



Bureau of Environmental Health

8930 Stanford Boulevard, Columbia, MD 21045

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www.hchealth.org


Facebook: www.facebook.com/hocohealth

Twitter: [HowardCoHealthDep](https://twitter.com/HowardCoHealthDep)

Maura J. Rossman, M.D., Health Officer

MEMORANDUM

TO: Bob LaLush
Division of Zoning Administration and Public Service

FROM: Jeff Williams 
Program Supervisor, Well & Septic Program
Bureau of Environmental Health

RE: **BA-15-027C**

DATE: November 18, 2015

The Health Department has reviewed the above referenced petition and has the following comment.

- Health Department records indicate that the existing sewage disposal system was installed in 1980 to accommodate a 3 bedroom residence. A building permit for a bedroom addition was issued in 1998 with the agreement that the disposal system would be upgraded. There is no indication in the file that the upgrade took place. The proposed change in use will increase the anticipated wastewater flow discharging to the onsite sewage disposal system. The existing system must be upgraded or replaced to meet current regulatory standards for sizing and construction prior to Health Department approval of any building permit or change in use. A detailed sewage disposal system design plan including a description of the proposed use for purposes of assigning a daily design wastewater flow must be submitted for Health Department approval.
- There is not a perc certification plan on file for the property establishing a sewage disposal area. The file indicates perc test holes and an area, but not on a plan signed by the Health officer. A perc certification plan establishing a sewage disposal area supported by passing perc test holes and large enough to accommodate 3 systems for the proposed use must be submitted to and approved by the Health Department prior to Health approval of a building permit or change in use.

ZK

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

Date: October 22, 2015

Hearing Examiner 1/7/16

Planning Board _____ Board of Appeals _____ Zoning Board _____

Petition No. BA-15-027C Map No. _____ Block _____ Parcel _____ Lot _____

Petitioner: _____ Cynthia Williams _____

Petitioner's Address: _____

Address of Property: _____

Return Comments by December 21, 2015 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
 - _____ Resource Conservation Division – Beth Burgess
 - _____ Route 1 Cases – DCCP – Dace Blaumanis
 - _____ Telecommunication Towers – Josh Levy (Comm. Dept.)

COMMENTS: see memo


SIGNATURE



JUN 18 2015

For DPZ Office use only:

BA CASE NO.

BA 15-027C

Date Submitted

6/18/15

**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 Personal Service

Section 131.0.N. 7

Specific Use Requested Alternative and wellness therapies.

2. Name of Petitioner Cynthia Williams

Trading as (If applicable) _____

Mailing Address 16130 Ed Warfield Road, Woodbine, MD 21797

Phone Number(s) 410-868-3530

E-Mail Address williams1225@verizon.net

Name of Principal Contact (If different) _____

3. Counsel for Petitioner Thomas M. Meachum

Mailing Address 10715 Charter Drive, Suite 200, Columbia, MD 21044

Phone Number(s) 410-740-4600

E-Mail Address tmm@carneykelehan.com

4. Conditional Use Site Description

Address/Street for Property 16130 Ed Warfield Road, Woodbine, MD 21797

Tax Map 13 Grid _____ Parcel 278 Lot _____

Department of Assessments and Taxation Account No. 330447

Total Land Area of Property _____ (5.01 Acres) (_____ Square Feet) Check one.

Election District 04 Zoning of Property RC

Subdivision Name and Plat No. (If Applicable) _____

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

4. Petitioner's Interest in Subject Property

- OWNER (Including joint ownership)
 OTHER (Described and give name and address of owner)

Name of Owner _____

Mailing Address _____

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

5. Conditional Use Plan Requirements

If the petition is approved, the Conditional Use plan will be made a part of the Decision and Order, subject to modifications and conditions required by the Hearing Authority. 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 Primary Residence
-
- 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. The proposal is for partial use of the residential dwelling for a personal service facility offering alternative and wellness therapies to include Reiki, aromatherapy, guided meditation, and nutritional counseling. This type of personal service is likened to personal services offered by a barbershop, hair salon, or similar personal service facilities. The proposed Conditional Use plan is in harmony with the land uses and policies in the Howard County General Plan. Days and hours of operation are Friday and Saturday, 10:00 a.m. to 5:00 p.m., and Sunday noon to 5:00 p.m. Most of the time there will be one or two customers.
-
- 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 131.0.N. A) The intended use will be contained to the lower level of the residence and the operator resides in the residence. B) The lot is over five acres. C) The Petitioner would like approval for an employee. D) The road access to use is from Ed Warfield Road - a collector road and the driveway access is not a shared driveway.
-
- 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 proposed Conditional Use seeks to share the benefit of the tranquil surroundings with perspective clients and therefore will not generate any physical conditions such as noise, dust, fumes, odors, lighting, or vibrations which would be discernible from abutting and vicinal properties.
-
- e. Will the number of parking spaces be appropriate to serve the use and will the parking areas, loading areas, driveways, and trash receptacle areas be appropriately located and buffered from public roads and residential areas? The parking area is buffered from public roads and residential areas, and the number of parking spaces is appropriate to serve the proposed Conditional Use. The site can accommodate parking up to eight clients, 3 next to garage, 2 at the customer entrance, and 3 alongside the driveway. When the Petitioner hires an employee the employee can park in the garage.

- f. Will the ingress and egress driveway(s) provide safe access with adequate sight distance? Yes, the driveway provides safe entrance and exit access with adequate site distance from Ed Warfield Road.
- g. Are there any environmentally sensitive areas in the vicinity of the property and, if so, will the proposed use have any potential to affect such areas? There are no environmentally sensitive areas in the vicinity of the property.
- h. Are there any historic sites in the vicinity of the property and, if so, will the proposed use have any potential to diminish the character and significance of such sites? There are no historic sites in the vicinity of the property.

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 materials as may be required by the Department of Planning and Zoning and/or the Hearing Authority 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.

Cynthia Williams 6-3-2015
Signature of Petitioner Date

Cynthia Williams
Print Name of Petitioner

Signature of Petitioner Date

Print Name of Petitioner

Thomas M. Meachum 6/16/15
Signature of Attorney Date

Thomas M. Meachum
Print Name of Attorney

General Standards for Conditional Uses

All requests for conditional uses must meet the following general standards set forth in Section 131.0.B. of the Zoning Regulations for approval:

1. The proposed Conditional Use plan will be in harmony with the land uses and policies in the Howard County General Plan which can be related to the proposed use.
2. 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 are such that the overall intensity and scale of the use(s) are appropriate for the site.
3. 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 proposed use under this standard, the Hearing Authority shall consider whether or not:
 - a. The impact of adverse effects such as, but not limited to, noise, dust, fumes, odors, intensity of lighting, vibrations, hazards or other physical conditions will be greater at the proposed site than it would generally be elsewhere in the same zoning district or other similar zoning districts.
 - b. The location, nature and height of structures, walls or fences, and the nature and extent of the existing and/or proposed landscaping on the site are such that the use will not hinder or discourage the development and/or use of adjacent land and structures more at the subject site than it would generally elsewhere in the same zoning district or other similar zoning districts.
 - c. The number of parking spaces will be appropriate to serve the particular use. Parking areas, loading areas, driveways and refuse areas will be appropriately located and buffered or screened from public roads and residential uses to minimize adverse impacts on 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. For proposed Conditional Use sites which have driveway access that is shared with other residential properties, the proposed Conditional Use will not adversely impact the convenience or safety of shared use of the driveway.
 - e. The proposed use will not have a greater potential for adversely impacting environmentally sensitive areas in the vicinity than elsewhere.
 - f. The proposed use will not have a greater potential for diminishing the character and significance of historic sites in the vicinity than elsewhere.

In addition to the specific requirements of the appropriate subsection within Section 131.0.N of the Zoning Regulations, Conditional Uses within residential developments in the R-ED, R-SC, R-SA-8, R-H-ED, R-APT, R-A-15, R-MH or R-VH districts are subject to the standards enumerated in Section 131.0.C.

PETITIONER Cynthia Williams

ADDRESS 16130 Ed Warfield Road, Woodbine, MD 21797

Affidavit made pursuant to the pertinent provisions of Title 22 of the Howard County Code as amended:

The person(s) signing below hereby declare(s) that no officer or employee of Howard County, whether elected or appointed, has received prior hereto or will receive subsequent hereto, any monetary or material consideration, any service or thing of value, directly or indirectly, upon more favorable terms than those granted to the public generally in connection with the submission, processing, issuance, grant or award of the attached petition to the Hearing Examiner for a conditional use as requested.

I, we, do solemnly declare and affirm under the penalties of perjury that the contents of the foregoing affidavit are true and correct to the best of my, our, knowledge, information and belief.

Witness Cynthia Williams 6-03-2015
Signature Cynthia Williams Date

Witness Signature Date

Witness Signature Date

Application Fee: \$500.00 Poster Fee: \$25.00 per sign/poster
Make check payable to: Director of Finance.

For DPZ use only:
Hearing fee: \$ _____
Poster fee: \$ _____
Total: \$ _____
Receipt No. _____

County Website: www.howardcountymd.gov

PLEASE CALL 410-313-2350 FOR AN APPOINTMENT TO SUBMIT YOUR APPLICATION.

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

[https://pdox.howardcountymd.gov/ProjectDox/workfloweforms/Anonymous Form C Z Presub.aspx](https://pdox.howardcountymd.gov/ProjectDox/workfloweforms/Anonymous_Form_C_Z_Presub.aspx)

Pre-Submission Community Meeting

A pre-submission community meeting is required prior to the initial submittal of a petition for a Conditional Use subject to the same procedures for such meetings as specified in Section 16.128 of the Subdivision and Land Development Regulations.

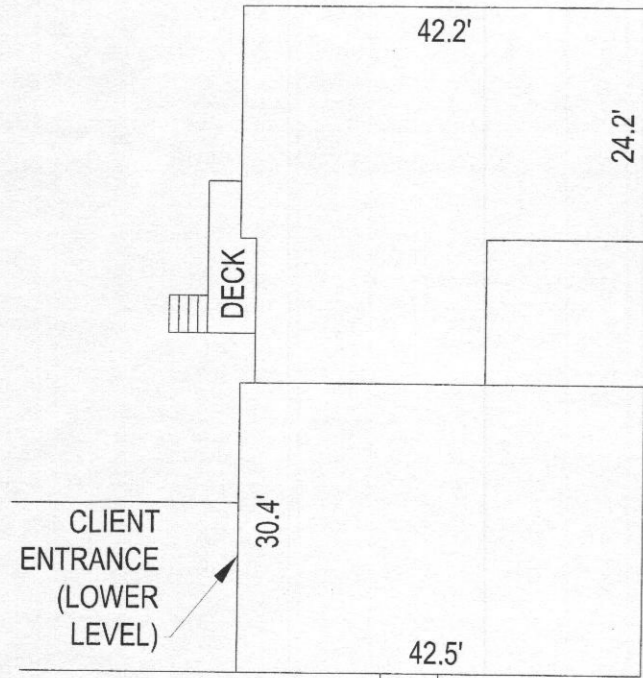
Please use the following web address to access the community notification list

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.

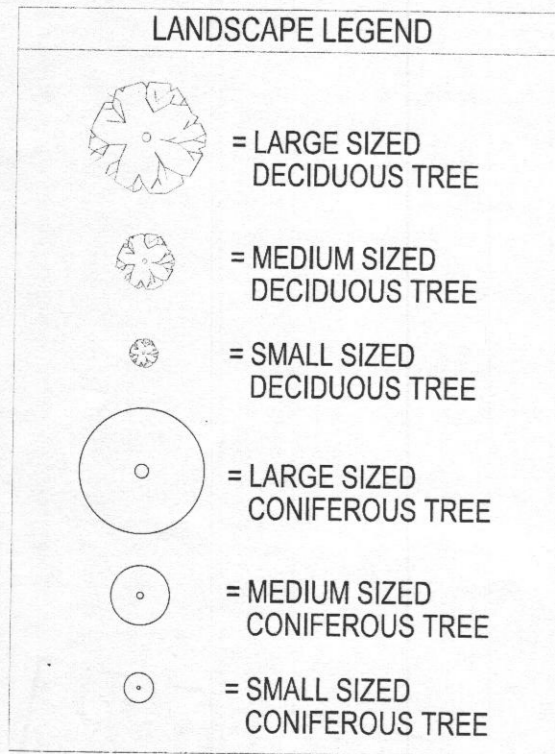
T:\DPZ\Shared\Public Service and Zoning\Applications\Hearing Examiner\Conditional Use Application.doc REV 08/14

**CYNTHIA WILLIAMS
CONDITIONAL USE PETITION
Continuation Sheet**

- d. Further there are no lighting needs because the hours of operation will not be in the evening. There are photographs included with this Petition to assist in the evaluation of the Petition.



ENLARGED DWELLING DETAIL
NOT TO SCALE

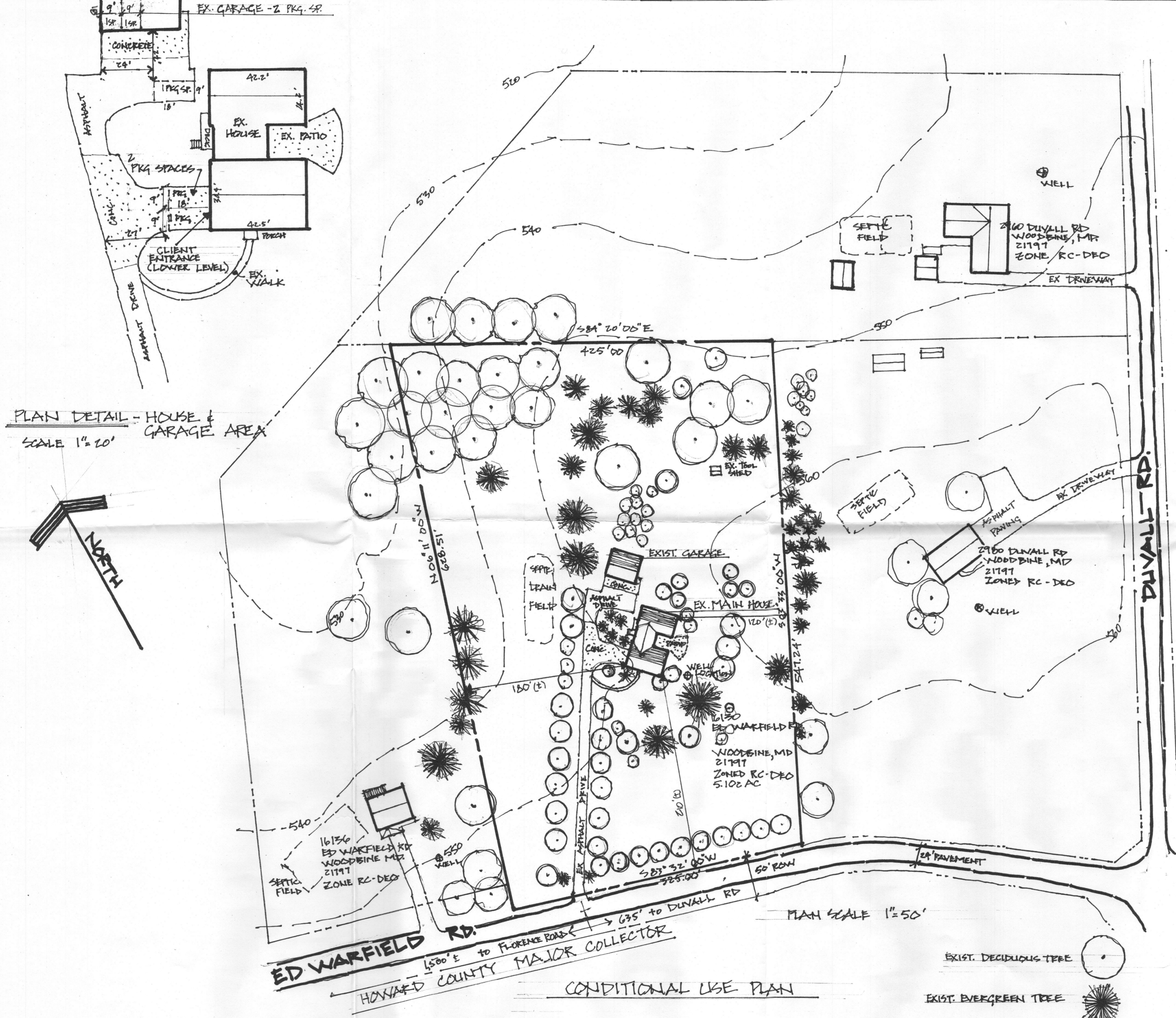


1
1-E1

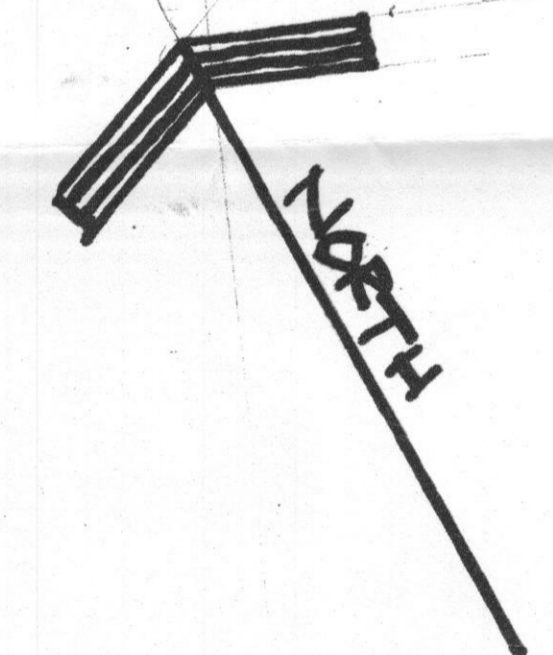
SITE PLAN OF 16130 ED WARFLIED ROAD WOODBINE, MARYLAND 21797

SCALE: 1/64"=1'-0"

JOB NUMBER:	1000
CLIENT:	FIVE ACRE WELLNESS
JOB NAME:	16130 ED WARFLIED ROAD WOODBINE, MARYLAND 21797
ITEM:	SITE PLAN FOR CONDITIONAL USE PERMIT
DATE:	06/18/2015
SHEET NUMBER:	1-E1



PLAN DETAIL - HOUSE & GARAGE AREA
SCALE 1" = 20'



**CONDITIONAL USE
PLAN
FOR
PERSONAL SERVICES
FACILITY
FOR
FIVE ACRE WELLNESS**

SITE ANALYSIS DATA:

TOTAL LOT AREA	5.012 AC
ZONING	RC-DEO
BUILDING AREA	3,160 SF
BUILDING HT	27' (±)
MAX BLDG HT	40'
USE SETBACKS:	
FROM ROW & FROM LOT LINES	50'
STRUCTURE SETBACKS:	
FROM ROW	50'
FRONT SIDE	50'
ROW LOT LINE	50'
REAR	50'

PERSONAL SERVICES USE:
 CONDITIONAL USE AREA = 1,000 SF BLDG.
 PKG REQ'D @ 5 SF/1000 SF = 5 SP.
 PKG PROVIDED = 5 SF (2 GARAGE, 3 ON PAVEMENT)

DATE - AUGUST 27, 2015	CONDITIONAL USE PLAN FOR FIVE ACRE WELLNESS 16130 ED WARFIELD RD. WOODBINE, MD 21797 TM 0015 GRID 17, 17218, 115473 F 00059 4 M ELEK. DIST. HOWARD COUNTY, MD. ZONED RC-DEO
	PLAN PREPARED BY: DAVID T. DOXYS, PLA MD REGIST. #850 PH: 301.509.2332 C. doxys_david@yahoo.com
OWNER & PETITIONER: FIVE ACRE WELLNESS CONTACT: CATHIA WILLIAMS 16130 ED WARFIELD ROAD WOODBINE, MD 21797 AID: 8608 8630 williams@fiveacrewellness.net	ATTORNEY: MR. THOMAS MEACHUM CARNEY KELEHAN, P.A., LLP 1015 CHARTER DR, SUITE 200 COLLEGE PARK, MD 20744 410.460.7600 tmm@carneykelehan.com
BA 15-027C	CONDITIONAL USE PLAN SHEET 1 OF 1