



PETITION TO AMEND THE
HOWARD COUNTY COUNCIL
ZONING REGULATIONS OF
HOWARD COUNTY
2008 AUG 29 A 11:04

DPZ Office Use Only:
Case No. ZRA107
Date Filed: _____

1. Zoning Request

I (we), the undersigned, hereby petition the County Council of Howard County to amend the Zoning Regulations of Howard County as follows: To pass a text amendment deleting Subsection "c" from the current requirements of Section 131.N.32 "Limited Outdoor Social Assemblies."

2. Petitioner's Name Robert & F. Maxine Walker

Address 3666 Jennings Chapel Road, Woodbine, Maryland 21797

Phone No. (W) _____ (H) 410-489-4547

Email Address _____

3. Counsel for Petitioner E. Alexander Adams

Counsel's Address 5300 Dorsey Hall Drive, Suite 200A, Ellicott City, MD 21042

Counsel's Phone No. 410-992-1477

Email Address eea@a-alaw.com

4. The text of proposed amendment(s) to the regulations together with the text of the present regulations showing the proposed amendment(s) Please see attached.

5. Reason(s) for the requested amendment(s) to the Zoning Regulations Please see attached.

6. Statement as to whether or not such amendment will be in harmony with General Plan for Howard County Please see attached.

7. Any other factors which the petitioner desires the Council to consider including copies of any written reports intended to be introduced at the hearing and a written summary of verbal evidence of any expert which will be proffered at the hearing (if such hearing is necessary) _____

Please see attached.

8. The Petitioner agrees to furnish such data as may be required by the County Council and/or Department of Planning and Zoning.

9. The undersigned hereby affirms that all of the statements and information contained in, or filed with this petition, are true and correct. The undersigned has read the instructions on this form, filing herewith all of the required accompanying information.

E. Blumrich Johnson 8.28.08
Attorney's Signature Date

Robert M. Walker
F. Maxine Walker August 29, 2008
Petitioner's Signature Date

Petition to Amend the Zoning Regulations of Howard County
Continuation Sheet Page 1

Petitioners: Robert & F. Maxine Walker

4. Section 131.N.32 **Limited Outdoor Social Assemblies**

A conditional use may be granted for limited outdoor social assemblies in the RC District, provided that:

- a. The lot is the site of a historic structure as defined in these regulations.
- b. The minimum lot size is 5 acres or greater.
- c. The lot has direct access to and frontage on a collector or arterial road designated in the general plan.
- d. The limited outdoor social assemblies are the following private functions: Picnics, weddings, anniversary/retirement parties, bridal or baby showers, not for profit organization fund raisers, banquets, rehearsal dinners, philanthropic events, or other similar events.
- e. No permanent structures, including catering or restaurant facilities shall be constructed on site.
- f. The outdoor assembly area is located and designed to shield residential property from noise or nuisance and screened from adjacent residential properties.
- g. Limited social assembly events shall have the following limitations:
 - (1) Maximum capacity isn is not to exceed 150 attendees;
 - (2) No more than 25 of these events shall be held within a one year period.
 - (3) Operation hours shall be restricted to between 9:00 a.m. and 10:00 p.m., Monday thru Thursday; between 12:00 p.m. and 12:00 a.m., Friday and Saturday; and between 12:00 p.m. and 10:00 p.m. Sunday.
- h. All event activities occur outdoors.
- i. Special events with catered food or food prepared on-site are subject to review by the food protection program of the Howard County Department of Health and may require a special events permit. The conditional use may not commence until the applicant has obtained approval of all necessary permits for its operation. Tents, post-a-pots or other temporary uses associated with the event shall be removed from the site within 3 days after the event.

Section 131.N.32 **Limited Outdoor Social Assemblies** (Requested Amendment)

A conditional use may be granted for limited outdoor social assemblies in the RC District, provided that:

- a. The lot is the site of a historic structure as defined in these regulations.
- b. The minimum lot size is 5 acres or greater.
- c. ~~The lot has direct access to and frontage on a collector or arterial road designated in the general plan.~~

Petition to Amend the Zoning Regulations of Howard County
Continuation Sheet Page 2

- c. The limited outdoor social assemblies are the following private functions: Picnics, weddings, anniversary/retirement parties, bridal or baby showers, not for profit organization fund raisers, banquets, rehearsal dinners, philanthropic events, or other similar events.
- d. No permanent structures, including catering or restaurant facilities shall be constructed on site.
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5. The Petitioners live at 3666 Jennings Chapel Road. They live on a 145 +/- acre farm of which 135 +/- acres is subject to a Howard County Agricultural Preservation Easement. Their house, most of their agricultural buildings and all areas that they propose to use for "Limited Outdoor Social Assemblies" are physically located on a separate 10.5 +/- acre lot. The configuration of which is essentially a flag lot with a circa 50 foot wide roadway through the agricultural preservation portion to Jennings Chapel Road. From information derived from conversations with various personnel of the Department of Planning and Zoning, Section 131.N.32, was originally drafted for proposed use of a property located on Route 144 between West Friendship and Cooksville. That property, apparently, never actually applied for a Conditional Use.

Jennings Chapel Road from its intersection with Route 97 to its intersection with Daisy Road is actually a designated "Collector Road" in accordance with the Department of Public Work's 'Plan of Highways.' The problem for the Petitioners is that north of the intersection of Jennings Chapel and Daisy Road, Jennings Chapel Road reverts to a "local road" status, although the road section detail, the pavement, etc., does not change. Many western Howard County residents use the entire length of Jennings Chapel Road as a collector road to traverse between Route 97 and Route 94 south of Lisbon.

6. The requested text amendment would be in harmony with the General Plan for Howard

Petition to Amend the Zoning Regulations of Howard County
Continuation Sheet Page 3

County in that Section 131.B.2.d specifically provides for a separate assessment by the Board of Appeals concerning any traffic related issues associated with the granting of any proposed Conditional Use.

7. Attached hereto are portions of the Petitioners' Petition for a Conditional Use which sets forth the detail of the use and the physical characteristics of both parcels which establishes the suitability of the requested Conditional Use and the remoteness of the proposed 'use' areas from the vicinal properties demonstrating that there would not be any adverse affects on the vicinal properties.



For DPZ Office use only:

BA CASE NO. _____

Date Submitted _____

CONDITIONAL USE PETITION TO THE HOWARD COUNTY HEARING AUTHORITY

(This application will only be accepted after a pre-submission meeting. See attached info.)

1. Conditional Use Request

Conditional Use Category Limited Outdoor Social Assemblies and Antique Shop

Section 131.N. 5 & 32

Specific Use Requested Limited Outdoor Social Assembly Area and Antique Shop on existing farm

2. Name of Petitioner Robert and F. Maxine Walker

Trading as (If applicable) _____

Mailing Address 3666 Jennings Chapel Road, Woodbine, Maryland 21797

Phone Number(s) (410) 489-4547

E-Mail Address _____

Name of Principal Contact (If different) Fred L. Coover, Esquire

3. Counsel for Petitioner Fred L. Coover, Esquire

Mailing Address 10500 Little Patuxent Parkway, Suite 420, Columbia, Maryland 21044

Phone Number(s) (410) 995-1100

E-Mail Address fcoover@cooverbarr.com

4. Conditional Use Site Description

Address/Street for Property 3666 Jennings Chapel Road, Woodbine, Maryland 21797

Tax Map 20 Grid/Block 10 Parcel 57 Lot 1 & 2

Department of Assessments and Taxation Account No. 04-317068

Total Land Area of Property 145.4 (X Acres) (Square Feet) Check one.

Election District 5th Zoning of Property RC-DEO

Subdivision Name and Plat No. (If Applicable) Harwood Farm Lots One and Two

Total Land Area of Use (If different than above) two (2 Acres) (90477 Square Feet)

SUPPLEMENT TO THE CONDITIONAL USE PETITION
OF
ROBERT AND F. MAXINE WALKER
[Pursuant to §131.N. 5 & 32 of the Howard County Zoning Regulations]

CASE No.

PETITIONERS:

Robert Walker
F. Maxine Walker
3666 Jennings Chapel Road
Woodbine, Maryland 21797

PROPERTY IDENTIFICATION:

Address of Subject Property: 3666 Jennings Chapel Road
Woodbine, Maryland 21797

PROPERTY LOCATION:

Election District: 05 Zoning District: RC-DEO
Tax Map No. 20 Parcel 57
Subdivision Name (If Applicable): Harwood Farm Lots One and Two

RELIEF SOUGHT:

Approval of Conditional Use Permits pursuant to §131.N. 5 and 32 of the Zoning Regulations:

- A. **§131.N. 5-ANTIQUE SHOP.** A conditional use for a 960 square foot antique shop to be located in an existing structure on that portion the Petitioners' historic working horse and grain farm known as Lot 2-"Harwood Farm"; and
- B. **§131.N.32-LIMITED OUTDOOR SOCIAL ASSEMBLIES.** A conditional use for up to a 90,477 square foot limited outdoor social assembly area to be located within three (3) defined areas on Lot 2-"Harwood Farm" as depicted on the Plan filed with the Petition as follows:

Area 1:	30,999 sq. ft.
Area 2:	32,955 sq. ft.
Area 3:	<u>26,493 sq. ft.</u>
TOTAL 90,477 SQ. FT.	



REDOCSIGNATURES FOR THE SUBMITTAL OF THE CONDITIONAL USE PETITION TO THE BOARD OF ZONING ADJUSTMENTS, 10000 WOODBINE AVENUE, WOODBINE, MD 21797

Robert and F. Maxine Walker, Petitioners by and through their attorney, Fred L. Coover, Esquire of COOVER & BARR, LLC-ATTORNEYS AT LAW supplement their Conditional Use Petition for an antique shop and limited outdoor assembly area filed pursuant to §131.N. 5 & 32 of the Howard County Zoning Regulations (the "Petition") and state:

I. BACKGROUND INFORMATION:

A. **HISTORY.** The Petitioners are the owners of "Harwood Farm"; an historic property containing approximately 145.4 acres located directly on Jennings Chapel Road in Woodbine, Maryland. The Farm is comprised of two (2) separate parcels as shown on the plats entitled "Harwood Farm Lots One and Two", recorded among the Land Records of Howard County as Plat Nos. 9056 thru 9060.

Harwood Farm is a working horse and grain farm. Since 1990 Harwood has hosted the Howard County – Iron Bridge Hounds (HCIBH) "Opening Day Meet and Blessing of the Hounds." This is an annual event always held on the first Saturday in November. Over recent years, the event has grown in popularity and is now attended by approximately 300-400 people, dependent on the weather.

The Petitioners purchased the property in 1995 and subsequently have made substantial improvements to restore the residence which is an historic structure, circa 1840, and is listed on the Howard County Sites inventory as Site HO279. Other major and extensive improvements include converting a shed located next to the residence to a home office; renovating a bank barn and tenant house; adding four horse paddocks, one of which is 22 acres, for a total of seven horse paddocks; adding all new four-board treated wood fencing with 4x6 posts; constructing new run-in-sheds; and building an outdoor arena that measures 100x200 feet. Located near the residence is the original spring house and concrete smoke house. A three-acre pond that is located in front of the residence below a hill was completely re-excavated, treated for invasive aquatic plants, and recently had a sophisticated aeration system installed.

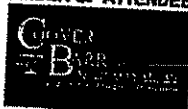
Located on Lot 2 (comprising 10.518 acres) are the residence, home office, spring house, smoke house, barn, one small shed, one large shed and some of the horse paddocks, including fencing and run in sheds. Located on Lot 1 (comprising 134.896 acres) are the tenant house, pond, outdoor arena, and more horse paddocks with fencing and run-in sheds. Lot 1 is primarily used for crops, along with some pasture and horse-back riding.



OUTDOOR ASSEMBLY AREA. The Petitioners propose:

- To host a variety of outdoor events from the site; including picnics, weddings, anniversary/retirement parties, bridal and baby showers; non-profit fundraisers; banquets; rehearsal dinners; philanthropic and similar events permitted under § 131.N. 32 of the Zoning Regulations;
- That all events will be held outdoors;
- That all events will be held on Lot Two as depicted in the Plan filed with the Petition;
- To limit the outdoor events to those three (3) areas on Lot Two containing approximately two (2) acres [90,477 sq. ft.] as shown on the Plan¹;
- To construct no permanent structures including catering or restaurant facilities on the site;
- To provide for 77 temporary unpaved parking spaces to be located in the horse paddock area as shown on the Plan;
- That given the size and location of the site; no additional shielding or screening of adjacent residential property from noise or light will be required;
- That the following limitations will be placed on the Limited Social Assembly events planned for the site:
 - **150 ATTENDEE LIMIT.** Maximum capacity not to exceed 150 attendees;
 - **25 EVENTS PER YEAR LIMIT.** No more than 25 events will be held within a one (1) year period;
 - **RESTRICTED OPERATION HOURS.** Operation Hours shall be restricted to the following:
 - **Monday thru Thursday:** 9:00 a.m. and 10:00 p.m.

¹ THE PETITIONERS ANTICIPATE THAT THE SPECIFIC AREAS ON LOT 2 ACTUALLY USED FOR A GIVEN EVENT [AREA 1; AREA 2 AND/OR AREA 3] WILL BE DETERMINED AFTER CONSIDERATION OF (A) THE CLIENT'S PREFERENCES; AND (B) THE ANTICIPATED NUMBER OF ATTENDEES.



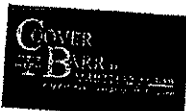
▪ **Friday and Saturday:** 12:00 p.m. and 12:00 a.m.

▪ **Sunday:** 12:00 p.m. and 10:00 p.m.

- **NO INDOOR EVENTS.** All events will occur outdoors;
- **CATERED FOOD AND BEVERAGE.** All food and beverage served to attendees will be catered by independent third-party caterers. Some food may be prepared outdoors on-site by the caterers;
- **RESTROOM FACILITIES.** Temporary spot-a-pots or restroom trailers will be located on-site for each event. Attendees will not be permitted to use the restroom facilities located in the Petitioners' residence;
- **TEMPORARY USES.** All tents, spot-a-pots and other temporary uses associated with each event will be removed from the site within three (3) days after the event.

ANTIQUE SHOP. In addition to the Limited Outdoor Assembly Area, the Petitioners propose:

- To construct an antique shop containing not greater than 960 square feet of floor space;
- Shop to be located within an existing shed located close to the Petitioner's residence;
- To provide for 5 gravel paved parking spaces to be located adjacent to the antique shop as shown on the Plan;
- That no merchandise will be stored outside of the shop except outdoor displays during store hours only;
- Design of the shop will be architecturally compatible with all other structures on the site; and
- The shop will be operated by the Petitioners both during times when Limited Outdoor Activities are being hosted on-site; and independently from the same.



II. SPECIFIC PETITION SECTIONS-CONDITIONAL USE PETITION:

8. Summary of Request

a. The present use of the subject property.

See above.

b. Details of the proposed use, including, where applicable: types of indoor and outdoor activities; hours of operation; number of employees, occupants, and/or customers; quantity and types of vehicles or equipment used; outdoor lighting to be used; quantities and capacities of materials stored; etc.

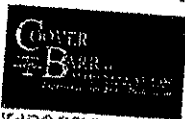
See above.

LIGHTING. Low level temporary exterior lighting will be used during outdoor events confined to the parking area; driveways; temporary restroom; and outdoor assembly areas.

NUMBER OF EMPLOYEES. Other than themselves, the Petitioners anticipate employing not more than 5 employees for each outdoor event, excluding personnel provided by the catering contractor. The Petitioners anticipate employing not more than 1 employee for the antique shop.

EQUIPMENT. The Petitioners anticipate that the following equipment may be used during each permitted event and removed or stored afterwards:

- One (1) or more tents depending upon the nature of each event and number of anticipated attendees;
- Folding tables and chairs;
- Temporary dance floor;
- Temporary stage;
- Portable generator;
- Potable coolers;
- Portable dumpster;
- Portable barbeque grills; and



- Spot-a-pots or restroom trailer

OUTDOOR LIGHTING. The Petitioners anticipate that low level temporary outdoor lighting will be used during events. Most of the lighting will be deployed under the tents. Some lighting will be provided to light the grass pathways between the seating area; restroom area; and parking areas.

c. Any additional information which will be useful in the evaluation of whether the conditional use complies with the specific criteria for the conditional use category within Section 131.N.

The Petitioners have been successfully hosting the annual Howard County-Iron Bridge Hounds (HCIBH) "Opening Day Meet and Blessing of the Hounds" for twelve (12) years from the Site without incident. Approximately 300-400 people attend the Fox Hunt each year.

Due to its size, location and configuration, the site has easily handled the traffic and parking generated by the Fox Hunt without adverse impact on the neighboring properties.

During the Pre-Submission Community Meeting held on September 11th, 2007, several of the Petitioners' neighbors attended and made such encouraging comments as, "*I hope you do this*"; and "*I am not against this*".

The Petitioners believe that due to its location, size, topography, road access and improvements; the site is uniquely suited to provide an ideal Limited Outdoor Assembly Area exactly fitting the vision of the County Council when it created the conditional use.

The maintenance and upkeep expenses associated with a large horse farm are substantial. The Petitioners hope to offset those expenses with the limited revenues that would flow from the outdoor events and antique shop proceeds.

Ms. Walker recently retired and is prepared to devote her time to the organization and operation of the outdoor events and antique shop operations planned for the site.

d. Will the conditional use generate any physical conditions such as noise, dust, fumes, odors, lighting, or vibrations which would be discernible from abutting and vicinal properties?

The abutting and vicinal properties are located substantial distances away from Lot Two which is surrounded by Lot One. In effect, the size and rolling terrain of Lot One will serve as a natural buffer between the activities occurring during



planned events on Lot Two and the vicinal properties.

Given the significant distances involved, the Petitioners believe that all light and noise generated by the outdoor events to be held on Lot Two (a) will be minimal; (b) will dissipate across that distance; and accordingly (c) will not intrude on or adversely impact upon the adjacent and vicinal properties.

CONCLUSION:

WHEREFORE, pursuant to §131.N. 5 and 32 of the Howard County Zoning Regulations, the Petitioners respectfully request that the Hearing Authority grant the subject Conditional Use Petition; and thereby approve:

- A. **§131.N. 5-ANTIQUE SHOP.** A conditional use for a 960 square foot antique shop to be located in an existing structure on that portion the Petitioners' historic working horse farm known as Lot 2-"Harwood Farm"; and
- B. **§131.N.32-LIMITED OUTDOOR SOCIAL ASSEMBLIES.** A conditional use for up to a 90,477 square foot limited outdoor social assembly area to be located within three (3) defined areas on Lot 2-"Harwood Farm" as depicted on the Plan filed with the Petition as follows:

Area 1:	30,999 sq. ft.
Area 2:	32,955 sq. ft.
Area 3:	<u>26,493 sq. ft.</u>
TOTAL 90,477 SQ. FT.	



RESPECTFULLY SUBMITTED:
Robert Walker
Robert Walker

Robert Walker

5/16/08
Date

PETITIONER

F. Maxine Walker
F. Maxine Walker

F. Maxine Walker

5/16/08
Date

PETITIONER

Fred L. Coover, Esquire

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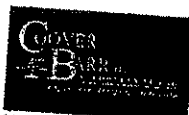
10500 Little Patuxent Parkway
Suite 420

Suite 420

Columbia, Maryland 21044
410.325.4100

410-995-1100

ATTORNEY FOR PETITIONERS



Petition to Amend the Zoning Regulations of Howard County

**Supplemental Continuation Sheet
to Incorporate Information/Requirements of New Form**

Petitioners: Robert & F. Maxine Walker

New Form - Paragraph 6:

6. The original provisions of Section 131.N.32.c are duplicitous with the "General Standards for Conditional Uses" of Section 131.B of the Howard County Zoning Regulations, Sections 131.B.1.a, 131.B.1.b and 131.B.2.d, in particular. Additionally, for Petitioners, who seek a *conditional use* for Limited Outdoor Social Activities on their property on Jennings Chapel Road, the existing particularized language of said Section makes a nonsensical distinction about the physical requirements of Jennings Chapel Road, to wit: the first 1.6 miles of Jennings Chapel Road north of Route 97 is designated as a collector, whereas the next .5 mile (the distance to the Walker property) is not designated as a collector even though the road detail is exactly the same. Such inconsistencies of application are not consistent with the requirements of Section 100.A.

New Form - Paragraph 7:

7. See above. Consistency of actual physical detail in the application of regulations provide the public benefit of predictability in the interpretation of governmental regulations.

New Form - Paragraph 8:

8. Unknown. There are a number of historic parcels consisting of 5 or more acres in the RC district that could potentially be affected. The removal of the requirement for a collector or arterial road classification, would probably affect more than 12 5+ acre parcels in the RC district. The "general standards for conditional uses of Section 131.B" adequately protects the public interest in assessing the vicinal/public road/traffic effect of any proposed *conditional use* for any particular property.

Petition to Amend the Zoning Regulations of Howard County

**Supplemental Continuation Sheet
to Incorporate Information/Requirements of New Form**

Petitioners: Robert & F. Maxine Walker

New Form - Paragraph 10

(previously submitted as #4 on Continuation Sheet to original Petition filed on August 29, 2008)

PETITIONERS' PROPOSED TEXT

Current Language:

Section 131.N.32 Limited Outdoor Social Assemblies

A conditional use may be granted for limited outdoor social assemblies in the RC District, provided that:

- a. The lot is the site of a historic structure as defined in these regulations.
- b. The minimum lot size is 5 acres or greater.
- c. The lot has direct access to and frontage on a collector or arterial road designated in the general plan.
- d. The limited outdoor social assemblies are the following private functions: Picnics, weddings, anniversary/retirement parties, bridal or baby showers, not for profit organization fund raisers, banquets, rehearsal dinners, philanthropic events, or other similar events.
- e. No permanent structures, including catering or restaurant facilities shall be constructed on site.
- f. The outdoor assembly area is located and designed to shield residential property from noise or nuisance and screened from adjacent residential properties.
- g. Limited social assembly events shall have the following limitations:
 - (1) Maximum capacity is not to exceed 150 attendees;
 - (2) No more than 25 of these events shall be held within a one year period.
 - (3) Operation hours shall be restricted to between 9:00 a.m. and 10:00 p.m., Monday thru Thursday; between 12:00 p.m. and 12:00 a.m., Friday and Saturday; and between 12:00 p.m. and 10:00 p.m. Sunday.
- h. All event activities occur outdoors.
- i. Special events with catered food or food prepared on-site are subject to review by the food protection program of the Howard County Department of Health and may require a special events permit. The conditional use may not commence until the applicant has obtained approval of all necessary permits for its operation. Tents, post-a-pots or other temporary uses associated with the event shall be removed from the site within 3 days after the event.

Text Showing Deletion:

Section 131.N.32 **Limited Outdoor Social Assemblies** (Requested Amendment)

A conditional use may be granted for limited outdoor social assemblies in the RC District, provided that:

- a. The lot is the site of a historic structure as defined in these regulations.
- b. The minimum lot size is 5 acres or greater.
- ~~[[c. The lot has direct access to and frontage on a collector or arterial road designated in the general plan.]]~~
- C. The limited outdoor social assemblies are the following private functions: Picnics, weddings, anniversary/retirement parties, bridal or baby showers, not for profit organization fund raisers, banquets, rehearsal dinners, philanthropic events, or other similar events.
- D. No permanent structures, including catering or restaurant facilities shall be constructed on site.
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Proposed Text:

Section 131.N.32 **Limited Outdoor Social Assemblies**

A conditional use may be granted for limited outdoor social assemblies in the RC District, provided that:

- a. The lot is the site of a historic structure as defined in these regulations.
- b. The minimum lot size is 5 acres or greater.
- c. The limited outdoor social assemblies are the following private functions: Picnics,

weddings, anniversary/retirement parties, bridal or baby showers, not for profit organization fund raisers, banquets, rehearsal dinners, philanthropic events, or other similar events.

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