



Bureau of Environmental Health

8930 Stanford Boulevard, Columbia, MD 21045

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TDD 410-313-2323 | Toll Free 1-866-313-6300

www.hchealth.org

Facebook: www.facebook.com/hocohealth

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

MEMORANDUM

TO: Geoff Goins
Division of Zoning Administration and Public Service

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

RE: **BA-18-019 C&V**

DATE: October 15, 2018

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

1. The existing sewage disposal system is sized to accommodate 1225 gallons per day wastewater design flow. The proposed use would generate 1600 gallons per day design flow. The existing system must be upgraded or replaced to accommodate the expansion.
2. The existing system is 28 to 30 years old and must be evaluated by the Health Department to determine whether it is still functioning properly prior to Health Department approval of an expansion.
3. Prior to Health Department approval of an expansion, the owners must submit a plan showing how three sewage disposal systems (existing or new plus two future replacements) can fit in the existing sewage disposal area. If they cannot, the disposal area must be increased, which may include additional perc testing.

TO

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

Date: September 11, 2018

Planning Board _____ Hearing Examiner 11/19/18
Board of Appeals _____ Zoning Board _____

Petition No. BA-18-019C&V Map No. _____ Block _____ Parcel _____ Lot _____

Petitioner: CGFD Investment Group

Petitioner's Address: _____

Address of Property: SEE PETITION

Return Comments by 10/15/18 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 – Kristen O'Connor
 - _____ Telecommunication Towers – (Comm. Dept.)
 - _____ Division of Transportation – Dave Cookson

COMMENTS: see memo



SIGNATURE



For DPZ Office use only:
 BA CASE NO. BA 18 019ctv
 Date Submitted 6/14/18

**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 Residential Assisted Living
 _____ Section 131.0.N. 38
 Specific Use Requested To provide home health care for aging adults

2. Name of Petitioner CGFD Investment Group, LLC.

Trading as (If applicable) _____
 Mailing Address 5502 Harris Farm Lane, Clarksville, MD 21029
 Phone Number(s) 410-949-0068
 E-Mail Address tdawson143@me.com
 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 5502 Harris Farm Lane, Clarksville, MD 21029
 Tax Map 0028 Grid _____ Parcel 0208 Lot P011
 Department of Assessments and Taxation Account No. 371465
 Total Land Area of Property 218,235 (____ Acres) (Square Feet) Check one.
 Election District 9A Zoning of Property RR-DEO Rural Residential
 Subdivision Name and Plat No. (If Applicable) Clarksville
 Total Land Area of Use (If different than above) _____ (____ Acres) (____ Square Feet)

REVISED

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 from the owner must be submitted.

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 Assisted Living
- b. Details of the proposed use, including, **where applicable:** types of indoor and outdoor activities; hours of operation; number of employees, occupants, and/or customers; quantity and types of vehicles or equipment used; outdoor lighting to be used; quantities and capacities of materials stored; etc. See attachment.
- 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. 38
Hillside House Assisted Living served as a 15 bed facility. It complied with
Conditional Use Category 131.0.N.38 for more than 20 years.
- 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? No
- 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? Yes, (see attachment. There are 13 parking spaces.
- f. Will the ingress and egress driveway(s) provide safe access with adequate sight distance? Yes
- 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? No
- 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? No

9. **Prior Petitions**

CONDITIONAL USE PERMIT ATTACHMENT FOR

RESIDENTIAL ASSISTED LIVING

8B The proposed Conditional Use Permit will be used to increase the number of beds at Howard County Assisted Living at Clarksville from a 8 to a 16 bed assisted living facility. Currently there the assisted living facility is licensed to serve 8 residents. There are two licensed caregivers that work during the daytime and one that works overnight. The facility operates regular business hours from 8:00 am until 8:00 pm and has an awake overnight person available from 8:00 pm until 8:00 am. Workers and visitors use private vehicles during the day. There is no special equipment used at the facility and the house has regular residential lighting on the front and rear of the house. There will no need to store materials other than food.

The intensity of the use of the land will not be more than it was intended for when it was developed and no more than it has been while it was used as a 15 bed assisted living over the past 20 years. The use of the Conditional Use permit conforms to zoning ordinances. The property has two private septic tanks and a private well. The property is 3,948 square feet and sits on a lot that is 218,235 square feet. The property line entering the property sits 2,800 linear feet from the closest intersection with two public roads.

Harris Farm Lane is a two lane rural residential road that intersects with Ten Oaks Road. There are approximately 32 residential homes that share access of Harris Farm Lane. The overall intensity and capacity, which the road was intended, will not be adversely impacted.

The proposed use of the property as a 16 bed assisted living facility that sits on a triangular shaped lot. It will not have an adverse effect on vicinal properties beyond the ordinary use of the property. The roof of the property is approximately 88 linear feet from the westbound property and 162.8 linear feet from the eastbound property. The previous 15 bed assisted living facility that functioned in this property for more than 20 years coexisted very well with vicinal properties. During this time, Howard County did not receive any complaints nor were there any recorded violations while the previous 15 bed assisted living existed.

Howard County Assisted Living at Clarksville will not have an adverse impact on the community relative to noise, fumes, odors, intensity of lighting, vibrations, hazards or other physical conditions. There will be no additional exterior lights added to the existing building. The building is heated and cooled by electric heat pumps and all other appliances are electric therefore not creating fumes. There are adequate trash receptacles that have lids to eliminate emitting odors. Finally, assisted living facilities are quiet nested communities that do not promote loud activities inside or outside of the facility. COMAR Regulations regulate assisted

living facilities and do not allow hazardous or dangerous items to be stored or used on the property while occupied with residents.

- 8E The property has dense trees, bushes, and shrubbery as a natural barrier from surrounding properties. These natural barriers are in excess of 20 feet tall and have been on the property since it was developed. Adjacent properties have been fully developed with residential homes. The use will not hinder or discourage development in this zoning district or similar zoning districts.

This property currently has 13 parking spaces. The driveway is approximate 1500 linear feet and the parking lot area is approximately 1400 square feet. According to Howard County Department of Zoning Regulations, residential care facilities are required to have 1 parking space for every 2 beds. Refuse will be stored in the rear of the property on the deck and in an enclosed area that is buffered from public roads by the long distance from the road and a high natural shrubbery, tree and bush barrier. Adjacent property will not have a view of refuse.

The driveway is not shared and therefore will not adversely impact the convenience or safety of other driveways or traffic. The property is located at the end of a cul-de-sac. The ingress and egress of traffic has safe access to the property and based on the approximate length of the driveway (1500 linear feet) allows for acceleration and deceleration of traffic.

The proposed use will not have an adverse impact on environmentally sensitive areas in the vicinity because there are none.

The proposed use will not have a potential for diminishing the character and significance of historic sites in the vicinity because there are none.



DPZ Office use only:	
CASE NO.	RA-18-019ctv
DATE FILED	6/14/18

**RESIDENTIAL DISTRICT VARIANCE PETITION
TO THE HOWARD COUNTY HEARING EXAMINER**

1. VARIANCE REQUEST

SECTION 105.0.E.5 of the Zoning Regulations (describe) To reduce the use setback from a lot line from 30' to zero for a driveway

2. PETITIONER'S NAME CGFD Investment Group, LLC

TRADING AS (IF APPLICABLE) _____

ADDRESS 5502 Harris Farm Lane, Clarksville, MD 21029

PHONE NO. (W) _____ (H) 410-949-0068

EMAIL tdawson143@me.com

3. COUNSEL FOR PETITIONER Thomas M. Meachum

COUNSEL'S ADDRESS 10715 Charter Drive, Suite 200, Columbia, MD 21044

COUNSEL'S PHONE NO. 410-740-4600

EMAIL tmm@carneykelehan.com

4. PROPERTY IDENTIFICATION

ADDRESS OF SUBJECT PROPERTY 5502 Harris Farm Lane
Clarksville, MD 21029

ELECTION DISTRICT Fifth ZONING DISTRICT RR-DEO ACREAGE 5.1

TAX MAP # 0028 GRID # 20 PARCEL # 0208 LOT # P011

SUBDIVISION NAME (if applicable) _____

PLAT NUMBER AND DATE _____

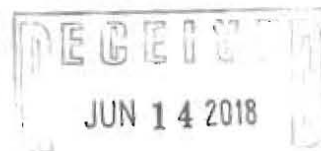
5. PETITIONER'S INTEREST IN SUBJECT PROPERTY

OWNER (including joint ownership)

OTHER (describe and give name and address of owner)

If the Petitioner is not the owner of the subject property, documentation from the owner authorizing the petition must accompany this petition.

REVISED



**PLEASE READ CAREFULLY
DATA TO ACCOMPANY PETITION**

6. VARIANCE PLAN

No application for a variance shall be considered complete unless the plan indicates the required setback or other requirement, and the requested variance from the subject setback or other requirement. The submitted plans shall be folded to approximately 8 ½ x 14 inches.

The 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 property
- (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) Location of all building and use restriction lines
- (h) Same as (a) through (g) above, of any adjoining, confronting and vicinal properties as necessary for proper examination of the petition, or, if applicable, a copy of the subdivision plat for the community
- (i) Location of well and private sewerage easement area, if property is to be served by private water and sewer
- (j) Election District in which the subject property is located
- (k) Tax Map and parcel number on which the subject property is located
- (l) Name of local community in which the subject property is located or name of nearby community
- (m) Name, mailing address, telephone number (and e-mail address if any) of the petitioner
- (n) Name, mailing address, telephone number (and e-mail address if any) of attorney, if any
- (o) Name and mailing address of property owner
- (p) Floor area and height of structures, setback distances from property lines, and other numerical values necessary for the examination of the petition
- (q) Location of subject property in relation, by approximate dimension, to the center line of nearest intersection of two public roads
- (r) Ownership of affected roads
- (s) A detailed description of all exterior building materials for all proposed structures
- (t) Any other information as may be necessary for full and proper consideration of the petition

7. VARIANCE

A) Describe why the application of the Zoning Regulations in question to your particular property would result in practical difficulties or unnecessary hardships in complying strictly with the bulk requirements:

1. The physical character of the property is different from the character of the surrounding properties because of its () narrowness, () shallowness, shape, () topography, () other; explain: The subject property is shaped like a triangle with a thin point where the driveway exits the property.

2. The uniqueness of the property prevents me from making a reasonable use of the property because: The subject property is shaped like a triangle with a thin point where the driveway exits the property.

B) The intended use of the property, in the event the petition is granted: assisted living facility

C) Any other factors which the Petitioner desires to have considered: approval of this variance request will not change its use or affect neighbors. I have submitted a conditional use request to increase from 8 to 16 beds.

D) Explain why the requested variance is the minimum necessary to afford relief: Do not want to change the current use. The driveway will be used to carry vehicles from the street to the assisted living facility. The conditional use application requires this variance.

E) Is the property connected to: public water?: Y N ; public sewer?: Y N

F) If the variance is granted, would it impact the water and/or septic/sewer on the site? Y N

G) If the variance is granted, would it increase the intensity of uses on the site? Y N if yes, explain: _____

H) If the requested variance is granted, would it increase traffic to or from the site? Y N if yes, explain: _____

I) Describe in detail all means of vehicular access onto the site (i.e. width, type of paving, etc.): The driveway is the only access to this property. It is asphalt and approximately 12 ft. wide. It is shown on the conditional use plan.

J) Describe the topography of the site: There is a 20 ft. rise from the southern to northern end. The land elevation is 540 ft. at the southern end of the property and rises 20 ft. to the middle of the lot where the structure is and continues level to the northern end of the property.

K) Will the existing or proposed structure be visible from adjacent properties? N Y; if yes, describe any proposed buffering or landscaping: There are existing trees and forest that buffers the property located on the eastern side of the property.

L) Describe any existing buffering or landscaping: Dense shrubbery buffers the southern and western property lines. Trees and fence are on the eastern property line.

8. PRIOR PETITIONS

Has any petition for the same variance, or substantially the same variance as contained herein, for the same property as the subject of this petition been disapproved 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 setting forth new and different grounds on which re-submittal is based must be attached.

9. ADDITIONAL MATERIAL, FEES, POSTING, AND ADVERTISING

- a) If desired, supplemental pages may be attached to the petition. The following number of petitions, plans and supplemental pages must be submitted:
- *If the subject property adjoins a State road- original and 19 copies (application & plans)*
 - *If the subject property adjoins a County road- original and 16 copies (application & plans)*
- b) The undersigned 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 the filing of this petition.
- c) The undersigned agrees to pay all costs in accordance with the current schedule of fees.
- d) The undersigned agrees to properly post the property at least fifteen (15) days prior to the hearing and to maintain the property posters as required, and submit an affidavit of posting at, or before the time of the hearing.
- e) The undersigned agrees to insert legal notices, to be published one (1) time in at least two (2) newspapers of general circulation in Howard County, as prepared and approved by the Department of Planning and Zoning, within at least fifteen (15) days prior to the hearing, and to pay for such advertising costs; and further 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.

10. PLANNING BOARD REVIEW

The Hearing Examiner may, at its discretion, refer a residential district variance petition to the Planning Board for review and a recommendation.

11. SIGNATURES

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.

CBFD Investment Group, LLC
Petitioners Name (please print)

[Signature], CEO 6/5/18
Petitioner's Signature Date

Thomas M. Meachum
Counsel's Name (please print)

[Signature] 6/5/18
Counsel's Signature Date

**For DPZ office use only: (Filing fee is \$300.00 plus \$25.00 per poster.)
(Make checks payable to "Director of Finance")**

Hearing fee: \$ _____
Poster fee: \$ _____
TOTAL: \$ _____

Receipt No. _____

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

County Website: www.howardcountymd.gov

Revised: 07/12

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PETITIONER CGFD Investment Group, LLC
PROPERTY ADDRESS 5502 Harris Farm Lane, Clarksville, MD 21029

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

THE UNDERSIGNED DOES HEREBY DECLARE 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 APPLICATION FOR A RESIDENTIAL DISTRICT VARIANCE AS REQUESTED FOR THE PROPERTY REFERENCED ABOVE.

I WE, DO SOLEMNLY DECLARE AND AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE CONTENTS OF THE AFOREGOING AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY, OUR, KNOWLEDGE, INFORMATION AND BELIEF.

Terrially Dan
Witness

[Signature] 6/5/18
Signature Date

Nia Garrett
Witness

[Signature] 6/5/18
Signature Date

Witness

Signature Date

HOW A REQUEST FOR A VARIANCE IS EVALUATED

All requests for variances are evaluated based upon the following criteria of Section 130.B.2.a.(1) through (5) of the Howard County Zoning Regulations:

- (1) That there are unique physical conditions, including irregularity, narrowness or shallowness of lot or shape, exceptional topography or other existing features peculiar to the particular lot; and that as a result of such unique physical conditions, practical difficulties or unnecessary hardships arise in complying strictly with the bulk provisions of these regulations.
- (2) That the variance, if granted, will not alter the essential character of the neighborhood or district in which the lot is located; will not substantially impair the appropriate use or development of adjacent property; and will not be detrimental to the public welfare.
- (3) That such practical difficulties or hardships have not been created by the owner provided, however, that where all other required findings are made, the purchase of a lot subject to the restrictions sought to be varied shall not itself constitute a self-created hardship.
- (4) That within the intent and purpose of these regulations, the variance, if granted, is the minimum variance necessary to afford relief.
- (5) That no variance be granted to the minimum criteria established in Section 131 for special exception uses, except where specifically provided therein or in an historic district. Nothing herein shall be construed to prevent the granting of variances in any zoning district other than to the minimum criteria established in Section 131 except as provided therein.

To be approved, a variance request must comply with all of the criteria noted above. For a general explanation of what the criteria mean from a legal standpoint and how they are viewed by the Hearing Examiner, please read the attached Variances: The Exception to the Zoning Rule.

For an explanation of the official procedures that are followed in the processing, hearing and decision-making of a variance request, you may obtain a copy of the Rules of Procedure of the Hearing Examiner from the Department of Planning and Zoning.

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.



REVISED

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 CGFD Investment Group, LLC / [Signature], CEO

ADDRESS 5502 Harris Farm Lane, Clarksville, MD 21029

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.

Charita G.F. Dawson
Witness

Charita G.F. Dawson 6/5/18
Signature Date

Wia Barrett
Witness

Wia Barrett 6/5/18
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:

1. The proposed use for the Conditional Use Permit is to increase the number of beds at Howard County Assisted Living at Clarksville from 8 to 16 beds. Howard County Assisted Living at Clarksville sits on 5.1 acres of land. For more than 20 years, the property located at 5502 Harris Farm Lane was used and licensed as a 15 bed assisted living (Hillside House Assisted Living). This property was used in a harmonious manner with other residential properties in the community and did not pose a threat to the residents or land use in the community. By increasing the number of beds by 8, it will be aligned with the Howard County General 2030 Plan and meet the needs for the growing large number of growing seniors in Howard County. A demographic shift has taken place across the country.

There has been much discussion regarding the rapid aging of the population. Baby boomers, defined as those born between 1946 and 1964, currently make up a significant share of the national population. The first baby boomers are turning 65 now and over the next two decades will be entering their retirement years. Whereas the total U.S. population grew by 9.7% from 2000 to 2010, those entering the 45 to 64 year age cohort, the approximate ages of the baby boomers, increased by 31.5% during that time period. Baby boomers currently make up about 29% of the countywide population and are starting to move into the 65-plus-age cohort.

The U.S. Census Bureau report, *An Aging Nation*, shows that the population of adults 65 years and older will increase by 85% between the years 2012 and 2040. This increase reflects the Baby Boomers, born between 1946 and 1964. Howard County will experience unprecedented growth in the number and percentage of older adults in its population as well. Over the next two decades, Howard County residents will become significantly older.

Between 2010 and 2035, Howard County's total population will grow from 287,085 to 363,499, an increase of 26.6%. During the same period, the county's population aged 50 years and older will grow from 87,237 to 140,175, an increase of 60.7%, more than double that of the growth rate for the total population. Maryland Department of Planning population projections are the source for all demographic data in this section. This increase in an aging population justifies the need for additional beds in assisted living communities.

Those currently ages 65 and older have increased over the last decade. Whereas the overall county population increased by 16%, those 65 and over increased by 57%. There are now 10,577 more residents 65 and older compared to ten years ago – 29,045 total in 2010 compared to 18,468 in 2000. Almost 27% of the total increase of 39,243 residents over the decade was comprised of those aged 65 and older. The very old, 85 and over, increased by 47%. This trend will continue as the baby boomers continue to age. A key question is whether residents will "age in place," or will they instead retire to some other place. Although some residents do move when they retire, the majority is expected to stay in Howard County.

This was evidenced in a 2006 Maryland task force report (The Dynamics of Elderly and Retiree Migration into and out of Maryland, 2006) that documented a trend of the people moving back after initially moving away post-retirement. These trends should be followed closely over the next five to ten years in order to fully understand the choices of older Howard County residents, so policies and resources can be appropriately adopted and adjusted. This data supports the need for an increase in the need for more assisted living beds.

2. The proposed Conditional Use Permit will be used to increase the number of beds at Howard County Assisted Living at Clarksville from a 8 to a 16 bed assisted living facility. The intensity of the use of the land will not be more than it was intended for when it was developed and no more than it has been while it was used as a 15 bed assisted living over the past 20 years. The use of the Conditional Use permit conforms to zoning ordinances. The property has two private septic tanks and a private well. The property is 3,948 square feet and sits on a lot that is 218,235 square feet. The property line entering the property sits 2,800 linear feet from the closest intersection with two public roads.

Harris Farm Lane is a two lane rural residential road that intersects with Ten Oaks Road. There are approximately 32 residential homes that share access of Harris Farm Lane. The overall intensity and capacity, which the road was intended, will not be adversely impacted.

3. The proposed use of the property as a 16 bed assisted living facility sits on a triangular shaped lot. It will not have an adverse effect on vicinal properties beyond the ordinary use of the property. The roof of the property is approximately 88 linear feet from the westbound property and 162.8 linear feet from the eastbound property. The previous 15 bed assisted living facility that functioned in this property for more than 20 years coexisted very well with vicinal properties. During this time, Howard County did not receive any complaints nor were there any recorded violations while the previous 15 bed assisted living existed.
 - a) Howard County Assisted Living at Clarksville will not have an adverse impact on the community relative to noise, fumes, odors, intensity of lighting, vibrations, hazards or other physical conditions. There will be no additional exterior lights added to the existing building. The building is heated and cooled by electric heat pumps and all other appliances are electric therefore not creating fumes. There are adequate trash receptacles that have lids to eliminate emitting odors. Finally, assisted living facilities are quiet nested communities that do not promote loud activities inside or outside of the facility. COMAR Regulations regulate assisted living facilities and do not allow hazardous or dangerous items to be stored or used on the property while occupied with residents.
 - b) The property has dense trees, bushes, and shrubbery as a natural barrier from surrounding properties. These natural barriers are in excess of 20

feet tall and have been on the property since it was developed. Adjacent properties have been fully developed with residential homes. The use will not hinder or discourage development in this zoning district or similar zoning districts.

- c) This property currently has 13 parking spaces. The driveway is approximate 1500 linear feet and the parking lot area is approximately 1400 square feet. According to Howard County Department of Zoning Regulations, residential care facilities are required to have 1 parking space for every 2 beds. Refuse will be stored in the rear of the property on the deck and in an enclosed area that is buffered from public roads by the long distance from the road and a high natural shrubbery, tree and bush barrier. Adjacent property will not have a view of refuse.
- d) The driveway is not shared and therefore will not adversely impact the convenience or safety of other driveways or traffic. The property is located at the end of a cul-de-sac. The ingress and egress of traffic has safe access to the property and based on the approximate length of the driveway (1500 linear feet) allows for acceleration and deceleration of traffic.
- e) The proposed use will not have an adverse impact on environmentally sensitive areas in the vicinity because there are none.
- f) The proposed use will not have a potential for diminishing the character and significance of historic sites in the vicinity because there are none.

**Conditional Use Petition for Howard County Assisted Living at Clarksville and
Timothy Dawson**

Conditional Use: Residential Assisted Living 131.0.N.38

Nursing Homes and Residential Care Facilities

a. Conditional Use may be granted in the RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, R-H-ED, R-A-15, R-APT, R-MH, R-VH, CAC and TNC Districts for nursing homes and residential care facilities, provided that: The facility shall have 16 or fewer beds.

Response: Howard County Assisted Living at Clarksville is currently licensed for 8 beds. If approved for a Conditional Use Permit, the assisted living facility will not exceed 16 beds.

b. The minimum lot size for a new facility is one acre. An existing facility does not have to comply with this criteria.

Response: The property located at 5502 Harris Farm Lane, Clarksville, Maryland sits on 5.1 acres of land (218,235 square feet). This exceeds the minimum lot size for a new facility.

c. The design of new structures or additions to existing structures will be compatible in scale and character with residential development in the vicinity, as demonstrated by architectural elevations or renderings that shall be submitted with the petition.

Response: At this time there are no plans to add a new structure or addition. If there were plans to do so, it would be compatible in scale and character with other residential homes in the vicinity and will be demonstrated by architectural elevations or renderings.

d. Buildings, parking areas and outdoor activity areas will be at least 50 feet from adjoining residentially-zoned properties other than public road right-of-way.

Response: The building and parking areas are located more than 50 feet from adjoining residentially-zoned properties other than public road right-of-way.

e. At least 20% of the area within the building envelope shall not be used for buildings, parking areas or driveways. **The building envelope is formed by the required structure and use setbacks of the Zoning Regulations for the zoning district and the Subdivision and Land Development Regulations (The uses Minimum setback requirements—uses).**

Response: The building envelope does not utilize more than 80% of the total area and is inclusive of the building, parking areas, and driveway.

Signature

6/5/18
Date

https://pdox.howardcountymd.gov/ProjectDox/workflowforms/Anonymous_Form_CZ_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.

https://data.howardcountymd.gov/HOA_Register_Notify/. 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 03/17

Conditional Use Permit Pre-Planning Community Meeting

6330 Trotter Road
Clarksville, Maryland 21043



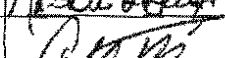



June 19, 2017

6:00 - 8:00 pm

Property Location

5502 Harris Farm Lane
Clarksville, Maryland 21029

Sign-In Roster

Please Print Name	Signature	Address	Date	Disclosure Statement
JOE FATH		13606 SHEEPHEAD CT	6/19/17	I am aware that this meeting is being tape-recorded.
Dan Madison		5501 Harris Farm	6/19/17	I am aware that this meeting is being tape-recorded.
ALAN MEYER		5489 HARRIS FARM	6/19/17	I am aware that this meeting is being tape-recorded.
Kathy Becraft		5419 Harris Farm Ln	6/19/17	I am aware that this meeting is being tape-recorded.
Charles Brunner		5417 HARRIS FARM LN	6/19/17	I am aware that this meeting is being tape-recorded.
Andrea LeWinter		5350 Harris Rd Suck 140 Columbia 21045	6/19/17	I am aware that this meeting is being tape-recorded.
Deise EARP		5457 HARRIS FARM CLARKVILLE	6/19/17	I am aware that this meeting is being tape-recorded.
Mark J.		5435 Harris Farm Clarksville, MD	6/19/17	I am aware that this meeting is being tape-recorded.
ALAN FATH		13606 SHEEPHEAD CT	6/19/17	I am aware that this meeting is being tape-recorded.
PAT MINOT		5477 HARRIS FARM LN	6/19/17	I am aware that this meeting is being tape-recorded.
Lynn Jacobson		5472 Harris Farm Ln	6/19/17	I am aware that this meeting is being tape-recorded.
R. D. Zick		5465 Harris Farm Ln	6/19/17	I am aware that this meeting is being tape-recorded.
Jenny Henderson		5465 Harris Farm Ln 21029	6/19/17	I am aware that this meeting is being tape-recorded.
Ina McG		13606 SHEEPHEAD CT	6/19/17	I am aware that this meeting is being tape-recorded.

Conditional Use Permit Pre-Planning Community Meeting Minutes

6330 Trotter Road
Clarksville, Maryland 21043
June 19, 2017
6:00 - 8:00 pm

Property Location
5502 Harris Farm Lane
Clarksville, Maryland 21029

The Conditional Use Permit Pre-Planning Community meeting began on Monday, June 19, 2017, at 6:00 pm. Present at the meeting were 16 people that indicated that they were neighbors. They signed a sign-in roster (see attachment) where they printed their names and addresses and acknowledged that they were aware that the meeting was being tap recorded. Upon signing in, each person present received a copy of the Summary of Conditional Use Process.

The owner began the meeting by introducing himself, Clarita Dawson, and Nia Garrett. The owner then explained that the purpose of the meeting was to inform the community that Howard County Assisted Living at Clarksville was requesting an increase in assisted living beds from eight to 16. He then reviewed the Summary of Conditional Use Process. The owner stated that there were preliminary drawings of the property and boundaries posted on the wall of the meeting room.

After reviewing the Conditional Use Process, Clarita Dawson provided community members with demographic information regarding aging adults in Howard County and the need for assisted living facilities. After presenting the group with demographic information she asked if anyone had any questions and no one asked a question.

Next Nia Garrett gave an overview of her experience and discussed Howard County Assisted Living at Clarksville, the day-to-day operations, and about dementia residents. She also explained that having 16 residents meant that we would not be considered a commercial facility. A resident interrupted her doing her presentation and The owner asked the resident to hold questions until she finished her presentation. Nia Garrett continued with her presentation the daily activities of residents. She then discussed that we installed a security system to alert staff when doors and windows are opened, and then distributed a copy of the previous owners state license that showed that her facility was licensed for 15 beds. After showing community members a copy of the previous owner's license, people began to be upset because they were not aware that the previous owner was licensed for 15 residents. They did not want to believe that the previous owner was licensed for 15 beds.

A resident who lives in the community informed the community that they were opposed to the prior owners request for a conditional use permit over 20 years ago

and did not want the neighborhood to have a commercial enterprise. The owner responded by telling the resident that assisted living facilities that have from one to 16 beds are recognized as residential not commercial facilities. A resident asked if there was someone that she could express her concerns to and the owner told her yes, the county council.

A resident asked how 16 people were going to fit in 12 rooms and the owner explained that four rooms would have double occupancy.

A resident indicated that the Conditional Use request is in violation of Howard County Zoning Regulation 105.c.6. The owner responded by telling the resident that this regulation specifically pertains to home care where care is provided for mentally or physically disabled persons or persons 62 years of age or older and that this regulation does not apply to assisted livings. The resident asked how many people are currently in the facility and the owner responded by telling them that six residents were currently in the community. The resident then said that Howard County regulates assisted livings and that Zoning Regulation 105.c.6 applies in this instance and the owner told the resident that the Maryland Office of Health Care Quality regulates assisted livings. The resident stated that according to this zoning regulation, only eight residents could be in the assisted living facility.

A resident indicated that going to 16 beds would increase in traffic. The owner stated that by adding one more bed(s) than the previous owner had, it would be highly unlikely that it would have an adverse impact on traffic. The owner also indicated that there is a bi-weekly water delivery service, a once-a-month pharmacy medication delivery, bi-weekly grocery shopping, and visitors of residents and that there would not be anymore traffic then they have had over the past 20 years.

The owner told the residents that according to the Department of Zoning, that there were no complaints about incidents associated with traffic or child safety with the previous assisted living.

A resident said that she understands the need for assisted living facilities. The resident said that 16 people equal a nursing home and they want a neighborhood and not a commercial community. The resident said that this is a big business and that they lived through the previous owner having an assisted living in their community. The resident also said that over the past 20 years there were three complaints.

A resident indicated that years ago a resident from the previous owner's assisted living came to her house with a knife and knocked on her door. The resident said that the police were called. The owner told the resident that since taking over the facility, protocols and security systems have been put in place to eliminate residents wandering. The resident asked if they would have an opportunity to be heard by zoning and the owner said yes.

A resident stated that the address of the meeting did not match the address on the

sign that was posted on the property. The owner responded that the address of the community pre-submission meeting were correct. The owner asked the resident to double check the posting. The resident asked what was the timeline before the owner submitted the application to zoning and the owner said that it would be submitted after the site development plan was complete. The resident asked the owner if there were plans to build a nursing facility on the property and the owner said no. A resident asked if the site development plan was for expansion. The owner said no.

The same residents what impact would going from eight beds to 16 have on traffic and the owner said that it should not affect the community more that what they have been use to over the past 20 years and that the facility would have the same type of mail and delivery services as any other community. The owner told the resident that there might be visitors visiting the residents.

A resident said that the assisted living facility is a commercial business. The resident stated that the assisted living facility was making money in their neighborhood and they resented it. The resident told the owner to get money together for a lawyer because they were going to fight it.

A resident said that a resident from the assisted living came to her home. The resident stated that when she built an addition on her house she had to increase the size of the septic. The resident asked if the previous owner increased the septic to accommodate 15 residents in the facility. The owner provided the group with a copy of the permit and the drawings from environmental services that showed that a second septic tank had been added and approved by the county. The resident also asked about the depth of the well and the owner said that it was 250 feet deep.

A resident asked how many people would work in the facility and the owner said four people. Another resident asked the owner if he lived in the assisted living and the owner said no.

A resident said by having the facility in their neighborhood we were increasing the number of elderly drivers driving off the road and onto their properties.

A resident told community members that he was opposed to it because it was a slippery slope and 20 years ago it was approved. We are going through the same process we did 20 years ago.

A resident asked if we were going to keep the same footprint of the house and the owner said that at this time there were no plans to expand. The resident asked if the owner would change his mind after hearing the community concerns and the owner said no.

A resident indicated that he did not want the increase in beds to 16 because he wants peace and quiet and asked if the owner was going to put a sign in the front yard and the owner said no.

A resident stated that going to 16 beds is a direct violation of Howard County Zoning Regulation 105.c.6 and that 105 regulate rural communities and that's what the community is. The resident said that this violates the spirit of what a rural resident is because it is supposed to promote open space. The resident wanted to go on record as saying increased traffic, noise and light pollution, depreciate property values, and this this opens the doors for more commercial business in our residential community. The resident also stated that this is going to cost the owner a lot of money in attorney fees and that this would not be approved because he is close friends with the county manager. The resident said that he already had a petition signed by the neighbors.

A resident said that we just don't want the facility in our neighborhood.

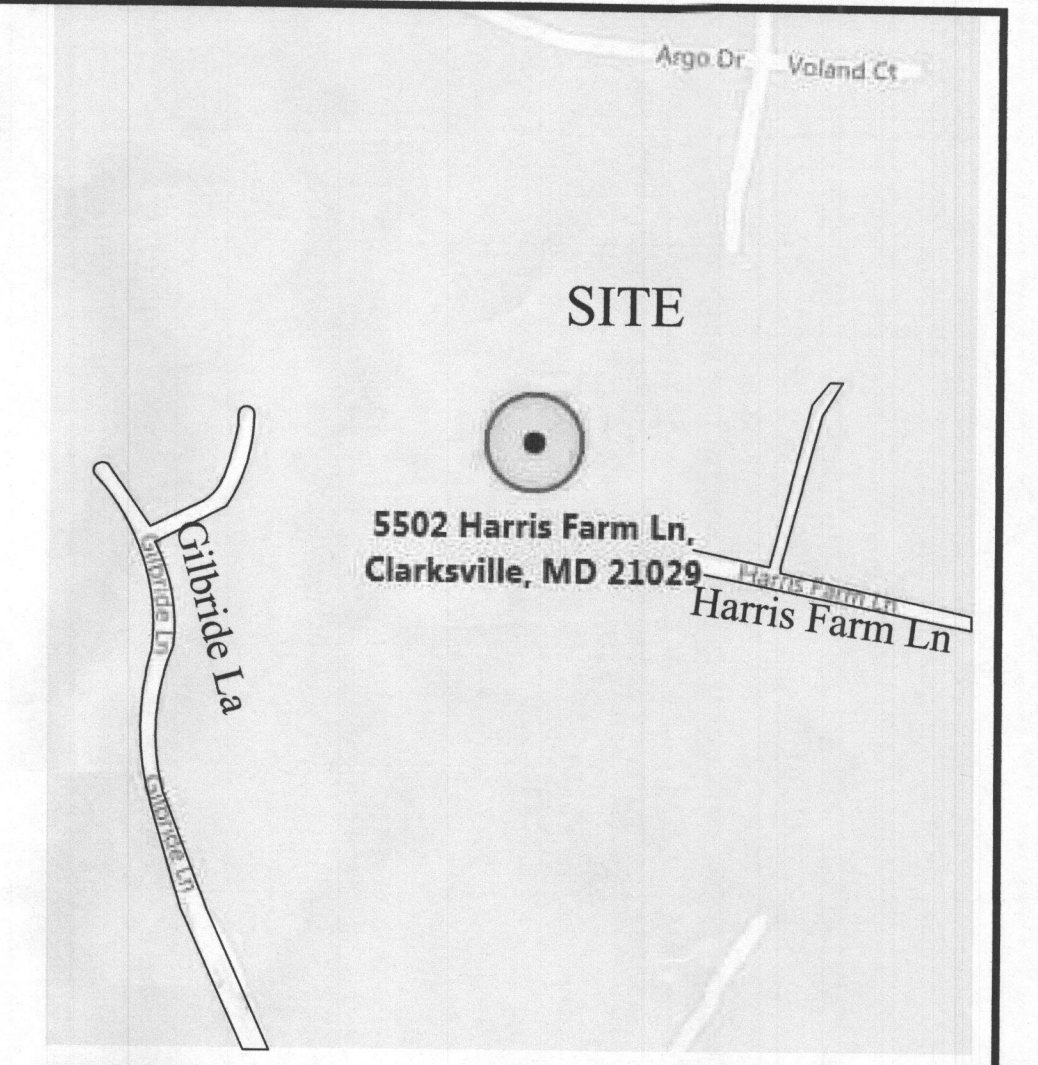
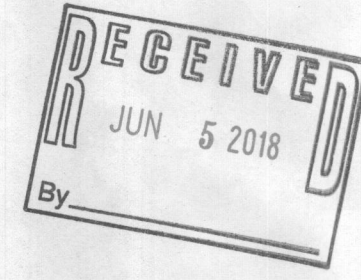
A resident stated that we were seeking a zoning variance to build another assisted living facility on the property. The owner responded by telling community members that we are not requesting a zoning variance or requesting to build an additional assisted living facility on the property. In order to build another structure on the property we would need to have 6 acres of land. We have 5.1 acres.

At 7:15 pm a resident asked to adjourn the meeting because he did not feel that we were going to make any progress and said that members of the community would be at the public zoning meeting with their attorney. The owner, Clarita Dawson, and Nia Garrett remained in the meeting room until 8:20 pm incase additional community members showed up and had questions.

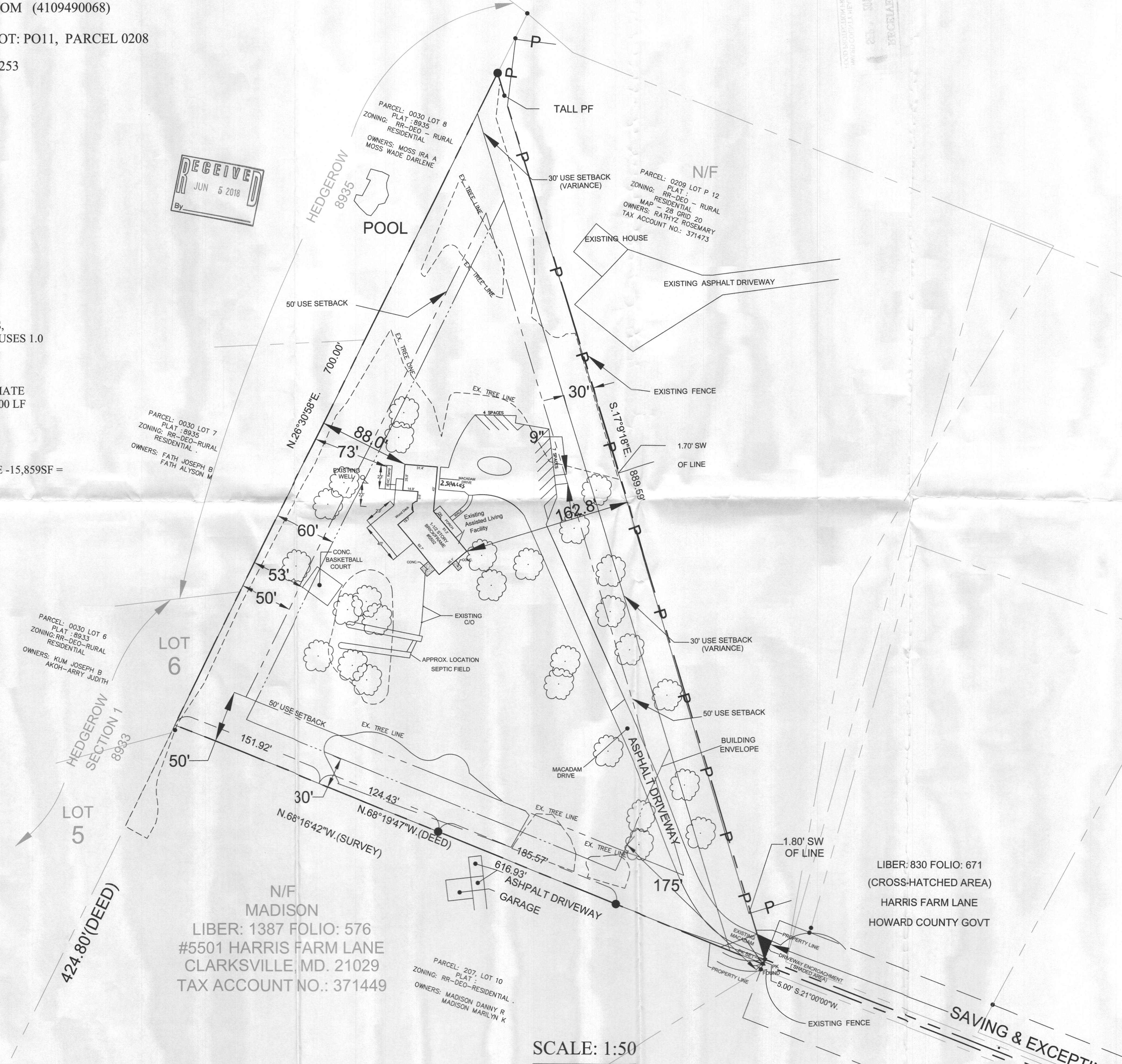
PROPERTY INFORMATION
 PLAN FOR A SMALL ASSISTED LIVING FACILITY
 ADDRESS: 5502 HARRIS FARM LANE OWNER(S) NAME(S) CGFD INVESTMENT GROUP LLC
 ADDRESS : 5505 HARRIS FARM LANE CLARKSVILLE MD 21737 APPLICANT(S) NAME(S)
 EMAIL / PHONE : TDAWSON 143@ME.COM (4109490068)
 SUBDIVISION NAME: CLARKSVILLE LOT: PO11, PARCEL 0208
 DIGITAX # 371465 DEED REF# 17542/00253

ATTORNEY
 THOMAS M. MEACHUM, ESQ
 10715 CHARTER DRIVE, SUITE 200
 229 EAST MAIN STREET, SUITE G
 COLUMBIA, MD 21044
 WESTMINSTER, MD 21157
 PHONE NUMBER : 410 740 4600
 443 821 3820

EXISTING FLOOR AREAS SF.
 1ST FLOOR = 2,948 SF
 BASEMT FLOOR = 1000 SF
 TOTAL 3,948 SF
 PARKING REQ. PER SEC. 133.0 NURSING HOMES,
 RESIDENTIAL CARE FACILITIES AND SIMILAR USES 1.0
 SPACE PER 2 BEDS = 8 SPACES
 EX./PROVIDED PARKING = 13 SPACES
 HEIGHT 25
 DISTANCE FROM THE CLOSEST THE APPROXIMATE
 INTERSECTION WITH TWO PUBLIC ROADS = 2800 LF
 EXISTING BUILDING USED AS ASSISTED
 LIVING/RESIDENTIAL CARE FACILITY.
 NUMBER OF PROPOSED BEDS = 16 BEDS
 BUILDING ENVELOPE = 131,013SF
 BUILDING / DRIVEWAY IN THE BLG. ENVELOPE -15,859SF =
 12.1%



VICINITY MAP
 NTS (BING MAP)



SITE ZONED	RR-DEO - RURAL RESIDENTIAL
LEGISLATION DISTRICT	9A
COUNCILMANIC DISTRICT	5
LOT AREA ACREAGE	
OR SQUARE FEET	218, 235 SF
TAX MAP/PARCEL	0028 / 0208
LOT	PAR 11
NAME OF LOC COMMUNITY	CLARKSVILLE
FLOOR AREA	
HISTORIC	NO
IN CBCA	NO
IN FLOOD PLAIN	NO
UTILITIES MARK	X
WATER IS : PUBLIC	PRIVATE X
SEWER IS : PUBLIC	PRIVATE X

SCALE: 1:50
 0 25 50 100'

SAVING & EXCEPTING TO I