

Bureau of Environmental Health

8930 Stanford Boulevard, Columbia, MD 21045

Main: 410-313-2640 | Fax: 410-313-2648

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

www.hchealth.org

Facebook: www.facebook.com/hocohealth

Twitter: HowardCoHealthDep

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

MEMORANDUM

TO: Geoff Goins
Division of Zoning Administration and Public Service

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

RE: **BA-17-025C**

DATE: January 25, 2019

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

1. The application makes it unclear whether the structure will be used as a daycare in addition to still being a residence or will be solely a daycare. The onsite sewage disposal system and area are likely not adequate to accommodate a residence plus a daycare facility.
2. The proposed play area overlaps the sewage disposal area and appears to be located on top of the septic tank.

KR

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

Date: November 20, 2018

Hearing Examiner 2/26/19
Planning Board _____ Board of Appeals _____ Zoning Board _____

Petition No. BA-17-025C Map No. _____ Block _____ Parcel _____ Lot _____

Petitioner: Alexis Young

Petitioner's Address: _____

Address of Property: SEE PETITION

Return Comments by February 4, 2019 to Public Service and Zoning Administration

Owner: (if other than applicant) _____

Owner's Address: _____

Petition: SEE APPLICATION

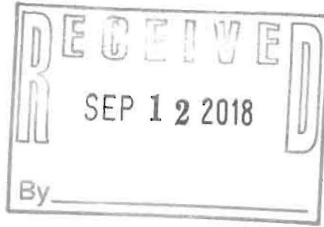
- To:
- _____ MD Department of Education – Office of Child Care
 - _____ 3300 N. Ridge Road, Ste. 190, EC, MD 21043 (Louis Valenti)
 - ~~_____ Bureau of Environmental Health~~
 - _____ Development Engineering Division
 - _____ Department of Inspections, Licenses and Permits
 - _____ Department of Recreation 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.) Mike Harrod
 - _____ Division of Transportation – Dave Cookson

COMMENTS:

see memo



SIGNATURE



For DPZ Office use only:
 BA CASE NO. BA-17-0255
 Date Submitted 9/12/18

**CONDITIONAL USE PETITION
 TO THE HOWARD COUNTY HEARING AUTHORITY**
 (This application will only be accepted after a pre-submission meeting. See attached info.)

REVISED

1. **Conditional Use Request**
 Conditional Use Category Child Day Care Centers and Nursery Schools, Day Treatment and Care Facilities

Section 131.0.N. 13

Specific Use Requested Large Family Child Care Home with maximum capacity of 12 children

2. **Name of Petitioner** Alexis Young

3. **Trading as (If applicable)** _____

Mailing Address 13743 Old Rover Rd West Friendship, MD 21794

PhoneNumber 404-917-7728

E-Mail yourjourneydaycare@gmail.co

Name of Principal Contact (If different) _____

3. **Counsel for Petitioner** n/a

Mailing Address Phone _____

Number(s) E-Mail _____

Address _____

4. **Conditional Use Site Description**

Address/Street for Property 13743 Old Rover Rd West Friendship. MD

Tax Map 0015 Grid 0013 Parcel 0195 Lot A

33133

Department of Assessments and Taxation Account No. _____

Total Land Area of Property 4.03 (X Acres) (_____ Square Feet) Check one.

Election District Precinct:

4-02, Congressional: 7

,Legislative: 9A _____

Zoning of Property RR

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 Wayne Wise

Mailing Address 13743 Old Rover Rd, West Friendship, MD 21794

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.

There may be an increase in noise from the sound of children playing outside during operating hours. We spend up to 2 hours outside each day between 8 am – 5:30 pm.

- 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
Residence and operation of a family child care home licensed for up to 8 children. License #254014

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. Interested in expanding to a large family child care home eligible for max capacity of 12 Children. Indoor activities include preschool curriculum and free play, outdoor include playground use and outdoor toys for ages 0-5 years old. Hours of operation are 7:15 am-6:00 pm M-F. There will be the director (Petitioner) and one full-time employee and a Maximum of 12 children. Parents drop off their children in the morning and pick them up at the end of the day. Their vehicles will not Remain on the property throughout the day. There is no additional outdoor lighting other than sunlight.

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.

13. See attached.

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 abutting properties may hear children playing during outside play which typically is a maximum of 2 hours/ day During normal working hours.

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. There is no need for additional parking spaces as there will only be additional cars during tiered pick up times

f. Will the ingress and egress driveway(s) provide safe access with adequate sight distance? No

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**

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

() Yes (X) 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, Advertising, and Justification Statement 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:

- *Subject property adjoins a State road- original and 20 copies (application & plans)*
- *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.

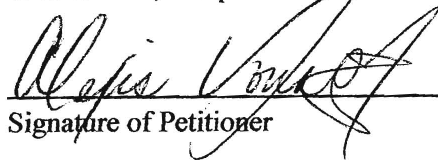
c. The Petitioner hereby agrees to pay all costs in accordance with the current schedule of fees.

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 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 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.

e. **The Petitioner hereby agrees to submit a Statement of Justification which examines each of the General Standards in Section 131.0.B., and each of the specific criteria in Section 131.0.N. for the proposed use, and which states the reasons the proposed Conditional Use complies with each standard and criterion.**

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

9/12/18
Date

Alexis Young
Print Name of Petitioner

Signature of Petitioner

Date

Print Name of Petitioner

Signature of Attorney

Date

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

Alexis Young

ADDRESS 13743 Old Povey Rd, West Friendship, MD 21794

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.

Melaina Kovacs
Witness

Melinka
Signature

9/12/18
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.

Statement of Justification

13. Child Day Care Centers and Nursery Schools, Day Treatment and Care Facilities

A Conditional Use may be granted in the RC and RR Districts, on properties that are not ALPP purchased or dedicated easement properties, and in the R-ED, R-20, R-12, R-SC, R-SA-8, R-H-ED, R-A-15, R-APT, R-VH, HO, or HC Districts for day treatment and care facilities, child day care centers and nursery schools provided that:

Zoned RR

a. On-site circulation and parking areas shall be designed to minimize vehicular/pedestrian conflicts and to provide safe areas for dropping off and picking up passengers.

We have arranged tiered pick up and drop off times to minimize traffic. If the county finds it necessary, we can expand the size of the driveway. There is ample parking area in the grass surrounding the house and does not interfere with neighbors or the areas where the children are present

b. The minimum lot size in the RC and RR Districts shall be three acres and the minimum lot size in the R-ED, R-20, R-12, R-SC, R-SA-8, R-A-15, R-APT, R-VH, HO or HC Districts shall be one acre, except that uses approved prior to October 6, 2013 shall not be subject to this criteria.

Lot size is 4.03 acres in RR

c. Outdoor play areas or activity areas shall be fenced, located to the side or rear of the principal structure, and buffered from adjoining residential properties by landscaping or adequate distance or both.

The outdoor play area will be fenced upon approval for conditional use, it is located to the rear of the house, far from adjoining properties, and separated by a wooded area.

d. Parking areas shall be located and landscaped to minimize their visibility from roads and adjacent residential properties.

Trees can be added to surround the driveway upon approval of conditional use.

e. The design and massing of proposed structures or additions to existing structures shall be generally compatible in scale and character with residential properties in the vicinity of the site, as demonstrated by architectural elevations or renderings submitted with the petition. Additional setbacks from property lines and landscape buffering shall be required if necessary to make the appearance of the site compatible with surrounding residential properties.

There will be no additional construction needed. The fence will be consistent with the character of those belonging to adjoining properties.

f. For facilities with a capacity of more than 30 children or adult clients at one time, the following standards apply:

N/A . Maximum capacity of 12 children.

(1) The site has frontage on and direct access to a collector or arterial road designated in the General Plan, except that expansions of a Conditional Use that was approved prior to July 12, 2001 are permitted.

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

(3) At least 20% of the area within the building envelope shall be green space, not used for buildings, parking area or driveways. The building envelope is formed by the required structure setbacks from property lines and public street rights-of-way.



Address of the Howard County Health Department
 8930 Stanford Blvd, Columbia, MD 21045

Petitioner: Alexis Young lexi@hushillbabycorp.com
 Council:
 Parcel No. (APN) 04-331338
 Legal Lot PAR A
 Land Use Code: RESIDENTIAL
 Land Use Desc: SINGLE FAMILY RESIDENCE
 Building Area: 2050 SF
 Lot Area: 175647 SF (4.03 ACRES)
 Building/Lot Ratio: 0.01
 Zoning: (SUBSECTOR) RR-DEO
 Election District:
 Precinct: 4-02, Congressional: 7, Legislative: 6A



13743 Old Rover Rd
 West Friendship, MD 21794
 Scale: 1"=50'

Notifications for Pre-Submission Community Meeting sent to:

SCHOOLS

Bushy Park Elementary School

14601 Carrs Mill Road Glenwood, 21738

Folly Quarter Middle School

13500 Triadelphia Rd, Ellicott City, MD 21042

Glenelg High School

14025 Burntwoods Rd, Glenelg, MD 21737

Adjoining Property Owners

Margie Wise

13737 OLD ROVER RD

WEST FRIENDSHIP MD 21794-9718

James Hackett

13749 OLD ROVER RD

WEST FRIENDSHIP MD 21794-9718

Gary Winkler & Sheena Winkler

13753 OLD ROVER RD

WEST FRIENDSHIP MD 21794-9718

Steven Dunkel & Kathleen Dunkel

3179 DANMARK DR

WEST FRIENDSHIP 21794-0000

Stuart & Susan Teper

3171 DANMARK DR

W FRIENDSHIP 21794-0000

Minutes from Meeting- Sign posted 9/8/2017

No one from the community attended the meeting

February 17, 2018

To whom it may concern,

Alexis P Young has my permission to utilize the address listed below for her daycare services. She has completed all of her certifications and provided Howard County with all of the documentation that was required.

A handwritten signature in black ink, appearing to read "Wayne L Wise", with a long horizontal flourish extending to the right.

Wayne L Wise

13743 Old Rover RD

West Friendship, MD 21794

443-677-7980



NOTES:
 1. The House has a 2-Car Garage, concrete.
 2. Old Rover Road owned by Howard County, MD
 3. Surface of shown driveways is asphalt.

RECEIVED
 OCT 25 2018
 By _____

Owner: Wayne Wise 13743 Old Rover Rd.,
 West Friendship, MD 21794
 wayne.wise@jhuapl.edu 4436777980
 Petitioner: Alexis Young yourjourneydaycare@gmail.com
 13743 Old Rover Rd, West Friendship, MD 21794 (240)-394-6311
 Council:
 Parcel No. (APN) 04-331338
 Tax Map Number: 15
 Parcel Number: 195
 Land Use Cat. RESIDENTIAL
 Land Use Desc. SINGLE FAMILY RESIDENCE
 Building Floor Area: 2625 SF
 Area to be Used as Daycare: 1000 SF
 Lot Area 175547 SF (4.03 ACRES)
 Building/Lot Ratio 0.01
 Zoning (Assessor) RR-DEO
 Election District:
 Precinct: 4-02, Congressional: 7, Legislative: 9A

Address of the Howard County Health Department
 8930 Stanford Blvd, Columbia, MD 21045
 Conditional use request for the entire lot

13743 Old Rover Rd
 West Friendship, MD 21794
 Scale: 1"=50'

REVISED

