINGS

BGE562313

BGE271459

PLANTER

BGE561366

SIDEWALK

I HEREBY CERTIFY THAT THE PROPERTY LINES SHOWN HEREON ARE CORRECT
AND ARE BASED ON A FIELD SURVEY PERFORMED UNDER MY SUPERVISION, AND
THAT THE MONUMENTATION OF THE BOUNDARY SURVEY IS IN ACCORDANCE WITH
THE HOWARD COUNTY SUBDIVISION REGULATIONS.

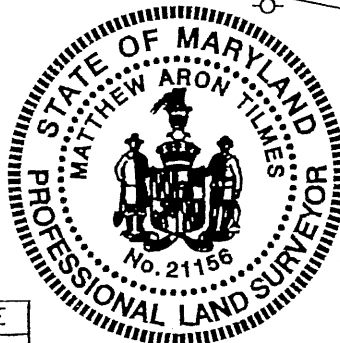
URS CORPORATION

Matthew A. Tilmes 5/26/10

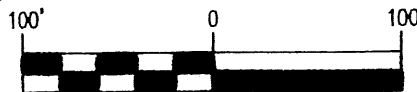
DATE

MATTHEW A. TILMES

PROFESSIONAL LAND SURVEYOR No. 21156



SCAGGSVILLE ROAD
MD ROUTE 216
VARIABLE WIDTH RIGHT OF WAY
SHA PLAT No. 54945



URS

4 NORTH PARK DRIVE
HUNT VALLEY, MD 21030
PHONE: 410-785-7220,
FAX: 410-785-6818

No.	REVISIONS	BY	DATE

COORDINATES SHOWN HEREON ARE BASED ON THE MARYLAND STATE REFERENCE
SYSTEM NAD'83/'91 AS PROJECTED BY HOWARD COUNTY GEODETIC CONTROL
STATIONS No. 458D No. 458F AND VERTICAL DATUM USED IN NAVD'88.

PLAT No.: K-5031-1
CAPITAL PROJECT No.: K-5031
SCALE: 1"=100'
COMPUTED BY: MAT
DRAWN BY: MAT
CHECKED BY: TM
DRAWING No.: SHEET 1 OF 2

HOWARD COUNTY DEPARTMENT OF PUBLIC WORK
PEDESTRIAN ACCESS EASEMENT
TAX MAP 41, PARCEL 476

LOIS PETERS, et.al.

11584 SCAGGSVILLE ROAD FULTON
LIBER MDR 9293, FOLIO 183

5th ELECTION DISTRICT HOWARD COUNTY, MARYLAND

APPROVED:

Steve Shavar 6/24/10

BUREAU OF ENGINEERING DATE

Tina D. Hackett 6/28/10
REAL ESTATE SERVICE DIVISION DATE









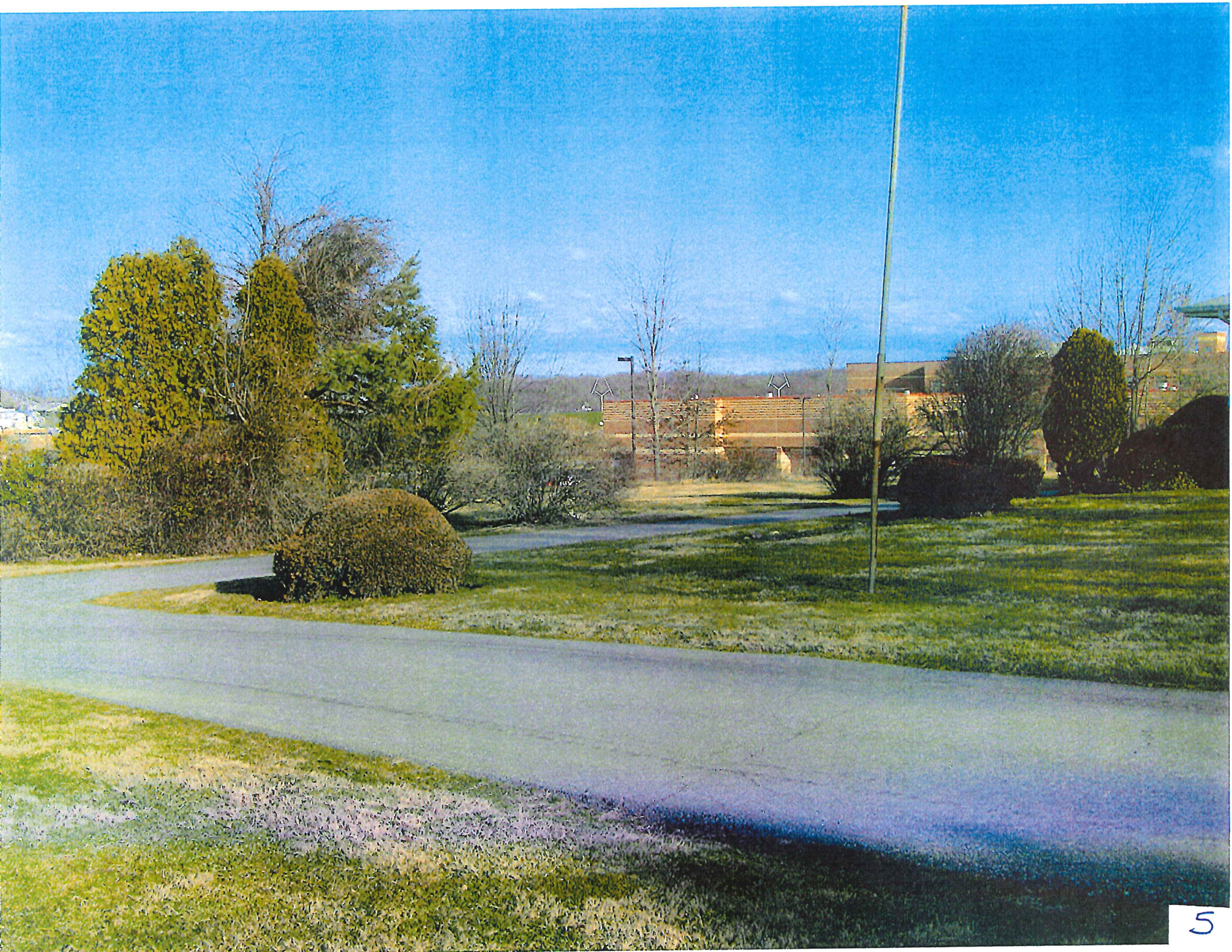






7













Carney, Kelehan
Bresler, Bennett
& Scherr LLP
ATTORNEYS AT LAW

CMBRS
ST
CZ-#
TW
SP-
Roller
Comp zoning
41.001

David A. Carney
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P. Tyson Bennett
Kevin J. Kelehan
Thomas M. Meachum
Judith S. Bresler
Michael S. Molinaro
Eric C. Brousaides
Michelle DiDonato
B. Darren Burns
Manisha S. Kavadi
Heather S. Swan
Andrew H. Robinson
Karen S. Ellsworth
Lisa L. Bennett

OF COUNSEL:
Fulton P. Jeffers

IN MEMORIAM:
Laurence B. Raber

July 2, 2013

Ms. Sheila Tolliver
Council Administrator
Howard County Council
3430 Courthouse Drive
Ellicott City, Maryland 21043

Re: Request for Rezoning for 11584 Scaggsville Road

Dear Ms. Tolliver:

Please be advised that my office sent notice of the request for rezoning for the above-referenced property to the two adjacent property owners, the Howard County Public Schools System and Maple Lawn HT, LLC, by certified mail.

Please contact me if you have any questions.

Very truly yours,

CARNEY, KELEHAN, BRESLER,
BENNETT & SCHERR, LLP

Thomas M. Meachum

TMM/alp
cc: Ms. Lois Peters

P:\TMM\WPDATA\Peters, Lois\070213 ltr Shelia Tolliver.docx