



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 1"]

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.

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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,"]

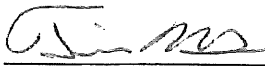
10. You must provide the full proposed text of the amendment(s) as a separate document entitled

"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

William G. Gaskine
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

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

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

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 size5 acres

(2)

Minimum setback for outdoor training and exercise areas and outside pens and runs from any lot line200 feet

(3)

Minimum structure setback

(a)

From public street right-of-way100 feet

(b)

From any other lot line200 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 size3 acres
 - (2) Minimum setback for outdoor training and exercise areas and outside pens and runs from any lot line150 feet
 - (3) Minimum structure setback:
 - (a) From public street right-of-way75 feet
 - (b) From any other lot line100 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

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(b)

From any other lot line200 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 size3 acres
- (2)
Minimum setback for outdoor training and exercise areas and outside pens and runs from any lot line150 feet
- (3)
Minimum structure setback:
 - (a)
From public street right-of-way75 feet
 - (b)
From any other lot line100 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.



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Courthouse Drive

Ellicott City, Maryland 21043

410-313-2350

Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

November 18, 2015

TECHNICAL STAFF REPORT

*Petition Accepted on September 28, 2015
Planning Board Meeting to be scheduled
County Council Hearing to be scheduled*

Case No./Petitioner: ZRA - 161 – Timothy Martins

Request: To amend Section 131.0.N.31. of the Conditional Use section of the Zoning Regulations to allow certain properties (0.5 acres or larger) located in the R-20 District to be eligible to apply for conditional use approval of a pet grooming establishment, provided that all business activities are located entirely within the residence.

Department of Planning and Zoning Recommendation:

DENIAL

I. DESCRIPTION OF PROPOSAL

The Petitioner proposes to amend Section 131.0.N.31. of the Zoning Regulations, which outlines the minimum criteria for the Hearing Authority to grant conditional use approval of a pet grooming establishment. The proposed amendment would decrease the minimum lot size from 1.0 acre to 0.5 acre for pet grooming establishments in which all business activities take place within a residence. The Petitioner's complete proposed amendment text is attached to this Technical Staff Report as Exhibit A (Petitioner's Proposed Text).

II. EXISTING REGULATIONS

- The use category for pet grooming establishments was added as a Special Exception use to the Howard County Zoning Regulations during the 1993 Comprehensive Zoning effort, and adopted on October 18, 1993.
- Currently, Section 131.0.N.31.c. of the Howard County Zoning Regulations requires a minimum lot size of 1.0 acre for pet grooming establishments in which all business activities take place within a residence.

III. BACKGROUND INFORMATION

A. Scope of Proposed Amendments

The proposed amendment could apply to any property within the County zoned R-20 (Residential: Single), and at least 0.5 acres in size. Currently, 8,336 lots exist within the County which are zoned R-20 (Residential: Single), and are at least 0.5 acres in size. Of these lots, 1,370 are zoned at least 1.0 acre in size. Therefore, the proposed ZRA applies to 6,966, lots in the R-20 zoning district, which are between .5 and 1 acre.

R-20 Zoned Lots/Parcels

Lot/Parcel Size (Acres)	Number of Lots/Parcels
1/2 Acre to < 1.0 Acres	6,966
1.0 Acre Or Larger	1,370
1/2 Acre Or Larger	8,336

Source: Land Use Database

Notes:

Includes R-20 residentially used land. (Parks and institutional uses are excluded.)
Lots/Parcels in the subdivision process are counted as one lot/parcel.

B. Agency Comments

Comments from all applicable agencies have not yet been received. Any substantive comments received from these agencies will be forwarded to the Planning Board members before the hearing date.

IV. EVALUATIONS AND CONCLUSIONS

Section 131.0.N.31.c. of the Howard County Zoning Regulations (Exhibit B) allows the Hearing Authority to grant conditional use approval of a pet grooming establishment in the R-20 zoning district if the property is at least 1.0 acre.

The Petitioner claims that the requested ZRA will provide "location efficiencies," for smaller pet grooming operations (under 1 acre) in the R-20 zone which "must lease or purchase separate property large enough or zoned differently in order to operate his or her pet grooming business." The Petitioner further claims that while a 1 acre minimum lot size 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."

Pet grooming establishments are also currently permitted as a matter of right in the TNC (Traditional Neighborhood Center), CAC (Corridor Activity Center), CE (Corridor Employment), M-1 (Manufacturing: Light), SC (Shopping Center), B-1 (Business: Local), B-2 (Business: General), BRX (Business Rural Crossroads), PEC (Planned Employment Center), and POR (Planned Office Research) zoning districts. The ten zoning districts listed above are zoning districts that are, in many cases, located in close proximity to residential zoning districts. However, such commercial, mixed use, and light industrial districts tend to be more amenable to a pet grooming establishment given the loud noises from pets and traffic volumes associated with these operations.

Pet grooming establishments are also currently permitted as a Conditional Use in the RC (Rural: Conservation) and RR (Rural: Residential) zoning districts, as long as certain minimum criteria are met.

Given the number zoning districts which allow pet grooming operations, sufficient

opportunities are currently available to establish these businesses in a variety of locations. While some residential districts allow pet grooming as a Conditional Use, DPZ does not generally consider residential areas to be appropriate for this use type unless a minimum lot size is established to buffer sound and other adverse impacts. In the R-20 zone, the existing 1 acre minimum lot size requirement for a conditional pet grooming use provides a minimum level of buffering necessary to address the impacts of commercial activity within a residential community. Reduction of the 1 acre minimum lot size reduces buffering capability which could result in compatibility issues, as well as jeopardize neighborhood character. The proposed ZRA could allow for pet grooming businesses on nearly 7,000 lots between .5 and 1 acre. However, this figure does not take into consideration any private covenants restrictions associated with these lots.

In addition to compatibility issues, the proposed ZRA is not in harmony with Policy 6.4 in Plan HOWARD 2030 (General Plan). This policy states that the County should "Establish policies to protect and promote commercially and industrially zoned land for future job and business growth opportunities." Increasing the availability of residential land for commercial activity does not support this policy goal, as it could direct commercial opportunities away from industrial and commercial zoned areas where this type of use is intended.

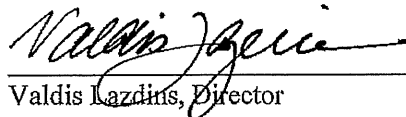
VI. RECOMMENDATION

For the reasons noted above, the Department of Planning and Zoning recommends that ZRA-161 be **DENIED**.

Report drafted by:

 12/3/15
John E. Hartner, Jr., Planning Specialist I Date

Approved by:

 12-3-15
Valdis Lazdins, Director Date

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

ZRA 151 – Exhibit A

Petitioner’s Proposed Text

(CAPITALS indicate text to be added; [[brackets indicate text to be deleted]].)

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 size5 acres
 - (2) Minimum setback for outdoor training and exercise areas and outside pens and runs from any lot line200 feet
 - (3) Minimum structure setback
 - (a) From public street right-of-way100 feet
 - (b) From any other lot line200 feet
 - (3) 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:
 - (1) Minimum lot size3 acres
 - (2) Minimum setback for outdoor training and exercise areas and outside pens and runs from any lot line150 feet
 - (3) Minimum structure setback:
 - (a) From public street right-of-way75 feet
 - (b) From any other lot line100 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.

ZRA 151 – Exhibit B

Section 131.0:-Conditional Uses

N. Conditional Uses and Permissible Zoning Districts

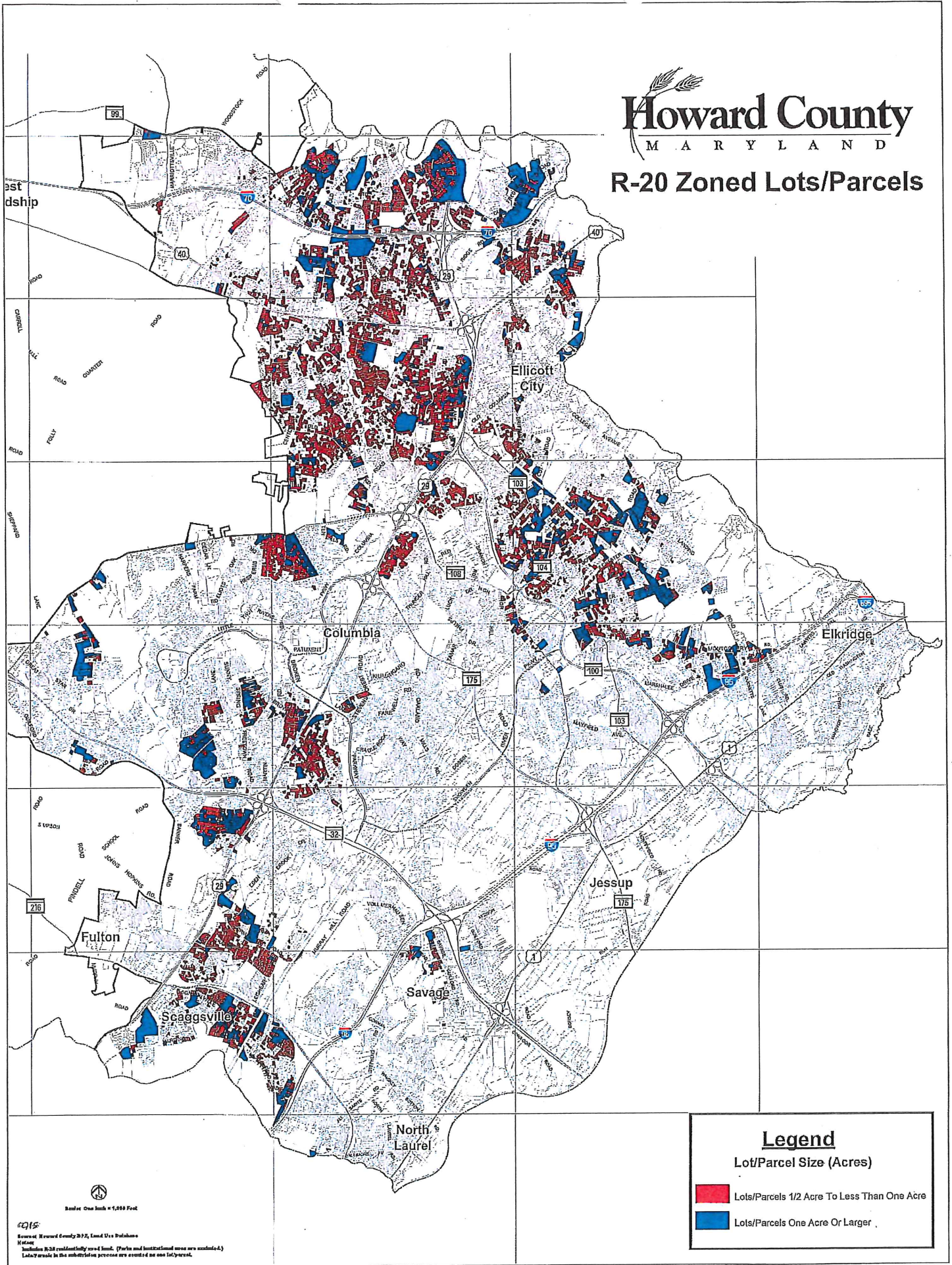
31. Kennels and Pet Grooming Establishments

- c. For pet grooming establishments in which all business activities take place within a residence, the minimum lot size shall be one acre.

Howard County

M A R Y L A N D

R-20 Zoned Lots/Parcels



Legend

Lot/Parcel Size (Acres)

- Lots/Parcels 1/2 Acre To Less Than One Acre
- Lots/Parcels One Acre Or Larger

Scale: One Inch = 1,000 Feet

Source: Howard County DPZ, Land Use Database
 Includes R-20 residential use of land. (Parks and institutional uses are excluded.)
 Lots/Parcels in the subdivision process are shown in one lot/parcel.



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Courthouse Drive

■ Ellicott City, Maryland 21043 ■

410-313-2350

Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

Subject: Planning Board Recommendations
ZRA 161 (Timothy Martins)

To: Recipients of Planning Board Recommendations

From: Toni Sieglein *Toni Sieglein*
Division of Public Service and Zoning Administration

Date: February 5, 2016

Attached is the Planning Board Recommendation for ZRA 161. Should you have any questions, please contact this office at 2350.

cc: Diane Wilson, Chief of Staff
Gary Kuc, County Solicitor
Paul Johnson, Deputy County Solicitor
Jessica Feldmark, County Council Administrator
Howard County Council
Robin Regner, Administrative Assistant to Zoning Board
Jennifer Sager, Legislative Coordinator
Theodore Wimberly – Legislative Assistant

1 TIMOTHY MARTINS
2 PETITIONER,
3 ZRA 161

* BEFORE THE
* PLANNING BOARD OF
* HOWARD COUNTY, MARYLAND

4 *
5 * * * * *

6 **MOTION:** *To recommend denial of the Zoning Regulation Amendment petition*
7 *request to amend Section 131.0.N.31. of the Zoning Regulations to allow certain properties*
8 *(0.5 acres or larger) located in the R-20 District to be eligible to apply for conditional use*
9 *approval of a pet grooming establishment, provided that all business activities are located*
10 *entirely within the residence.*
11

12 **ACTION:** *Recommended Denial; Vote 3 to 0.*

13 * * * * *

14 RECOMMENDATION

15
16 On December 17, 2015, the Planning Board of Howard County, Maryland, considered the petition of
17 Timothy Martins, for an amendment to Section 131.0.N.31. of the Zoning Regulations. The amendment
18 would allow certain properties (0.5 acres or larger) located in the R-20 District to be eligible for conditional
19 use approval of a pet grooming establishment, provided that all business activities are located entirely within
20 the residence.

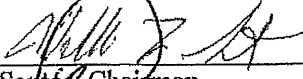
21 The petition, the Department of Planning and Zoning Technical Staff Report and Recommendation,
22 and the comments of reviewing agencies, were presented to the Board for its consideration. The Department
23 of Planning and Zoning recommended denial of the petition based on neighborhood compatibility issues
24 which would result from allowing commercial activity in residential neighborhoods.
25

26 The Petitioner was represented by Mr. William Erskine. Mr. Erskine stated the following:
27

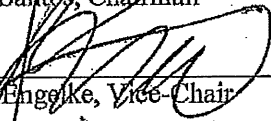
- 28
- For the past 10 years, the Petitioner's believed that they owned 1 acre of land. However, they only actually own 0.9909 acres of land (325 square feet shy of an acre).
 - The Property does not meet the minimum criteria for the Hearing Authority to grant conditional use approval of a pet grooming establishment since the Property is not at least 1 acre.
 - The Petitioner's pet grooming establishment generates no traffic, no noise, and the business caters to one client at a time, by appointment only.
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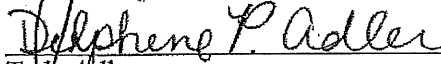
HOWARD COUNTY PLANNING BOARD



Bill Santos, Chairman



Phil Engelke, Vice-Chair

 1/23

Tudy Adler

Absent

Jacqueline Basley

Absent

Erica Roberts

ATTEST:



Valdis Lazdins, Executive Secretary

- Even though the Petitioner only needs the conditional use requirement reduced to 0.9909 acres, they are requesting that the requirement be reduced to 0.5 acre because the size seems reasonable to them.
- The Planning Board could give the Board of Appeals the authority to approve smaller lots, down to 0.5 acre if other criteria are met such as buffering, screening, no traffic problems, etc.

Ms. Dale Martins spoke in support of the proposal. Ms. Martins stated that there is no noise associated with her business. She also stated that the traffic generated by her business does not bother any of the neighbors. Ms. Martins was asked by a Planning Board member how she found out that the pet grooming establishment was operating illegally. Ms. Martins stated that a neighbor called and complained about dogs barking, and at that point it was determined that the use was not permitted on the property and that the Property was too small to qualify for a conditional use for a pet grooming establishment.

Mr. Jacob Miller, Mr. Zach Miller, Mr. Pete Merson, Mr. James Cheek, and Ms. Makayla Clancy spoke in support of the petition and stated that a number of neighbors support the petition and that the business provides a positive service for the community. The supporters repeatedly stated that the Martins' business has never disturbed them, noise and traffic have never been an issue, and that the Martins' are good neighbors.

The Planning Board expressed that they believed one acre is an appropriate size for a pet grooming establishment and that one half an acre is too small. The Planning Board also recognized that not all pet grooming establishments will be run as well as the Martins'. Finally, the Planning Board noted that they must take into consideration that the proposed change to the Zoning Regulations may affect many properties within the county, not just the Martins' property.

Tudy Adler made a motion to recommend denial of the proposed amendment to Section 131.0.N.31. of the Zoning Regulations to allow certain properties (0.5 acres or larger) located in the R-20 District to be eligible to apply for conditional use approval of a pet grooming establishment, provided that all business activities are located entirely within the residence. Phil Engelke seconded the motion. The motion passed by a vote of 3 to 0.

For the foregoing reasons, the Planning Board of Howard County, Maryland, on this 4th day of ~~January~~ ^{February}, 2016, recommends that ZRA 161, as described above, be **DENIED**.