



PETITION TO AMEND THE ZONING REGULATIONS OF HOWARD COUNTY

DPZ Office Use Only: Case No. ZRA- 161 Date Filed: \_\_\_\_\_

1. Zoning Regulation Amendment Request

I (we), the undersigned, hereby petition the County Council of Howard County to amend the Zoning Regulations of Howard County as follows: To allow certain properties (.5 acres or larger) located in the R-20 District to be eligible to apply for a conditional use approval of a pet grooming establishment, provided all business activities are located entirely within the residence.

[You must provide a brief statement here. "See Attached Supplement" or similar statements are not acceptable. You may attach a separate document to respond to Section I in greater detail. If so, this document shall be titled "Response to Section I"]

2. Petitioner's Name Timothy Martins

Address 10688 Harding Road, Laurel, Maryland 20723

Phone No. (W) (H) 301-980-0286

Email Address n/a

3. Counsel for Petitioner William E. Erskine, Esq.

Counsel's Address 8171 Maple Lawn Boulevard, Suite 200, Fulton, Maryland 20759

Counsel's Phone No. Office: 301-575-0363; Mobile: 443-864-8844

Email Address WErskine@offitkurman.com

4. Please provide a brief statement concerning the reason(s) the requested amendment(s) to the Zoning Regulations is (are) being proposed to permit resident owners of certain properties within the R-20 District to be eligible to apply for conditional use approval for a pet grooming business which takes place solely within the residence; currently this is only available on a property that is one acre or larger.

2015 AUG 31 P 2:11

RECEIVED HOWARD COUNTY COUNCIL

5. Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with current General Plan for Howard County See attached narrative in response to Section 5.

---

---

---

---

---

[You may attach a separate document to respond to Section 5. If so, this document shall be titled "Response to Section 5"]

6. The Legislative Intent of the Zoning Regulations in Section 100.0.A. expresses that the Zoning Regulations have the purpose of "...preserving and promoting the health, safety and welfare of the community." Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with this purpose and the other issues in Section 100.0.A. See attached narrative in response to Section 6.

---

---

---

---

---

[You may attach a separate document to respond to Section 6. If so, this document shall be titled "Response to Section 6."]

7. Unless your response to Section 6 above already addresses this issue, please provide an explanation of the public benefits to be gained by the adoption of the proposed amendment(s) . Please see attached narrative in response to Section 7.

---

---

---

---

---

---

---

---

[You may attach a separate document to respond to Section 7. If so, this document shall be titled "Response to Section 7."]

8. Does the amendment, or do the amendments, have the potential of affecting the development of more

than one property, yes or no? Yes

If yes, and the number of properties is less than or equal to 12, explain the impact on all properties affected by providing a detailed analysis of all the properties based upon the nature of the changes proposed in the amendment(s). If the number of properties is greater than 12, explain the impact in general terms.

See attached narrative in response to Section 8.

---

---

---

---

---

---

---

---

---

---

[You may attach a separate document to respond to Section 8. If so, this document shall be titled "Response to Section 8."]

9. If there are any other factors you desire the Council to consider in its evaluation of this amendment request, please provide them at this time. Please understand that the Council may request a new or updated Technical Staff Report and/or a new Planning Board Recommendation if there is any new evidence submitted at the time of the public hearing that is not provided with this original petition. None.

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

[You may attach a separate document to respond to Section 9. If so, this document shall be titled "Response to Section 9."]

10. You must provide the full proposed text of the amendment(s) as a separate document entitled

“Petitioner’s Proposed Text” that is to be attached to this form. This document must use this standard format for Zoning Regulation Amendment proposals; any new proposed text must be in CAPITAL LETTERS, and any existing text to be deleted must be in **[[ Double Bold Brackets ]]**. In addition, you must provide an example of how the text would appear normally if adopted as you propose.

**After this petition is accepted for scheduling by the Department of Planning and Zoning, you must provide an electronic file of the “Petitioner’s Proposed Text” to the Division of Public Service and Zoning Administration. This file must be in Microsoft Word or a Microsoft Word compatible file format, and may be submitted by email or some other media if prior arrangements are made with the Division of Public Service and Zoning Administration.**

11. The Petitioner agrees to furnish additional information as may be required by the Department of Planning and Zoning prior to the petition being accepted for scheduling, by the Planning Board prior to its adoption of a Recommendation, and/or by the County Council prior to its ruling on the case.
12. 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. If the Petitioner is an entity that is not an individual, information must be provided explaining the relationship of the person(s) signing to the entity.

Timothy I. Martins  
Petitioner’s name (Printed or typed)


 8/31/15  
Petitioner's Signature Date

\_\_\_\_\_  
Petitioner’s name (Printed or typed)

\_\_\_\_\_  
Petitioner's Signature Date

\_\_\_\_\_  
Petitioner’s name (Printed or typed)

\_\_\_\_\_  
Petitioner's Signature Date

  
Counsel for Petitioner’s Signature

[If additional signatures are necessary, please provide them on a separate document to be attached to this petition form.]

**FEE**

The Petitioner agrees to pay all fees as follows:

Filing fee .....\$695.00. If the request is granted, the Petitioner shall pay \$40.00 per 200 words of text or fraction thereof for each separate textually continuous amendment (\$40.00 minimum, \$85.00 maximum)

Each additional hearing night..... \$510.00\*

\* The County Council may refund or waive all or part of the filing fee where the petitioner demonstrates to the satisfaction of the County Council that the payment of the fee would work an extraordinary hardship on the petitioner. The County Council may refund part of the filing fee for withdrawn petitions. The County Council shall waive all fees for petitions filed in the performance of governmental duties by an official, board or agency of the Howard County Government.

**APPLICATIONS: One (1) original plus twenty (24) copies along with attachments.**

\*\*\*\*\*

**For DPZ office use only:**

Hearing Fee \$ \_\_\_\_\_

Receipt No. \_\_\_\_\_

**PLEASE CALL 410-313-2395 FOR AN APPOINTMENT TO SUBMIT YOUR APPLICATION**

**County Website: [www.howardcountymd.gov](http://www.howardcountymd.gov)**

Revised: 07/12  
T:\Shared\Public Service and Zoning\Applications\County Council\ZRA Application

**INSTRUCTIONS TO THE APPLICANT/PARTY OF RECORD**

- As required by State Law, applicants are required to complete the AFFIDAVIT AS TO CONTRIBUTION that is attached, and if you have made a contribution as described in the Affidavit, please complete the DISCLOSURE OF CONTRIBUTION that is attached.
- If you are an applicant, Party of Record (i.e., supporter/protestant) or a family member and have made a contribution as described in the Affidavit, you must complete the DISCLOSURE OF CONTRIBUTION that is attached.
- Filed affidavits and disclosures will be available for review by the public in the office of the Administrative assistant to the Zoning Board during normal business hours.
- Additional forms may be obtained from the Administrative Assistant to the Zoning Board at (410-313-2395) or from the Department of Planning and Zoning.
- Completed form may be mailed to the Administrative Assistant to the Zoning Board at 3430 Courthouse Drive, Ellicott City, MD 21043.
- Pursuant to State Law, violations shall be reported to the Howard County Ethics Commission.

PETITIONER: Timothy I. Martins

\_\_\_\_\_

**AFFIDAVIT AS TO CONTRIBUTION**

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

I, Timothy I. Martins the applicant in the above zoning matter  
\_\_\_\_\_, HAVE  HAVE NOT

made any contribution or contributions having a cumulative value of \$500 or more to the treasurer of a candidate or the treasurer of a political committee during the 48-month period before application in or during the pendency of the above referenced zoning matter.

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

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

Printed Name: Timothy Martins

Signature: 

Date: 8/31/15

\_\_\_\_\_

PETITIONER: Timothy I. Martins

**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: Timothy Martins

RECIPIENTS OF CONTRIBUTIONS:

<u>Name</u>	<u>Date of Contribution</u>	<u>Amount</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.

Printed Name: Timothy I. Martins

Signature: 

Date: 8/31/15



PETITIONER: Timothy I. Martins  
\_\_\_\_\_

**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, Timothy I. Martins, the applicant in the above zoning matter  
\_\_\_\_\_, AM  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.

Printed Name: Timothy I. Martins

Signature: 

Date: 8/31/15

## EXHIBIT A

### Response to Section 5

The proposed zoning regulation amendment (ZRA) will permit certain (one half (.5) acre or larger) properties within the R-20 district to be eligible to make application for approval of a Conditional Use for a Pet Grooming establishment in which the entirety of the businesses activities take place within the residence. The proposed ZRA does not alter the permitted or accessory uses within the R-20 district; therefore, eligible R-20 zoned properties must first satisfy the criteria under Howard County Zoning Regulations (HCZR) Section 131.0 and also receive approval from the Howard County Hearing Authority before receiving approval for a Pet Grooming conditional use.

Approval of this proposed ZRA will be in harmony with the current General Plan for Howard County (PlanHoward 2030). Specifically, the proposed ZRA will promote the general plan policy of creating sustainable communities by permitting Pet Grooming businesses to be located on appropriate properties within established communities. Under current regulations Pet Grooming establishments in which all of the business activities are conducted within the residence are restricted to only those properties one (1) acre or larger. The requested ZRA will take advantage of "location efficiencies" having the effect of reducing the total cost of housing (see, PlanHoward 2030, page 125). Presently, a Pet Grooming establishment in R-20 zoned property smaller than one (1) acre must lease or purchase separate property large enough or zoned differently in order to operate his or her pet grooming business. While this is certainly appropriate for larger grooming establishments; it is both unnecessary and overly burdensome for smaller and lower intensity businesses engaged in pet grooming only and conducting all of

their pet grooming business activities entirely within their residence. Requiring these smaller lower intensity pet groomers to lease or purchase separate property dramatically increases their overall cost of living in Howard County, contrary to the stated goals of the General Plan.

#### Response to Section 6

The proposed ZRA will further the purpose of the Zoning Regulations and zoning maps by preserving and promoting the health, safety and welfare of the community. As discussed in Section 5 above, the proposed ZRA does not alter the permitted or accessory uses within the R-20 district; therefore, eligible R-20 zoned properties must first satisfy the criteria under Howard County Zoning Regulation (HCZR) Section 131.0 and also receive approval from the Howard County Hearing Authority before receiving approval for a Pet Grooming conditional use.

Because the Hearing Authority may only approve a Pet Grooming conditional use if it is satisfied that a specific conditional use plan satisfies both the general criteria for approval under HCZR Sec. 131.0.B as well as the specific criteria for approval as provided in HCZR Sec. 131.0.N.31, the health, safety and welfare of the community will be preserved and promoted by virtue of the oversight of the Hearing Authority.

The purpose of the Zoning Regulations will be further preserved and promoted by adoption of the proposed ZRA; significantly, the proposed ZRA will create substantial location efficiencies and will help to provide for adequate housing choices in a suitable living environment within the economic reach of all citizens.

### Response to Section 7

In addition to the public benefits described in Section 5 and Section 6 above, the proposed ZRA will benefit the general public by helping to ensure that pet grooming services will be available to the citizens of Howard County. Adoption of the proposed ZRA will also help to mitigate the cost of these services by reducing or eliminating the significant location inefficiencies mandated under the current regulatory scheme.

### Response to Section 8

The proposed ZRA would potentially impact any property half (.5) acres or larger located within the R-20 zoning district. The number of properties impacted by this proposed ZRA is in excess of 12. It should be noted, however, that the vast majority of these properties are encumbered by private covenants that limit or restrict the ability to operate a pet grooming business on the properties. Notwithstanding, and as previously stated above, the proposed ZRA does not alter the permitted or accessory uses within the R-20 district; therefore, eligible R-20 zoned properties must first satisfy the criteria under Howard County Zoning Regulation (HCZR) Section 131.0 and also receive approval from the Howard County Hearing Authority before receiving approval for a Pet Grooming conditional use. Because the Hearing Authority may only approve a Pet Grooming conditional use if it is satisfied that a specific conditional use plan satisfies both the general criteria for approval under HCZR Sec. 131.0.B as well as the specific criteria for approval as provided in HCZR Sec. 131.0.N.31 the health, safety and welfare of the community will be preserved and promoted by virtue of the oversight of the Hearing Authority. In the event that other properties within the R-20 zoning district should apply and qualify for a Pet Grooming

conditional use, the public benefits resulting from such applications and approvals would be of the same general character as described in Sections 5 – 7 above.

In closing, the Applicant respectfully suggests that the current regulations impose an unnecessary and therefore unreasonable restraint on business and economic development because they impose substantial burdens on business without a corresponding public benefit to the public. Accordingly, the regulations should be amended as proposed.

## **EXHIBIT B**

### **PETITIONER'S PROPOSED TEST**

HCZR Section 131.0.N – Conditional Uses

#### **N. Conditional Uses and Permissible Zoning Districts**

The Hearing Authority may grant Conditional Uses in the specified districts in accordance with the following minimum criteria.

**•31.**

##### **Kennels and Pet Grooming Establishments**

A Conditional Use may be granted in the RC, RR or R-20 Districts for kennels or pet grooming establishments, and in the B-1 District for kennels, provided that:

a.

For kennels housing or training eleven or more animals at one time, the following requirements shall apply:

(1)

Minimum lot size .....5 acres

(2)

Minimum setback for outdoor training and exercise areas and outside pens and runs from any lot line .....200 feet

(3)

Minimum structure setback

(a)

From public street right-of-way .....100 feet

(b)

From any other lot line .....200 feet

(4)

The Hearing Authority may reduce the 200 foot setback from lot lines for structures and outdoor training and exercise areas and outside pens or runs to a distance no less than 150 feet if it finds that the setback reduction will not adversely affect neighboring properties due to visual impact, noise, dust, odors or other causes, and that the outdoor training area, pen, run or structure will be located at least 200 feet from existing dwellings on different lots. Outside pens and runs and outdoor training and exercise areas for which this setback reduction is approved shall be enclosed by solid fences or walls.

**PETITIONER'S PROPOSED TEST**

- b. For pet grooming establishments not located completely within a residence, or for kennels housing or training no more than eight animals at any one time, the following requirements shall apply:
  - (1) Minimum lot size .....3 acres
  - (2) Minimum setback for outdoor training and exercise areas and outside pens and runs from any lot line .....150 feet
  - (3) Minimum structure setback:
    - (a) From public street right-of-way .....75 feet
    - (b) From any other lot line .....100 feet
- c. For pet grooming establishments in which all business activities take place within a residence, the minimum lot size shall be [[one]] **ONE HALF (0.5)** acre.
- d. All parking areas and outside pens and runs, and as appropriate, all buildings shall be screened by landscaping or other suitable means from adjoining properties and public street rights-of-ways.
- e. Disposal of wastes must be such that odors or other emissions are not perceptible at lot lines;
- f. The lot shall have frontage on and direct access to a collector or arterial road designated in the General Plan.
- g. On an ALPP purchased or dedicated easement property, the following additional criteria are required:
  - (1) The use shall not interfere with farming operation or limit future farming production.
  - (2) Any new building or building addition associated with the use, including any outdoor storage and parking area shall count towards the cumulative use cap of 2% of the easement.

**EXAMPLE OF HOW TEXT WOULD APPEAR IF PROPOSED TEXT IS ADOPTED**

HCZR Section 131.0.N – Conditional Uses

**N. Conditional Uses and Permissible Zoning Districts**

The Hearing Authority may grant Conditional Uses in the specified districts in accordance with the following minimum criteria.

**•31.**

**Kennels and Pet Grooming Establishments**

A Conditional Use may be granted in the RC, RR or R-20 Districts for kennels or pet grooming establishments, and in the B-1 District for kennels, provided that:

a.

For kennels housing or training eleven or more animals at one time, the following requirements shall apply:

(1)

Minimum lot size .....5 acres

(2)

Minimum setback for outdoor training and exercise areas and outside pens and runs from any lot line .....200 feet

(3)

Minimum structure setback

(a)

From public street right-of-way .....100 feet

(b)

From any other lot line .....200 feet

(4)

The Hearing Authority may reduce the 200 foot setback from lot lines for structures and outdoor training and exercise areas and outside pens or runs to a distance no less than 150 feet if it finds that the setback reduction will not adversely affect neighboring properties due to visual impact, noise, dust, odors or other causes, and that the outdoor training area, pen, run or structure will be located at least 200 feet from existing dwellings on different lots. Outside pens and runs and outdoor training and exercise areas for which this setback reduction is approved shall be enclosed by solid fences or walls.

b.

For pet grooming establishments not located completely within a residence, or for kennels housing or training no more than eight animals at any one time, the following requirements shall apply:



**EXAMPLE OF HOW TEXT WOULD APPEAR IF PROPOSED TEXT IS ADOPTED**

- (1) Minimum lot size .....3 acres
- (2) Minimum setback for outdoor training and exercise areas and outside pens and runs from any lot line .....150 feet
- (3) Minimum structure setback:
  - (a) From public street right-of-way .....75 feet
  - (b) From any other lot line .....100 feet
- c. For pet grooming establishments in which all business activities take place within a residence, the minimum lot size shall be one half (0.5) acre.
- d. All parking areas and outside pens and runs, and as appropriate, all buildings shall be screened by landscaping or other suitable means from adjoining properties and public street rights-of-ways.
- e. Disposal of wastes must be such that odors or other emissions are not perceptible at lot lines;
- f. The lot shall have frontage on and direct access to a collector or arterial road designated in the General Plan.
- g. On an ALPP purchased or dedicated easement property, the following additional criteria are required:
  - (1) The use shall not interfere with farming operation or limit future farming production.
  - (2) Any new building or building addition associated with the use, including any outdoor storage and parking area shall count towards the cumulative use cap of 2% of the easement.