

JRL

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

Date: January 16, 2014

Hearing Examiner 3/10/14

Planning Board _____ Board of Appeals _____ Zoning Board _____

Petition No. BA 13-036C Map No. _____ Block _____ Parcel _____ Lot _____

Petitioner: _____ Adam Eng _____

Petitioner's Address: _____

Address of Property: _____

Return Comments by 2/10/14 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 comment


SIGNATURE



DEC 3 - 2013

For DPZ Office use only:

BA CASE NO. BA 13-036C
Date Submitted 12/3/13

**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 Two Family Dwellings
Section 131.N.

Specific Use Requested Two Family Dwelling

2. Name of Petitioner Adam Eng

Trading as (If applicable) _____

Mailing Address 6414 Montgomery Rd, Elkridge MD 21075

Phone Number(s) 845-636-9606

E-Mail Address adam.eng8@gmail.com

Name of Principal Contact (If different) _____

3. Counsel for Petitioner _____

Mailing Address n/a

Phone Number(s) n/a

E-Mail Address n/a

4. Conditional Use Site Description

Address/Street for Property 6414 Montgomery Rd

Tax Map 0037 Grid/Block 005 Parcel 0320 Lot 3

Department of Assessments and Taxation Account No. 166298

Total Land Area of Property 20000SF (.46 Acres) (20000 Square Feet) Check one.

Election District 1 Zoning of Property R-20

Subdivision Name and Plat No. (If Applicable) Montgomery Point 21193

Total Land Area of Use (If different than above) _____ (____ Acres) (____ Square Feet)

5. Petitioner's Interest in Subject Property

OWNER (Including joint ownership)

OTHER (Described and give name and address of owner)

Name of Owner Adam Eng

Mailing Address 6414 Montgomery Rd, Elkridge MD 21075

If the Petitioner is not the owner, written authorization for this petition from the owner must be submitted.

6. Conditional Use Plan Requirements

If the petition is approved, the conditional use plan will be made a part of the Hearing Examiner's Decision and Order, subject to modifications and conditions required by the Hearing Examiner.

The conditional use plan must be drawn to scale and must include the items listed below:

- (a) Courses and distances of outline boundary lines and the size of the property
- (b) North arrow
- (c) Zoning of subject property and adjoining properties
- (d) Scale of plan
- (e) Existing and proposed uses, structures, natural features and landscaping
- (f) Location and surface material of existing and proposed parking spaces, driveways, and points of access; number of existing and proposed parking spaces
- (g) Same as (e) and (f) above, of adjoining properties
- (h) Location of existing and/or proposed well and private septic easement area, if property is to be served by private water and septic facilities
- (i) Election District in which the subject property is located
- (j) Tax Map and Parcel Number(s) of the subject property
- (k) Name of local community in which the subject property is located or name of nearby community
- (l) Name, mailing address, telephone number (and e-mail address, if any) of the Petitioner
- (m) Name, mailing address, telephone number (and e-mail address, if any) of Counsel
- (n) Name, mailing address, telephone number of property owner
- (o) Floor area and height of structures, setback distances from property lines, and other numerical values necessary for the examination of the petition
- (p) Location of subject property in relation, by approximate dimension, to the center line of nearest intersection of two public roads
- (q) Ownership of abutting roads, right-of-way width, and existing pavement width
- (r) Any other information as may be necessary for full and proper consideration of the petition

7. Additional Information Requirements

- a. Information regarding noise, dust, fumes, odors, lighting, vibrations, hazards or other physical conditions resulting from the use.
- b. Supporting documentation, such as traffic studies, market studies, and noise studies as may be required by the Department of Planning and Zoning or by the Zoning Regulations.
- c. For expansions and enlargements, previous case number(s) and information regarding compliance with previous requirements and conditions.

8. Summary of Request

The following items should be answered by summary statements. If additional space is needed, please attach a Supplement to this petition.

a. The present use of the subject property Single Family Dwelling with an "In-law" Suite

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. I would like to convert the single family dwelling into a two family dwelling by adding a kitchen to the existing "In-Law" Suite. The "In-Law" Suite is currently too large to be considered an accessory apartment.

I purchased this property in August and worked with zoning inspectors to remedy the illegal accessory apartment that the previous owner had constructed. Specifically, I hired a contractor who removed the kitchen, connected the separate units, and created a common/shared entrance.

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 lot meets the is zoned R-20 and meets the 16,000 SF requirement for a two-family dwelling.

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? _____
This conditional use will not generate any physical conditions to the vicinal properties.

9. Prior Petitions

Has any petition for the same, or substantially the same, conditional use as noted above for the subject property been denied by the Hearing Examiner within twenty four (24) months of the date of this petition?

Yes No

If yes, and six (6) months have elapsed since the last hearing, an affidavit must be attached which states the new and different grounds on which this re-submittal is based.

10. Additional Materials, Fees, Posting and Advertising Requirements

a. Supplemental pages may be attached to the petition. **You must submit one original petition with original signatures, and one original of any other signed documents.** The following number of sets including petitions, plans and supplemental pages must be submitted:

- *If the subject property adjoins a State road- original and 20 copies (application & plans)*
- *If the subject property adjoins a County road- original and 18 copies (application & plans)*

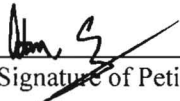
b. The Petitioner signing below hereby agrees to furnish such additional plats, plans, reports or other material as may be required by the Department of Planning and Zoning and/or the Hearing Examiner in connection with this petition.

c. The Petitioner hereby agrees to pay all costs in accordance with the current schedule of fees.

d. The Petitioner hereby agrees to properly post the property at least thirty (30) days immediately prior to the Hearing Examiner public hearing; to maintain the public notice posters until the public hearing is concluded; and to submit an affidavit of posting at, or before the time of the initial public hearing. The Petitioner also hereby agrees to advertise the public hearing by means of legal notices as prepared and approved by the Department of Planning and Zoning to be published one (1) time in at least two (2) newspapers of general circulation in Howard County, at least thirty (30) days prior to the Hearing Examiner public hearing, and to pay for such advertising costs; and agrees to submit two (2) approved certificates of the text and publication date(s) of the advertisement at or before the time of the hearing.

11. Signatures

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



Signature of Petitioner

12/2/13 ^{11/8/2013}

Date

Adam Eng

Print Name of Petitioner

Signature of Petitioner

Date

Print Name of Petitioner

Signature of Attorney

Date

Print Name of Attorney

12. General Standards for Conditional Uses

All requests for conditional uses must meet the following general standards set forth in Section 131.B. of the Zoning Regulations for approval:

1. The proposed conditional use plan 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. In Evaluating the plan under this standard, the Hearing Examiner shall consider:
 - a. The nature and intensity of the 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; and
 - b. If a conditional use is combined with other conditional uses or permitted uses on a site, the overall intensity and scale of uses on the site is appropriate given the adequacy of proposed buffers and setbacks.
2. The proposed use at the proposed location will not have adverse effects on vicinal properties above and beyond those ordinarily associated with such uses. In evaluating the plan under this standard, the Hearing Examiner shall consider whether:
 - a. The impact of adverse effects such as noise, dust, fumes, odors, lighting, vibrations, hazards or other physical conditions will be greater at the subject site than it would generally elsewhere in the zone or applicable other zones.
 - b. The location, nature and height of structures, walls and fences, and the nature and extent of the landscaping on the site are such that the use will not hinder or discourage the development and use of adjacent land and structures more at the subject site than it would generally in the zone or applicable other zones.
 - c. Parking areas will be of adequate size for the particular use. Parking areas, loading areas, driveways and refuse areas will be properly located and screened from public roads and residential uses to minimize adverse impacts o adjacent properties.
 - d. The ingress and egress drives will provide safe access with adequate sight distance, based on actual conditions, and with adequate acceleration and deceleration lanes where appropriate.

In addition to the specific requirements of the appropriate subsection within Section 131.N of the Zoning Regulations, conditional uses within residential developments in the R-ED, R-SC, R-SA-8, R-A-15, R-MH or R-VH districts are subject to the standards enumerated in Section 131.C.

Please access the online application process for the pre-submission meeting by using the link below:

<https://pdox.howardcountymd.gov/imarkupwg/form.asp?formid=20646>

Pre-Submission Community Meeting - Instructions

1. A pre-submission community meeting is required prior to the initial submittal of a petition for a conditional use according to the following procedures:
 - a. The petitioner shall provide at least 3 weeks' written notice regarding the date, time, and location of the pre-submission community meeting to:
 - (1) All adjoiningⁱ property owners as identified in the records of the Maryland Department of Assessments and Taxation, by mail; and
 - (2) The Department of Planning and Zoning, which will place the meeting notice on the Department's web site; and
 - (3) Any community association that represents the area of the subject property or any adjacent properties
 - b. The meeting shall be:
 - (1) Held at a location within the community, in a public or institutional building located within approximately 5 miles of the subject property; and
 - (2) Scheduled to start between 6 p.m. and 8 p.m. on a weekday evening, or to be held between 9 a.m. and 5 p.m. on a Saturday, excluding County holidays and other holidays determined in Section 16.205(D) of the Howard County Code.
 - c. The petitioner shall post the property with posters provided by and at locations specified by the Department of Planning and Zoning, and shall make a reasonable effort to maintain the posters for at least the 3 weeks immediately prior to the meeting.
 - d. A certification of notice and posting and a summary of the issues expressed by residents at the pre-submission community meeting shall be transmitted by the petitioner to the Department of Planning and Zoning when the initial petition is filed.
 - e. The purposes of the pre-submission community meeting are to allow the petitioner to provide information to the community regarding the proposed conditional use and to allow community residents to ask questions and discuss any issues they have concerning the proposal.
 - f. If the petitioner does not submit the petition to the Department of Planning and Zoning within 1 year of the pre-submission community meeting, the petitioner shall hold another pre-submission community meeting, subject to the same notification and posting requirements as the first pre-submission community meeting.

ⁱ Adjoining property is land which is touching or would be touching in the absence of an intervening utility or road right-of-way, other than a principal arterial highway.

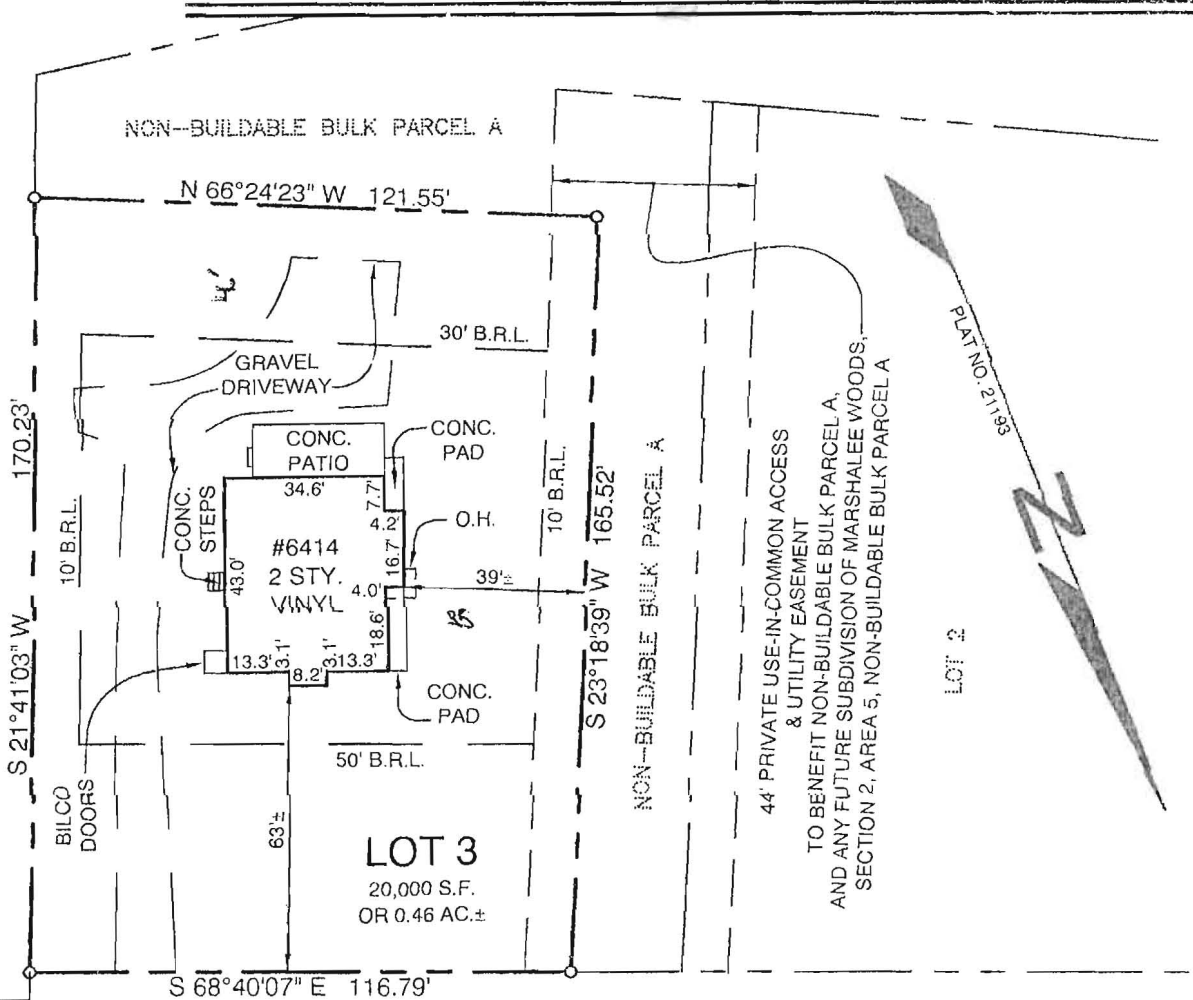
IMPORTANT:

It is also advised that notice be sent to any community association registered with the County to be notified about projects in a certain geographic area; and the County Council.

Please use the following web address to access the community notification list http://data.howardcountymd.gov/HOA_Register/GCommunityView_new.asp. You will be prompted to enter the three-digit sign code assigned to your development. Once your sign code has been entered, you will be provided with a list of community contacts that have requested information about your development.

T:\DPZ\Shared\Public Service and Zoning\Applications\Hearing Examiner\Conditional Use Application.doc REV 0712

NON-BUILDABLE BULK PARCEL A
MARSHALEE WOODS
SECTION 2, AREA 5,
PLAT NO. 17090



MONTGOMERY ROAD
(LOCAL ROAD- R/W WIDTH VARIES)

- NOTES:
1. THIS PLAT IS A BENEFIT TO THE CONSUMER ONLY INsofar AS IT IS REQUIRED BY A LENDER OR A TITLE INSURANCE COMPANY OR ITS AGENTS IN CONNECTION WITH CONTEMPLATED TRANSFER, FINANCING OR REFINANCING PURPOSES. THIS PLAT IS NOT TO BE RELIED UPON FOR THE ESTABLISHMENT OR LOCATION OF FENCES, GARAGES, BUILDINGS OR OTHER EXISTING OR FUTURE STRUCTURES. THIS PLAT DOES NOT PROVIDE FOR THE ACCURATE IDENTIFICATION OF PROPERTY BOUNDARY LINES, BUT SUCH IDENTIFICATION MAY NOT BE REQUIRED FOR THE TRANSFER OF TITLE OR FOR SECURING FINANCING OR REFINANCING.
 2. THE 4'- SETBACK ACCURACY IS 1 FOOT.
 3. THIS PLAN OR PLAT IS NOT INTENDED TO SHOW ALL MATTERS RELATED TO THE PROPERTY SHOWN HEREON.

THIS LOT DOES NOT APPEAR TO LIE WITHIN THE 100 YEAR FLOOD PLAIN AS SHOWN ON THE F.E.M.A. FLOOD HAZARD MAP 240044-0035-B AS REVISED DECEMBER 4, 1986.

LOCATION DRAWING
6414 MONTGOMERY ROAD
LOT 3
MONTGOMERY POINT
LOTS 1 THRU 3 &
NON-BUILDABLE BULK PARCEL A
ELECTION DISTRICT NO. 1
HOWARD COUNTY, MARYLAND

I HEREBY CERTIFY THAT I WAS IN RESPONSIBLE CHARGE OVER THE PREPARATION AND THE LOCATION DRAWING AND THE SURVEY WORK REFLECTED IN IT IS IN COMPLIANCE WITH REQUIREMENTS SET FORTH IN THE CODE OF MARYLAND TITLE 9, SUBTITLE 13, CHAPTER 20, REGULATION 12, AND THE POSITION OF EXISTING IMPROVEMENTS AS SHOWN HEREON, ARE CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

MICHAEL D. ADCOCK
PROFESSIONAL LAND SURVEYOR
NO. 21257, EXPIRATION DATE: 06-16-2013

Sill · Adcock & Associates · LLC
Engineers · Surveyors · Planners
3300 North Ridge Road, Suite 160
Ellicott City, Maryland 21043
Phone: 443.325.7682 Fax: 443.325.7685
Email: mike@saaland.com

REFERENCE:	PLAT NO. 21193
DATE:	DECEMBER 4, 2012
SCALE:	1"=40'
FILE NO.:	12-003-141