



## 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](http://www.hchealth.org)

Facebook: [www.facebook.com/hocohealth](https://www.facebook.com/hocohealth)

Twitter: HowardCoHealthDep

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

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### MEMORANDUM

TO: Cindy Hamilton  
Division of Zoning Administration and Public Service

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

RE: **BA-14-015**

DATE: August 4, 2014

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

- There is a well in the basement of the building that must be properly abandoned by a licensed well driller and documentation submitted to the Health Department.

zk

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

Date: July 15, 2014

Hearing Examiner 9/15/14  
Planning Board \_\_\_\_\_ Board of Appeals \_\_\_\_\_ Zoning Board \_\_\_\_\_

Petition No. BA 14-015C Map No. \_\_\_\_\_ Block \_\_\_\_\_ Parcel \_\_\_\_\_ Lot \_\_\_\_\_

Petitioner: Hasan and Huseyin Ozcan

Petitioner's Address: \_\_\_\_\_

Address of Property: \_\_\_\_\_

Return Comments by August 18, 2014 to Public Service and Zoning Administration

Owner: (if other than applicant) \_\_\_\_\_

Owner's Address: \_\_\_\_\_

Petition: SEE APPLICATION

\*\*\*\*\*

To: \_\_\_\_\_ MD Department of Education – Office of Child Care  
3300 N. Ridge Road, Ste. 190, EC, MD 21043 (Louis Valenti)  
✓ Bureau of Environmental Health  
Development Engineering Division  
Department of Inspections, Licenses and Permits  
Department of Recreation and Parks  
Department of Fire and Rescue Services  
State Highway Administration  
Sgt. Karen Shinham, Howard County Police Dept.  
James Irvin, Department of Public Works  
Office on Aging, Terri Hansen (senior assisted living)  
Police Dept., Animal Control, Deborah Baracco, (kennels)  
Susan Fitzpatrick, Health Dept. (Nursing & Res. Care)  
Land Development - (Religious Facility & Age-Restricted  
Adult Housing)  
Housing and Community Development  
Economic Development  
Route 1 Cases – DCCP – Dace Blaumanis  
Telecommunication Towers – Josh Levy (Comm. Dept.)

COMMENTS:

See Memo



## Williams, Jeffrey

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**From:** Williams, Jeffrey  
**Sent:** Friday, October 30, 2015 8:19 AM  
**To:** 'Hasan Ozcan'  
**Subject:** RE: 10207 Baltimore National Pike

Thanks. I approved your interior alteration building permit. It looks like I was the last agency to give approval, so the permit may be ready to pick up. You can contact Dept. of Inspections, Licenses, and Permits to confirm. Thanks  
Jeff

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**From:** Hasan Ozcan [[mailto:ozcan\\_hasan@yahoo.com](mailto:ozcan_hasan@yahoo.com)]  
**Sent:** Thursday, October 29, 2015 2:23 PM  
**To:** Williams, Jeffrey  
**Subject:** 10207 Baltimore National Pike

Hey Jeff,

Here is the copy of the water well abandonment-sealing report. Hopefully you received the original one already.

Thank You  
Hasan Ozcan  
4102990626

MARYLAND DEPARTMENT OF THE ENVIRONMENT, WATER MANAGEMENT ADMINISTRATION  
1800 Washington Blvd., Baltimore, Maryland 21230 (410) 537-3784

WATER WELL ABANDONMENT-SEALING REPORT FORM

SUBMIT COPIES OF COMPLETED FORM TO:

- \* COUNTY ENVIRONMENTAL AGENCY (contact MDE, WMA if address needed)
- \* WELL OWNER
- \* MDE, WATER MANAGEMENT ADMINISTRATION, WELL PROGRAM

DATE WELL ABANDONED: 10-29-15 (month/day/year)

\* PERMIT NUMBER OF ABANDONED WELL (if any) \_\_\_\_\_

\* PERMIT NUMBER OF REPLACEMENT WELL: \_\_\_\_\_

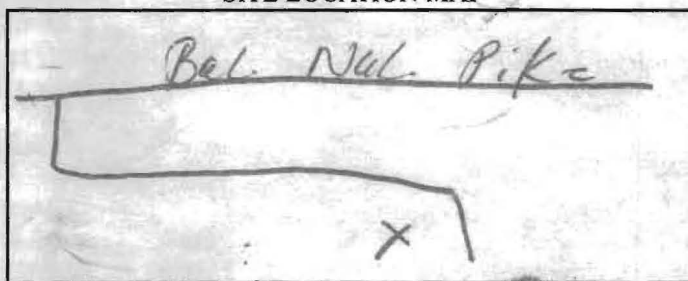
\* PERSON ABANDONING WELL: Allen Compton WELL DRILLER'S LICENSE NUMBER: 009

CIRCLE: MWD / MSD / MGD

\* OWNER'S NAME: Hasan Ozcan

SITE LOCATION MAP

\* WELL LOCATION:  
COUNTY: Howard  
NEAREST TOWN: ELlicott CITY  
TAX MAP \_\_\_\_\_ BLOCK \_\_\_\_\_ PARCEL \_\_\_\_\_  
SUBDIVISION: \_\_\_\_\_  
SECTION: \_\_\_\_\_ LOT: \_\_\_\_\_  
STREET ADDRESS: 10201 Bal Nat Pike



LATITUDE 39.279071

LONGITUDE 76.865097

LOG OF SEALING MATERIAL

MATERIAL	FEET	
	FROM	TO
<u>Bentonite</u>	<u>-6</u>	<u>30</u>
VOLUME OF MATERIAL USED		
<u>5 bags</u>		

\* TYPE OF WELL BEING ABANDONED:  
☒ DRILLED ☐ JETTED  
☐ BORED ☐ HAND DUG  
☐ OTHER (specify) \_\_\_\_\_

\* USE CODE:  
☒ DOMESTIC ☐ MUNICIPAL/PUBLIC  
☐ IRRIGATION ☐ INDUSTRIAL  
☐ TEST/OBSERVATION ☐ GEOTHERMAL

\* TYPE OF CASING:  
☒ STEEL ☐ PLASTIC  
☐ CONCRETE ☐ OTHER (specify) \_\_\_\_\_

SIZE OF CASING: 5 INCHES IN DIAMETER

DEPTH OF WELL: 30 FEET DEEP

WAS ANY CASING REMOVED? ☐ YES ☒ NO  
If yes, length removed, in feet: \_\_\_\_\_

WAS CASING RIPPED OR PERFORATED? ☐ YES ☒ NO

SIGNATURE-MASTER WELL DRILLER OR SUPERVISING SANITARIAN LICENSE# Allen Compton 009

MWD / MSD / MGS 10-29-15

CIRCLE ONE

DATE

COUNTY

Pursuant to § 10-624 of the State Govt. Article of the Maryland Code, personal info requested on this form is used in processing this form pursuant to COMAR 26.04.04. Failure to provide the info may result in this form not being processed. You have the right to inspect, amend, or correct this form. The Maryland Department of the Environment is subject to the Maryland Public Information Act. This form may be made available on the Internet via MDE's website and is subject to inspection or copying, in whole or in part, by the public and other governmental agencies, if not protected by federal or State Law.





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

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### MEMORANDUM

TO: Cindy Hamilton  
Division of Zoning Administration and Public Service

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

RE: **BA-13-039C**

DATE: March 12, 2014

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

- There is a well located in the front yard of the property. The well must be properly abandoned by a licensed well driller and an abandonment report submitted to the Health Department prior to Health approval of the conversion to a two family dwelling.

26

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

Date: October 7, 2013

Hearing Examiner 11/26/13  
Planning Board \_\_\_\_\_ Board of Appeals \_\_\_\_\_ Zoning Board \_\_\_\_\_

Petition No. BA 12-025C Map No. \_\_\_\_\_ Block \_\_\_\_\_ Parcel \_\_\_\_\_ Lot \_\_\_\_\_

Petitioner: \_\_\_\_\_ ABC Care, Inc. \_\_\_\_\_

Petitioner's Address: \_\_\_\_\_

Address of Property: \_\_\_\_\_

Return Comments by 11/4/13 to Public Service and Zoning Administration

Owner: (if other than applicant) \_\_\_\_\_

Owner's Address: \_\_\_\_\_

Petition: \_\_\_\_\_ SEE APPLICATION \_\_\_\_\_

\*\*\*\*\*

To: \_\_\_\_\_ MD Department of Education – Office of Child Care  
3300 N. Ridge Road, Ste. 190, EC, MD 21043 (Louis Valenti)  
✓ \_\_\_\_\_ Bureau of Environmental Health  
\_\_\_\_\_ Development Engineering Division  
\_\_\_\_\_ Department of Inspections, Licenses and Permits  
\_\_\_\_\_ Department of Recreation and Parks  
\_\_\_\_\_ Department of Fire and Rescue Services  
\_\_\_\_\_ State Highway Administration  
\_\_\_\_\_ Sgt. Karen Shinham, Howard County Police Dept.  
\_\_\_\_\_ James Irvin, Department of Public Works  
\_\_\_\_\_ Office on Aging, Terri Hansen (senior assisted living)  
\_\_\_\_\_ Police Dept., Animal Control, Deborah Baracco, (kennels)  
\_\_\_\_\_ Susan Fitzpatrick, Health Dept. (Nursing & Res. Care)  
\_\_\_\_\_ Land Development - (Religious Facility & Age-Restricted  
Adult Housing)  
\_\_\_\_\_ Housing and Community Development  
\_\_\_\_\_ Economic Development  
\_\_\_\_\_ Route 1 Cases – DCCP – Dace Blaumanis  
\_\_\_\_\_ Telecommunication Towers – Josh Levy (Comm. Dept.)

COMMENTS:

See memo  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

  
SIGNATURE



AUG 26 2013

For DPZ Office use only:

BA CASE NO. BA 13-025C

Date Submitted 8/26/13

PETITION TO MODIFY CONDITIONS OF APPROVAL  
TO THE HOWARD COUNTY HEARING AUTHORITY

SEP 24 2013

1. Request for Modification

Case Number BA 12-023C Petitioner Hasan Hüseyin Özcan

☒ Conditional Use ☐ Variance Date original petition was granted 14<sup>th</sup> February 2013

a. Condition(s) sought to be modified I would like to gbc granted  
an additional 200 square feet because our bathroom  
was not included in the plan. Please see additional paper  
included \*

2. Name of Petitioner Hasan Özcan / Hüseyin Özcan

Trading as (If applicable) \_\_\_\_\_

Mailing Address 10207 Baltimore National Pike Ellicott City, MD

Phone Number(s) (410) 750-8070 work (443) 520-2237 cell 21042

E-Mail Address ozcan-h79@yahoo.com

Name of Principal Contact (If different) Hasan / Hüseyin Özcan

3. Counsel for Petitioner \_\_\_\_\_

Mailing Address \_\_\_\_\_

Phone Number(s) \_\_\_\_\_

E-Mail Address \_\_\_\_\_

4. Site Description

Address/Street for Property 10207 Baltimore National Pike Ellicott City, MD 21042

Tax Map HF724 Grid/Block 1 Parcel 544 Lot 107

Total Land Area of Property 0.60126,266.00 Acres) ( ☒ Square Feet) Check one.

Election District \_\_\_\_\_ Zoning of Property R-20

Case Number 12-023C / BA 13-025C  
asan / Huseyin Ozcan

I am the only employee. I live at the house with my brother and parents. Sometimes my mom is with me at the salon or sometimes it's my brother. I don't have any other employees but we used to have more employees at my old location but they all left because they were not making enough money. They left and I had to close my business. I took some of my stations to bring to the house to make it nice like I used to have. The reason that I have 5 stations that I used to own a bigger salon on St. Johns Lane, I could not sell my salon so I moved my equipment to the house to make it more professional looking for my clients. I didn't want to give my clients the impression that I downgraded my salon. I am using 5 stations than I had before at the old shop. I did not want to throw away my expensive equipment. Those stations are actually just for show or extra waiting for clients.

I don't know if it matters to the county but I am thinking to close on Mondays and possibly Tuesdays after the holidays are over. All day 6 days a week alone too much for me.

RECEIVED

OCT 09 2013

HOWARD COUNTY HEALTH DEPT.  
BUREAU OF ENVIRONMENTAL HEALTH

Thank you,





AUG 26 2013

For DPZ Office use only:

BA CASE NO. BA 13-025C

Date Submitted 8/26/13

**PETITION TO MODIFY CONDITIONS OF APPROVAL  
TO THE HOWARD COUNTY HEARING AUTHORITY**

**1. Request for Modification**

Case Number BA 12-023C Petitioner Hasan Hüseyin Özcan

☒ Conditional Use ☐ Variance Date original petition was granted 14<sup>th</sup> February 2013

a. Condition(s) sought to be modified \_\_\_\_\_

**2. Name of Petitioner** Hasan Özcan / Hüseyin Özcan

Trading as (If applicable) \_\_\_\_\_

Mailing Address 10207 Baltimore National Pike Ellicott City, MD

Phone Number(s) (410) 750-8070 work (443) 520-2237 cell 21042

E-Mail Address ÖZCAN-h79@yahoo.com

Name of Principal Contact (If different) Hasan / Hüseyin Özcan

**3. Counsel for Petitioner** \_\_\_\_\_

Mailing Address \_\_\_\_\_

Phone Number(s) \_\_\_\_\_

E-Mail Address \_\_\_\_\_

**4. Site Description**

Address/Street for Property 10207 Baltimore National Pike Ellicott City, MD 21042

Tax Map 11F7 Grid/Block \_\_\_\_\_ Parcel 544 Lot 107

Total Land Area of Property 0.60 / 26,266.00 ( ✓ Acres ) ( ✓ Square Feet ) Check one.

Election District \_\_\_\_\_ Zoning of Property R-20

Subdivision Name and Plat No. (If Applicable)

Pine Orchard

**5. 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 for this petition from the owner must be submitted.**

**6. Data to Accompany Petition**

**PLAN:** No application for a modification shall be considered complete unless accompanied by a plan, drawn to scale and includes the items listed below. The submitted plan shall be folded to approximately 8½ x 14 inches.

- ☐ (a) Copy of the Decision and Order which the Petitioner seeks to be modified
- ☐ (b) Courses and distances of outline boundary lines and the size of the property
- ☐ (c) North arrow
- ☐ (d) Zoning of subject property and adjoining properties
- ☐ (e) Scale of plan
- ☐ (f) Existing and proposed uses, structures, natural features and landscaping
- ☐ (g) Location and surface material of existing and proposed parking spaces, driveways, and points of access; number of existing and proposed parking spaces
- ☐ (h) Same as (e) and (f) above, of adjoining properties as necessary for proper examination
- ☐ (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(s) of the subject property
- ☐ (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 Counsel
- ☐ (o) Name, mailing address, telephone number 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 abutting roads, right-of-way width, and existing pavement width
- ☐ (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. 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 requested modification (s) want more square footage. Two +



additional mirrors on wall were hung.

- b. Reason (s) for the requested modification We changed stylist station from one ~~small~~ room to the other room because planning and zoning required easy access for handicap. The first application design room it did not fit requirement for handicap. The room was too small and door wasn't big enough.
- c. The intended use of the property, in the event the petition is granted the property will stay the same.
- d. Any other factors which the Petitioner desires to have considered all I'm trying to do is operate my small business and take care of my family.
- e. Were there protestants at the original hearing? ☐ Yes ☒ No
- f. Describe in detail all existing improvements to the subject property Handicap parking was added, bathroom is now fully handicap accessible. From the engineer, we ~~are~~ 1 hour fire rating were approved - safe for people.
- g. Describe any changes to properties in the vicinity of the subject property since the original petition was granted just handicap parking and parking lines added, -required from planning & zoning for customer parking.

h. What will be the impact, if any, of your proposed modification upon the subject property? nothing.

i. What will be the impact, if any, of your proposed modification upon any adjacent properties? no

**8. Prior Petitions**

Has any petition for modification of any conditions of approval been submitted within twenty four (24) months of the date of this petition? ☐ Yes ☒ No

**9. Additional Materials, Fees, Posting and Advertising Requirements**

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

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

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

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

d. The Petitioner hereby agrees to properly post the property at least thirty (30) days immediately prior to the Hearing Examiner public hearing; to maintain the public notice posters until the public hearing is concluded; and to submit an affidavit of posting at, or before the time of the initial public hearing. The Petitioner also hereby agrees to advertise the public hearing by

means of legal notices as prepared and approved by the Department of Planning and Zoning to be published one (1) time in at least two (2) newspapers of general circulation in Howard County, at least thirty (30) days prior to the Hearing Examiner public hearing, and to pay for such advertising costs; and agrees to submit two (2) approved certificates of the text and publication date(s) of the advertisement at or before the time of the hearing.

#### 10. 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.

 8-28-13 Hüseyin Özcan  
Signature of Petitioner Date Print Name of Petitioner

\_\_\_\_\_  
Signature of Petitioner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name of Petitioner

\_\_\_\_\_  
Signature of Attorney

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name of Attorney

County Website: [www.howardcountymd.gov](http://www.howardcountymd.gov)

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

T:\shared\Division Forms\Pet Modify Cond Hearing Auth – REV 0612

PETITIONER \_\_\_\_\_

ADDRESS \_\_\_\_\_

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	_____ Signature	_____ Date
------------------	--------------------	---------------

_____ Witness	_____ Signature	_____ Date
------------------	--------------------	---------------

_____ Witness	_____ Signature	_____ Date
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\*\*\*\*\*

Application Fee: \$250.00      Poster Fee: \$25.00 per sign/poster

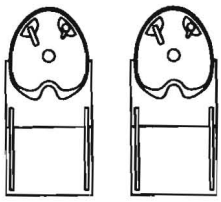
Make check payable to: Director of Finance.

For DPZ use only:

Hearing fee:	\$ _____
Poster fee:	\$ _____
Total:	\$ _____

Receipt No. \_\_\_\_\_

Garage



Small Bathroom  
Personal use

Personal use  
Kitchen



ADA Bathroom



closet

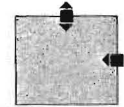
ROOM

Personal use

Room

Personal use

Sitting area



Tree

Parking

Parking

Parking

Parking

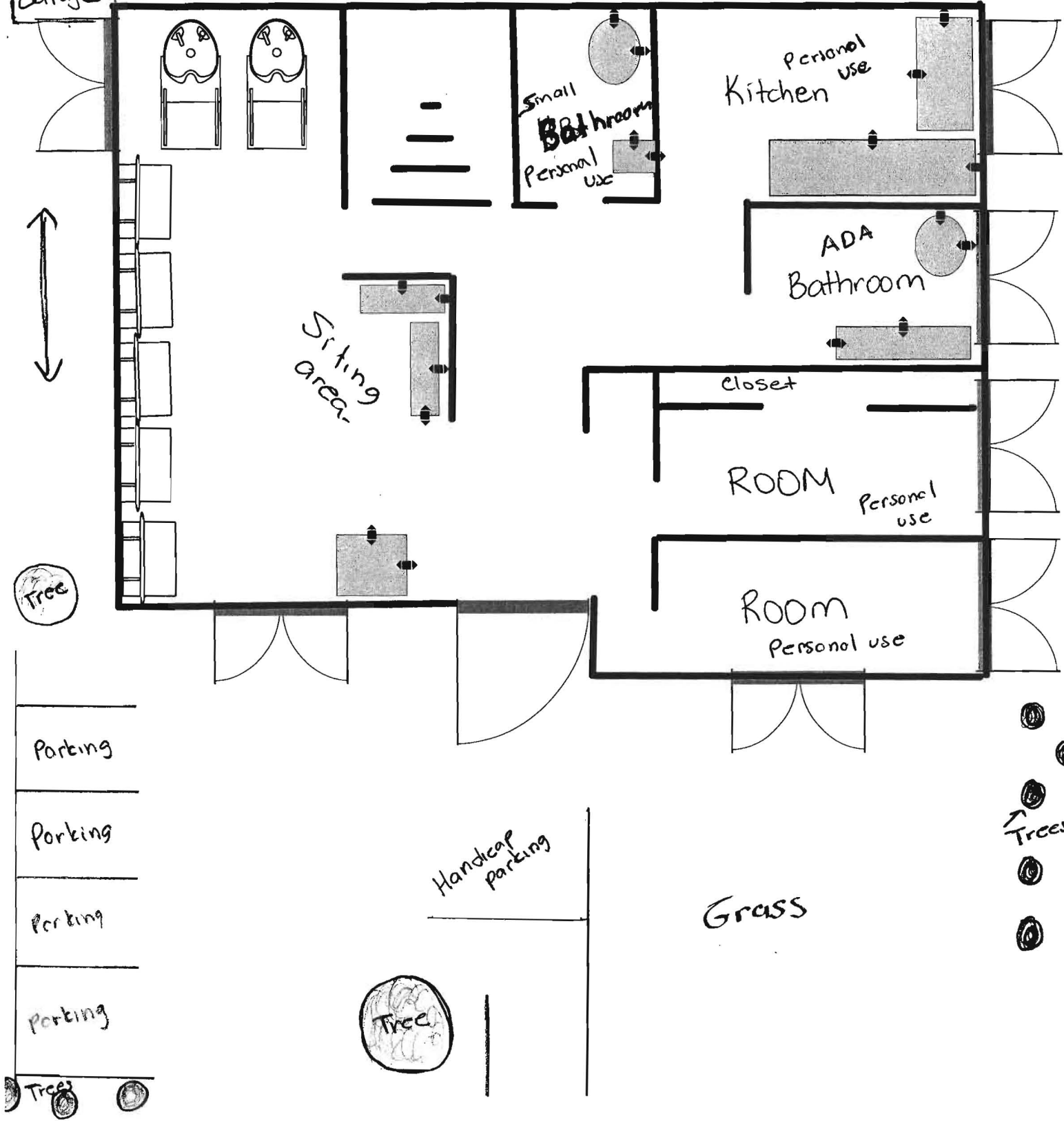
Trees

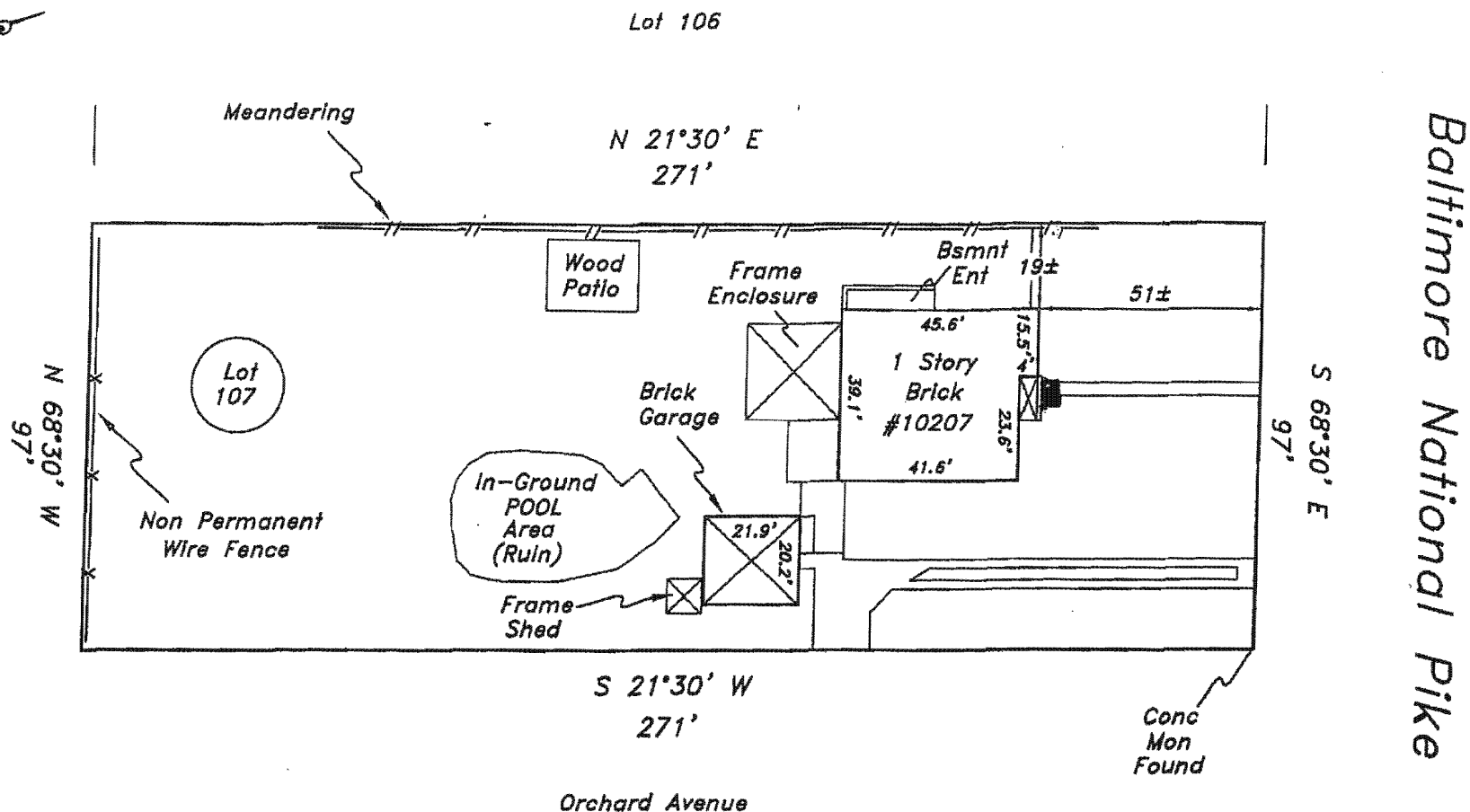
Handicap parking

Tree

Grass

Trees





The purpose of this drawing is to locate, describe, and represent the positions of buildings and substantial improvements affecting the property shown hereon, being known as Lot 107, PINE ORCHARD

recorded among the land records of Howard County, Maryland in Plat Book 4, Plat 9

This is to certify that I either personally prepared or was in responsible charge over the preparation of this drawing and the surveying work reflected in it, all set forth in Regulation .12 of Chapter 09.13.06 of the Code of Maryland Annotated Regulations.

This is page one of a two page document. The advice found on the affixed page is an integral part of this drawing, and is not valid without all pages.



J. Carl Hudgins PLS #96  
Expiration Date: 3/11/14

# LOCATION DRAWING

10207 Baltimore National Pike  
ELECTION DISTRICT No. 2  
HOWARD COUNTY, MARYLAND

## NTT Associates, Inc.

16205 Old Frederick Rd.  
Mt. Airy, Maryland 21771  
Phone: (410) 442-2031  
Fax: (410) 442-1315  
www.nttsurveyors.com

Scale: 1" = 40'  
Date: 5-2-12  
Field By: DR  
Drawn By: DR  
Drawing # 730008ELGS  
Page No.: 1 of 2



**Raymond S. Tatum  
Frances L. Tatum  
P. O. Box 217  
West Friendship, MD 21794**


Howard County Council  
George Howard Building  
3430 Court House Drive  
Ellicott City, MD 21043

**RE: Request of Hasan Ozcan and Huseyin Ozcan  
To Change Zoning of 10207 Baltimore National  
Pike From R-20 to B-1 Zoning.**


Dear Howard County Council:

I am not opposed to the request of Hasan Ozcan and Huseyin Ozcan to change the zoning of their property at 10207 Baltimore National Pike, Ellicott City, Maryland 21042 from the current R-20 zoning to B-1 zoning (commercial zoning) and I hope their request will be granted.

Date: 6-27-13

  
Raymond S. Tatum  
P. O. Box 217  
West Friendship, MD 21794

Date: 6-27-13

  
Frances L. Tatum  
P. O. Box 217  
West Friendship, MD 21794

**Hyun Jung Her**  
**10213 Baltimore National Pike**  
**Ellicott City, MD 21042**

Howard County Council  
George Howard Building  
3430 Court House Drive  
Ellicott City, MD 21043

**RE: Request of Hasan Ozcan and Huseyin Ozcan**  
**To Change Zoning of 10207 Baltimore National**  
**Pike From R-20 to B-1 Zoning.**

Dear Howard County Council:

I am not opposed to the request of Hasan Ozcan and Huseyin Ozcan to change the zoning of their property at 10207 Baltimore National Pike, Ellicott City, Maryland 21042 from the current R-20 zoning to B-1 zoning (commercial zoning) and I hope their request will be granted.

Date: 6-21-2013



Hyun Jung Her  
10213 Baltimore National Pike  
Ellicott City, MD 21042

**Mark Brookhart  
Raymond A. Brookhart  
10219 Baltimore National Pike  
Ellicott City, MD 21042-3615**

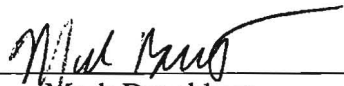
Howard County Council  
George Howard Building  
3430 Court House Drive  
Ellicott City, MD 21043

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Date: 6/21/13

  
\_\_\_\_\_  
Mark Brookhart  
10219 Baltimore National Pike  
Ellicott City, MD 21042-3615

Date: \_\_\_\_\_

\_\_\_\_\_  
Raymond A. Brookhart  
10219 Baltimore National Pike  
Ellicott City, MD 21042-3615

**Joseph Donald Harrison  
Donna Marie Harrison  
10129 Baltimore National Pike  
Ellicott City, MD 21042**

Howard County Council  
George Howard Building  
3430 Court House Drive  
Ellicott City, MD 21043

**RE: Request of Hasan Ozcan and Huseyin Ozcan  
To Change Zoning of 10207 Baltimore National  
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Dear Howard County Council:

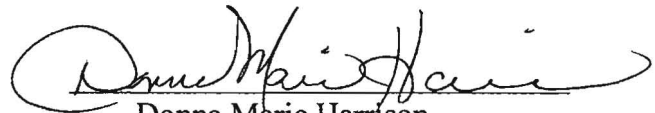
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Date: \_\_\_\_\_

DECEASED

Joseph Donald Harrison  
10129 Baltimore National Pike  
Ellicott City, MD 21042

Date: 6/21/13



Donna Marie Harrison  
10129 Baltimore National Pike  
Ellicott City, MD 21042

Howard County Council  
George Howard Building  
3430 Court House Drive  
Ellicott City, MD 21043

**RE: Request of Hasan Ozcan and Huseyin Ozcan  
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Dear Howard County Council:

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Date:

June 25 2013

MARY Golden

Address: 10237 Balt. National Pike  
ELlicott City Md 21042

Patricia A. Neary  
Thomas K. Neary  
10231 Baltimore National Pike  
Ellicott City, MD 21042

Howard County Council  
George Howard Building  
3430 Court House Drive  
Ellicott City, MD 21043

**RE: Request of Hasan Ozcan and Huseyin Ozcan  
To Change Zoning of 10207 Baltimore National  
Pike From R-20 to B-1 Zoning.**

Dear Howard County Council:

I am not opposed to the request of Hasan Ozcan and Huseyin Ozcan to change the zoning of their property at 10207 Baltimore National Pike, Ellicott City, Maryland 21042 from the current R-20 zoning to B-1 zoning (commercial zoning) and I hope their request will be granted.

Date: \_\_\_\_\_

*No one lived here over a year*

Patricia A. Neary  
10231 Baltimore National Pike  
Ellicott City, MD 21042

Date: \_\_\_\_\_

Thomas K. Neary  
10231 Baltimore National Pike  
Ellicott City, MD 21042





For DPZ Office use only:

BA CASE NO.

Date Submitted

BA 14-015C  
4/15/14

PETITION TO MODIFY CONDITIONS OF APPROVAL  
TO THE HOWARD COUNTY HEARING AUTHORITY

APR 15 2014

1. Request for Modification

Case Number BA 12-023C; 13-025C Petitioner Hasan Ozcan & Huseyin Ozcan

☒ Conditional Use ☐ Variance Date original petition was granted February 14, 2013

a. Condition(s) sought to be modified Amend the conditional use plan to change the location of the two stations (two salon chairs) within the structure and to increase area of paving to accomodate a handicapped parking space.

2. Name of Petitioner Hasan Ozcan & Huseyin Ozcan

Trading as (If applicable) \_\_\_\_\_

Mailing Address 10207 Baltimore National Pike, Ellicott City, MD 21042

Phone Number(s) 410-750-8070 (work) 443-520-2237 (cell)

E-Mail Address ozcan\_h79@yahoo.com

Name of Principal Contact (If different) \_\_\_\_\_

3. Counsel for Petitioner Patrick D. Malloy

Mailing Address 3685 Park Avenue, Ellicott City, MD 21043

Phone Number(s) 410-465-1560

E-Mail Address malloylaw@verizon.net

4. Site Description

Address/Street for Property 10207 Baltimore National Pike, Ellicott City, MD 21042

Tax Map 24 Grid/Block 1 Parcel 544 Lot 107

Total Land Area of Property 26,266 (\_\_\_\_ Acres) (☒ Square Feet) Check one.

Election District Second

Zoning of Property R-20

Subdivision Name and Plat No. (If Applicable) Pine Orchard Subdivision, Plat Book No. 4, folio 9

**5. 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 for this petition from the owner must be submitted.**

**6. Data to Accompany Petition**

**PLAN:** No application for a modification shall be considered complete unless accompanied by a plan, drawn to scale and includes the items listed below. The submitted plan shall be folded to approximately 8½ x 14 inches.

- ☐ (a) Copy of the Decision and Order which the Petitioner seeks to be modified
- ☐ (b) Courses and distances of outline boundary lines and the size of the property
- ☐ (c) North arrow
- ☐ (d) Zoning of subject property and adjoining properties
- ☐ (e) Scale of plan
- ☐ (f) Existing and proposed uses, structures, natural features and landscaping
- ☐ (g) Location and surface material of existing and proposed parking spaces, driveways, and points of access; number of existing and proposed parking spaces
- ☐ (h) Same as (e) and (f) above, of adjoining properties as necessary for proper examination
- ☐ (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(s) of the subject property
- ☐ (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 Counsel
- ☐ (o) Name, mailing address, telephone number 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 abutting roads, right-of-way width, and existing pavement width
- ☐ (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. 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 requested modification (s) Amend original Conditional Use Plan in the Original

case to change the location of the two stations (two salon chairs)  
and two shampoo bowls and to increase the amount of paving to accomodate  
a handicapped parking space and approach to the handicapped parking space.

- b. Reason (s) for the requested modification The original Conditional Use Plan had two  
stations in a small room near the front door. The width of the doorway into  
the small room does not allow handicapped access. The room is 90 square feet  
and is too small for two stations. Customers would not feel comfortable in  
a small room. Petitioner was required to construct a handicapped parking  
space which required additional paving.

- c. The intended use of the property, in the event the petition is granted \_\_\_\_\_  
Hair salon

- d. Any other factors which the Petitioner desires to have considered Petitioner has installed  
a concrete handicapped ramp and railings, which have been inspected and  
approved. Petitioner added blacktop paving for a handicapped parking space and  
had the space marked for handicapped parking.

- e. Were there protestants at the original hearing? ☐ Yes ☒ No

- f. Describe in detail all existing improvements to the subject property \_\_\_\_\_  
Two story residence with improved basement. East of residence is a  
garage. To rear of the garage is a shed.

- g. Describe any changes to properties in the vicinity of the subject property since the original petition  
was granted None

h. What will be the impact, if any, of your proposed modification upon the subject property? \_\_\_\_\_  
None. The modification requested is to change the location of the  
two stations (two salon chairs) within the structure. There would be  
two shampoo bowls near the stations. The change will make the stations  
handicapped accessible.

i. What will be the impact, if any, of your proposed modification upon any adjacent properties? \_\_\_\_\_  
None

#### 8. Prior Petitions

Has any petition for modification of any conditions of approval been submitted within twenty four (24) months of the date of this petition? ☒ Yes ☐ No

#### 9. Additional Materials, Fees, Posting and Advertising Requirements

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

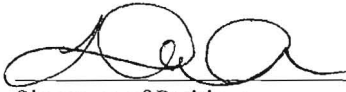
- *If the subject property adjoins a State road- original and 20 copies (application & plans)*
- *If the subject property adjoins a County road- original and 18 copies (application & plans)*

- b. The Petitioner signing below hereby agrees to furnish such additional plats, plans, reports or other material as may be required by the Department of Planning and Zoning and/or the Hearing Examiner in connection with this petition.
- c. The Petitioner hereby agrees to pay all costs in accordance with the current schedule of fees.
- d. The Petitioner hereby agrees to properly post the property at least thirty (30) days immediately prior to the Hearing Examiner public hearing; to maintain the public notice posters until the public hearing is concluded; and to submit an affidavit of posting at, or before the time of the initial public hearing. The Petitioner also hereby agrees to advertise the public hearing by

means of legal notices as prepared and approved by the Department of Planning and Zoning to be published one (1) time in at least two (2) newspapers of general circulation in Howard County, at least thirty (30) days prior to the Hearing Examiner public hearing, and to pay for such advertising costs; and agrees to submit two (2) approved certificates of the text and publication date(s) of the advertisement at or before the time of the hearing.

## 10. 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

4/11/2014

Date

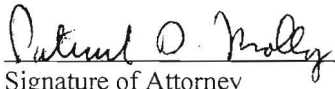
Hasan Ozcan

Print Name of Petitioner

Signature of Petitioner

Date

Print Name of Petitioner



Signature of Attorney

4/11/2014

Date

PATRICK D. MALLOY

Print Name of Attorney

County Website: [www.howardcountymd.gov](http://www.howardcountymd.gov)

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

T:\shared\Division Forms\Pet Modify Cond Hearing Auth – REV 0612

PETITIONER Hasan Ozcan

ADDRESS 10207 Baltimore National Pike, Ellicott City, MD 21042

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

  
Signature

4/11/2014  
Date

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\*\*\*\*\*

Application Fee: \$250.00      Poster Fee: \$25.00 per sign/poster

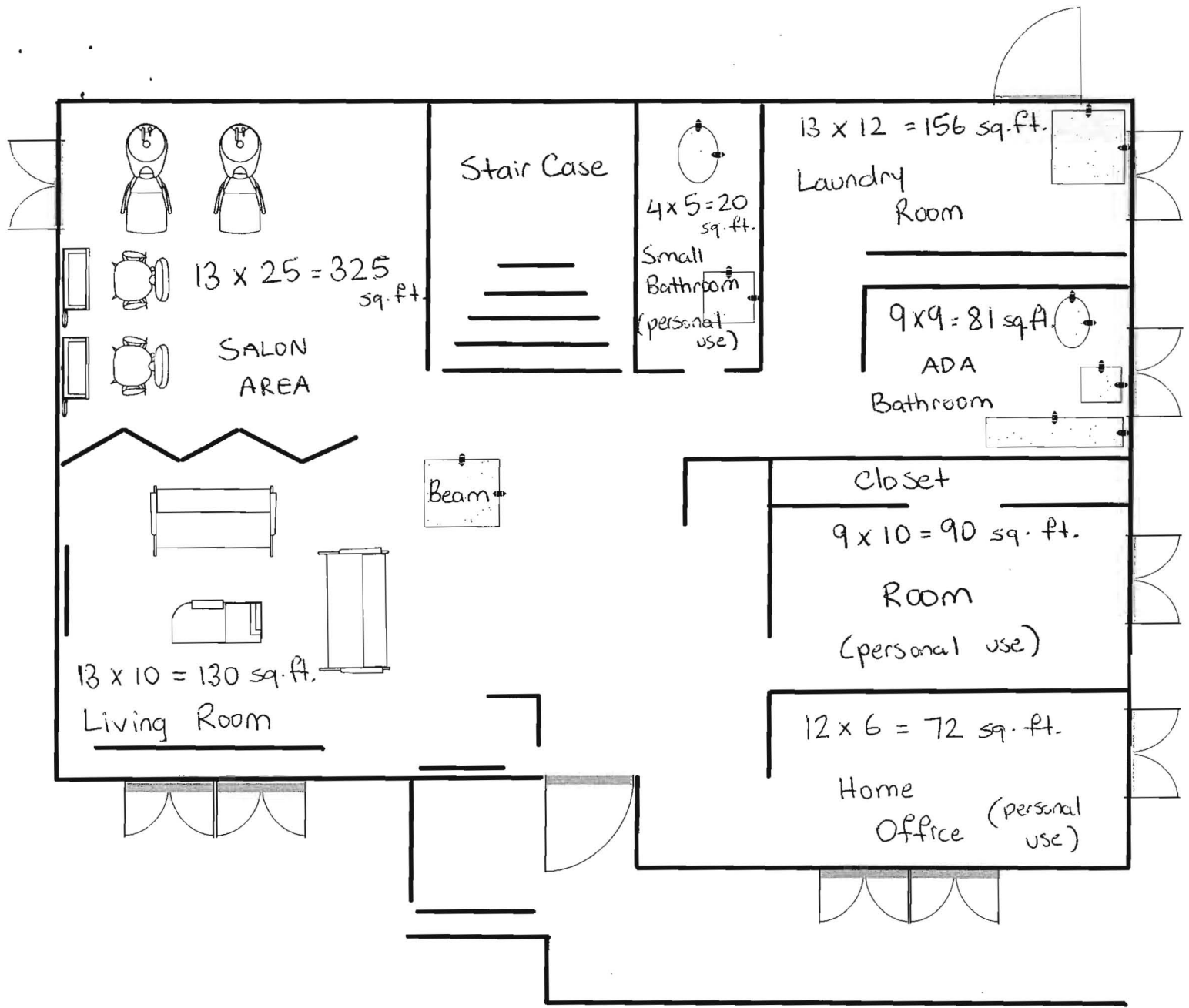
Make check payable to: Director of Finance.

For DPZ use only:

Hearing fee: \$ \_\_\_\_\_  
Poster fee: \$ \_\_\_\_\_  
Total: \$ \_\_\_\_\_

Receipt No. \_\_\_\_\_





HANDICAPPED  
PARKING SPACE



IN THE MATTER OF : BEFORE THE  
**HASAN OZCAN & HUSEYIN OZCAN** : HOWARD COUNTY  
Petitioners : BOARD OF APPEALS  
: HEARING EXAMINER  
: BA Case No. 12-023C  
.....

### **DECISION AND ORDER**

On February 11, 2013, the undersigned, serving as the Howard County Board of Appeals Hearing Examiner, and in accordance with the Hearing Examiner Rules of Procedure, heard the petition of Hasan Ozcan and Huseyin Ozcan for a Beauty Parlor/Barber Shop Conditional Use in an R-20 (Residential: Single Family) Zoning District, filed pursuant to Section 131.N.7 of the Howard County Zoning Regulations (the "Zoning Regulations").

The Petitioners certified to complying with the notice, posting, and advertising requirements of the Howard County Code. The Hearing Examiner viewed the property as required by the Hearing Examiner Rules of Procedure.

Petitioners were not represented by counsel. Hasan Ozcan testified in support of the petition. No one appeared in opposition to the petition.

### **FINDINGS OF FACT**

Based upon the Technical Staff Report (TSR), petition, and site visit, the Hearing Examiner finds as follows:

1. Property Identification. The subject property is situated on the south side of US

40/Baltimore National Pike about 1,100 feet west of Centennial Lane and is also known as 10207 Baltimore National Pike (the "Property"). The Property is located in the 2<sup>nd</sup> Election District and is identified as Tax Map 24, Grid 1, Parcel 544, Lot 107. The Property is part of the Pine Orchard subdivision (Plat Book 4, Page 9, recorded December 1950).

2. Property Description. The 0.60-acre Property is improved with a one-story single-family dwelling located about 19 feet from the west property line and 51 feet from the front property line. To the east of the residence is a detached garage. To the rear of this garage is a shed and in-ground pool depicted on the Conditional Use Plan as a ruin. A wire fence runs along the rear property and portions of the west property lines. A solid fence on the Property's east side screens the rear yard. A paved driveway near the northeast corner of the Property provides access to the garage. According to the TSR, the Record Plat depicts a 40-foot wide strip of land denoted as Orchard Lane adjoining the east side of the Property. This partially paved strip provides access to the paved driveway, forming a "U" shaped drive around a landscaped island.

Access to the Property is provided via a dead-end service road, which is accessible only from the eastbound lane of US 40. The Property is the last lot on this service road. Frederick Road terminates immediately east of the Property.

3. Vicinal Properties. All properties to the east, west and south are zoned R-20. Lot 106 to the west is improved with a single-family detached dwelling. Signage on the building indicates a hair salon operating on the property. To the east is the strip of land identified as Orchard Lane. Properties to the south are each improved with a single-family detached

dwelling. Across Frederick Road, to the northeast, are B-2 (Business: General) zoned properties. The closest, Parcel 420, is the site of a gasoline service station. Properties across US 40 are zoned B-1 (Business: Limited) and are improved with commercial buildings.

4. Roads. The service road portion of US 40 near the Property has two travel lanes and a variable paving width within a variable width right-of-way (ROW). US 40 on the north side of the median has two eastbound and two westbound travel lanes as well as various acceleration and deceleration lanes. The posted speed limited is 45 MPH.

5. Water and Sewer Service. The Property is served by public water and sewer.

6. General Plan. PlanHOWARD 2030 depicts the Property as Established Community on the Designated Place Types Map. US 40 is depicted as an Intermediate Arterial on the PlanHOWARD 2030 Functional Road Classification Map.

7. The Proposal. Petitioners are proposing to operate a Beauty Parlor (salon) within the existing residence on the Property. The Conditional Use Plan depicts two salon chairs within a room adjacent to the living room. No building additions are proposed. The petition states the operation would comprise "just the owner working" and that few clients per day are anticipated. The hours of operation proposed in the petition are Monday-Saturday from 9:00 a.m. to 6:00 p.m. The TSR notes there is sufficient parking in the existing driveway to accommodate clients. No outdoor storage is proposed.

8. Hasan Ozcan testified that the Petitioners would like to operate until 7:00 p.m. on weekdays. The area of the proposed beauty salon is about 525 square feet.

**CONCLUSIONS OF LAW**

Based upon the foregoing Findings of Fact, I conclude as follows:

**I. General Criteria for Conditional Uses (Section 131.B)**

**A. Harmony with the General Plan.** Section 131.B.1 requires the Hearing Examiner to evaluate whether the proposed conditional use plan will be in harmony with the land uses and policies indicated in the Howard County General Plan for the district based on in which it is located. In making this evaluation, I am required to consider:

- a. The nature and intensity of the use, the size of the site in relation to the use, and the location of the site with respect to streets giving access to the site; and
- b. If a conditional use is combined with other conditional uses or permitted uses on a site, whether the overall intensity and scale of uses on the site is appropriate given the adequacy of proposed buffers and setbacks.

The proposed use of the Property as a single/owner operator beauty parlor is a relatively low intensity use and is reasonably compatible with surrounding residential properties. The 0.60-acre Property can reasonably accommodate the limited indoor and low intensity use. The use will be combined with a residential use and will be operated indoors, with the exception of the parking spaces for the use. The existing driveway is adequate to support the use.

**B. Adverse Impacts.** Unlike Section 131.B.1, which concerns the proposed use's harmony or compatibility with the General Plan, compatibility with the neighborhood is measured under Section 131.B.2's four "adverse effect" criteria": (a) physical conditions; (b) structures and landscaping; (c) parking areas and loading, and; (4) access.

Inherent in the assessment of a proposed conditional use under these criteria is the recognition that virtually every human activity has the potential for adverse impact. The assessment therefore accepts some level of such impact in light of the beneficial purposes the zoning body has determined to be inherent in the use. Thus, the question in the matter before the Hearing Examiner is not whether the proposed use would have adverse effects in an R-20 district. The proper question is whether there are facts and circumstances showing the particular uses proposed at the particular location would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone. *People's Counsel for Baltimore County v. Loyola College in Maryland*, 406 Md. 54, 956 A.2d 166 (2008); *Schultz v. Pritts*, 291 Md. 1, 432 A.2d 1319 (1981); *Mossburg v. Montgomery County*, 107 Md. App. 1, 666 A.2d 1253 (1995).

For the reasons stated below, and as conditioned, Petitioners have met their burden of presenting sufficient evidence under Section 131.B.2 of the Zoning Regulations to establish the proposed beauty salon will not have adverse effects on vicinal properties beyond those ordinarily associated with the use in the R-20 district.

**a. Physical Conditions.** The impact of adverse effects such as noise, dust, fumes, odors, lighting, vibrations, hazards or other physical conditions will be greater at the subject site than it would generally be elsewhere in the zone or applicable other zones.

The testimony and evidence indicate the proposed use will be conducted predominately indoors. No additional or inordinate noise, dust, fumes, odors are anticipated. No additional outdoor lighting will be utilized. The impacts of adverse impacts will not be greater at the subject site than generally elsewhere in the R-20 zone.



**b. Structures and Landscaping.** The location, nature and height of structures, walls and fences, and the nature and extent of the landscaping on the site are such that the use will not hinder or discourage the development and use of adjacent land and structures more at the subject site than it would generally in the zone or applicable other zones.

The Petitioner is proposing to use an approximately 525-square foot section of the residence for the use. Vicinal residences and uses are well separated from the proposed use. No new structures are proposed. The Hearing Examiner concludes the location, nature and height of structures, walls and fences, and the nature and extent of the landscaping on the site are such that the use will not hinder or discourage the development and use of adjacent land and structures more at the subject site than it would generally in the zone or applicable other zones.

**c. Parking and Loading.** Parking areas will be of adequate size for the particular use. Parking areas, loading areas, driveways and refuse areas will be properly located and screened from public roads and residential uses to minimize adverse impacts on adjacent properties.

The existing driveway will be adequate for clients and the residential use.

**d. Access.** 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.

There is no evidence that the existing access driveway does not provide safe access. I conclude the Petitioners have met their burden of demonstrating the existing ingress and egress drives comply with Section 131.B.2.d.



**II. Specific Criteria for Beauty Parlor/Barber Shop (Section 131.N.7)**

A conditional use may be granted in RC, RR or R-20 District for a beauty parlor or barbershop provided that:

- a. The use shall be located within a residence and conducted by the person or persons residing in said residence.**

The use is proposed to be located within the residence and will be conducted by the owner/resident, in compliance with Section 131.N.7.a.

- b. On lots less than one acre in size, the use shall be limited to one resident operator, with no other employees. On lots of one acre or larger, one additional operator or other employee may be permitted.**

According to the petition, only the resident operator will conduct the use. There will be no other operators or employed on the .60-acre Property. The proposed use complies with Section 131.N.7.b.

**ORDER**

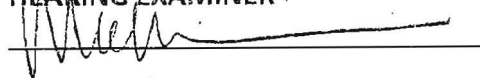
Based upon the foregoing, it is this 14<sup>th</sup> day of February 2013, by the Howard County Board of Appeals Hearing Examiner, **ORDERED:**

That the petition of Hasan Ozcan and Huseyin Ozcan for a Beauty Parlor/Barber Shop Conditional Use in an R-20 (Residential: Single Family) Zoning District, is **GRANTED;**

**Provided,** however, that:

1. The Conditional Use shall be conducted in conformance with and shall apply only to the proposed beauty parlor as described in the petition and depicted on the conditional use plan submitted on November 21, 2012.
2. The Conditional Use area shall be no larger than 525 square feet.
3. The approved hours of use are 9:00 a.m. to 7:00 p.m., Monday-Friday, and 9:00 a.m. to 6:00 p.m. on Saturday.
4. Petitioners shall obtain a Department of Inspections, Licensing and Permits change of use permit for the conditional use and shall comply with Title III of the 2010 American Disability Act and the Maryland Accessibility Code.
5. Petitioners shall obtain all required permits. The conditional use shall not commence until Petitioners have obtained all required permits.
7. No signage is permitted in the median between US 40 and the service road.

**HOWARD COUNTY BOARD OF APPEALS  
HEARING EXAMINER**



Date Mailed: 2/19/13

Notice: A person aggrieved by this decision may appeal it to the Howard County Board of Appeals within 30 days of the issuance of the decision. An appeal must be submitted to the Department of Planning and Zoning on a form provided by the Department. At the time the appeal petition is filed, the person filing the appeal must pay the appeal fees in accordance with the current schedule of fees. The appeal will be heard *de novo* by the Board. The person filing the appeal will bear the expense of providing notice and advertising the hearing.

IN THE MATTER OF : HOWARD COUNTY  
HASAN OZCAN & HUSEYIN OZCAN : BOARD OF APPEALS  
Petitioners : HEARING EXAMINER  
: BA Case No. 13-025C

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**DECISION AND ORDER**

On November 26, 2013, the undersigned, serving as the Howard County Board of Appeals Hearing Examiner, and in accordance with the Hearing Examiner Rules of Procedure, heard the petition of Hasan Ozcan and Huseyin Ozcan to modify Condition No. 2 of Board of Appeals Case No. 12-023C for a Hair Salon Conditional Use in an R-20 (Residential: Single Family) Zoning District, filed pursuant to Section 131.0.N.7 of the Howard County Zoning Regulations (the "Zoning Regulations").<sup>1</sup>

The Petitioners certified to compliance with the notice, posting, and advertising requirements of the Howard County Code. The Hearing Examiner viewed the property as required by the Hearing Examiner Rules of Procedure.

Petitioners were not represented by counsel. Hasan Ozcan testified in support of the petition. No one appeared in opposition to the petition.

**FINDINGS OF FACT**

Based upon the Technical Staff Report (TSR), petition, and site visit, the Hearing Examiner finds as follows:

1. Property Identification. The subject property is situated on the south side of US

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<sup>1</sup> The Decision and Order granted Petitioners a conditional use for a "beauty parlor." The October 6, 2013 Zoning Regulations re-characterized "beauty parlors" as "hair salons."

40/Baltimore National Pike about 1,100 feet west of Centennial Lane and is also known as 10207 Baltimore National Pike (the "Property"). The Property is located in the 2nd Election District and is identified as Tax Map 24, Grid 1, Parcel 544, Lot 107. The Property is part of the Pine Orchard subdivision (Plat Book 4, Page 9, recorded December 1950).

2. Property Description. The 0.60-acre Property is improved with a one-story single-family dwelling located about 19 feet from the west property line and 51 feet from the front property line. To the east of the residence is a detached garage. To the rear of this garage is a shed and in-ground pool. A wire fence runs along the rear property and portions of the west property lines. A solid fence on the Property's east side screens the rear yard. The Property is currently paved with a driveway and parking area with nine striped parking spaces, including one disabled space next to a ramp providing access to the front entrance. Access to the Property is provided via a dead-end service road, which is accessible only from the eastbound lane of US 40. The Property is the last lot on this service road. Frederick Road terminates immediately east of the Property.

3. Vicinal Properties. All properties to the east, west and south are zoned R-20. Lot 106 to the west is improved with a single-family detached dwelling. Signage on the building indicates a hair salon operating on the property. To the east is the strip of land identified as Orchard Lane. Properties to the south are each improved with a single-family detached dwelling. Across Frederick Road, to the northeast, are B-2 (Business: General) zoned properties. The closest, Parcel 420, is the site of a gasoline service station. Properties across US 40 are zoned B-1 (Business: Limited) and are improved with commercial buildings.

4. Roads. The service road portion of US 40 near the Property has two travel lanes and a variable paving width within a variable width right-of-way (ROW). US 40 on the north side of the median has two eastbound and two westbound travel lanes as well as various acceleration and deceleration lanes. The posted speed limited is 45 MPH.

5. Water and Sewer Service. The Property is served by public water and sewer.

6. General Plan. PlanHOWARD 2030 depicts the Property as Established Community on the Designated Place Types Map. US 40 is depicted as an Intermediate Arterial on the PlanHOWARD 2030 Functional Road Classification Map.

7. Additional Zoning History. DPZ issued the property owner/petitioners, apparently, a formal notice of violation (CE-1384) for the expansion of an approved conditional use and for changing the driveway to a lined parking lot. The case is open.

8. The Request to Modify Condition No. 2. In BA Case No. 12-023C (the Original Case), the Hearing Examiner granted Petitioners' request to operate a hair salon within the existing residence on the Property. The Conditional Use Plan as approved depicted two salon chairs within a room adjacent to the living room. Condition No. 2 specified that the conditional use area be no larger than 525 s.f.

Petitioner is formally requesting an additional 200 s.f. area for an existing ADA bathroom (as depicted on the plan), which he testified the Department of Licenses and Permits (DILP) required. Mr. Ozcan further testified to being the sole operator, but that his mother sometimes helps with phones. Additionally, the August 24, 2013 Conditional Use Floor Plan in this case depicts five stylist stations, which the Petitioner explained when the Hearing Examiner asked is

simply to make use of stations (chairs) from his prior salon for appearance purposes. The TSR emphasizes the Petitioners' expansion of the paved driveway from that depicted on the Conditional Use Plan in the Original Case to include a former landscaped island within a turnaround and the creation of nine stripped parking spaces, including one disabled space. The TSR recommends approval subject to the condition that the number of parking spaces be brought into compliance with the Decision and Order in the Original Case.

9. Mr. Oscan testified that DILP required the disabled parking space and the stripping for the nine parking spaces. During the proceeding, the Hearing Examiner discussed the TSR recommendation about reducing the number of parking spaces and the stripping, which are incompatible with a home-occupation use. When the Hearing explained she could not require the Petitioners to bring the number of parking spaces into compliance with the Decision and Order in the Original Case because it is a code enforcement matter, Mr. Oscan stated he was planning to do so anyway, including painting over the stripping.

#### **CONCLUSIONS OF LAW**

**Based upon the foregoing Findings of Fact, the Hearing Examiner concludes as follows:**

##### **I. General Criteria for Conditional Uses (Section 131.0.B)**

Sections 131.0.B.1-3 requires the Hearing Authority to evaluate whether the proposed Conditional Use will be in harmony with the land uses and policies indicated in the Howard County General Plan for the district in which it is located through the application of three standards: harmony with the General Plan, intensity of use, and atypical adverse impacts.

A. Harmony and Intensity of Use

131.0.B.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.

131.0.B.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.

The proposed 200 s.f. expansion of the Conditional Use area for an ADA compliant bathroom will not change the nature of the use as approved in the Original Case.

However, when assessing the proposed intensity of a use, or in this case, a modification to a condition of approval of an existing use, the Hearing Examiner must evaluate the use at its greatest intensity, in this case a hair salon operating at full capacity. Although the petition formally requests only a modification to Condition No. 2 of the Original Case and Mr. Ozcan testified to be the sole operator, Hearing Examiner does not find credible his testimony that the five existing stations are there for appearances only, given that the Petitioners have established nine parking spaces in front of the dwelling. As the sole hair salon operator, Mr. Ozcan may "work on" a few clients at any time, but the evidence persuades the Hearing Examiner that the salon has the potential to operate at an intensity of use far exceeding that of a hair salon home-occupation use. To ensure the use as modified operates at a reasonable level of intensity, the Hearing Examiner is granting the requested modification/expansion in use area subject the condition that the number of stations remain at two, the number requested and granted in the Original Case and, further, that the parking area/parking spaces/driveway remain as they were

depicted on the Conditional Use Plan in the Original Case.<sup>2</sup> The TSR reasons two spaces are sufficient to support the home-occupation use.

### **B. Adverse Impacts**

Unlike Section 131.0.B.1, which concerns the proposed use's harmony or compatibility with the General Plan, compatibility with the neighborhood is measured under §131.B.2's four "adverse effect" criteria": (a) physical conditions; (b) structures and landscaping; (c) parking areas and loading, and; (d) access.

Inherent in the assessment of a proposed conditional use under these criteria is the recognition that virtually every human activity has the potential for adverse impact. The assessment therefore accepts some level of such impact in light of the beneficial purposes the zoning body has determined to be inherent in the use. Thus, the question in the matter before the Hearing Examiner is not whether the proposed uses would have adverse effects in an R-20 district. The proper question is whether there are facts and circumstances showing the particular uses proposed at the particular location would have any adverse effects above and beyond those inherently associated with such a special exception (conditional) use irrespective of its location within the zones. *People's Counsel for Baltimore County v. Loyola College in*

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<sup>2</sup> Finding of Fact No. 2 in the Original Case described the Property in this manner: The 0.60-acre Property is improved with a one-story single-family dwelling located about 19 feet from the west property line and 51 feet from the front property line. To the east of the residence is a detached garage. To the rear of this garage is a shed and in-ground pool depicted on the Conditional Use Plan as a ruin. A wire fence runs along the rear property and portions of the west property lines. A solid fence on the Property's east side screens the rear yard. A paved driveway near the northeast corner of the Property provides access to the garage. According to the TSR, the Record Plat depicts a 40-foot wide strip of land denoted as Orchard Lane adjoining the east side of the Property. This partially paved strip provides access to the paved driveway, forming a "U" shaped drive around a landscaped island.



Maryland, 406 Md. 54, 956 A.2d 166 (2008); Schultz v. Pritts, 291 Md. 1, 432 A.2d 1319 (1981); Mossburg v. Montgomery County, 107 Md. App. 1, 666 A.2d 1253 (1995).

For the reasons stated below, and as conditioned, the Petitioners have met their burden of presenting sufficient evidence under Section 131.0.B.2 of the Zoning Regulations to establish the proposed modification of use area will not have adverse effects on vicinal properties beyond those ordinarily associated with a hair salon in an R-20 zoning district.

**131.0.B.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.**

Because the requested modification of use area is related to an indoor use, there are no atypical adverse impacts at the site. The petition complies with Section 131.0.B.3.a.

**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.**

No changes to the location, nature and height of structures, walls, fencing or landscaping are proposed. The petition complies with Section 131.0.B.3.b.

**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.**

As evaluated above, the nine stripped parking spaces are excessive for a single-operator hair salon. However, subject the condition that the parking area/parking spaces remain as they were in the Original Case, the requested modification complies with Section 131.0.B.3.c.

**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.**

No change to the existing ingress/egress is proposed. The petition complies with Section 131.0.B.3.d.

**e. The proposed use will not have a greater potential for adversely impacting environmentally sensitive areas in the vicinity than elsewhere.**

There is no evidence of a greater potential for adversely impacting environmentally sensitive areas in the vicinity than elsewhere, in compliance with Section 131.0.B.3.e.

**f. The proposed use will not have a greater potential for diminishing the character and significance of historic sites in the vicinity than elsewhere.**

The request modification to increase the interior floor area will not have a greater potential for diminishing the character and significance of historic sites in the vicinity than elsewhere, in compliance with Section 131.0.B.3.e.

## **II. Specific Criteria for Barber Shop, Hair Salon and Similar Personal Service Facilities (Section 131.0.N.7)**

A Conditional Use may be granted in RC, RR or R-20 Districts for a barber shop, hair salon or similar personal service facilities provided that:

- a. The use shall be located within a residence and conducted by the person or persons residing in said residence.

The expanded use area will be located within the residence and conducted by Mr. Ozcan, a resident, in compliance with Section 131.0.N.7.a.

- b. On lots less than one acre in size, the use shall be limited to one resident operator, with no other employees. On lots of one acre or larger, one additional operator or other employee may be permitted.

Mr. Ozcan is the resident operator, who testified that his mother sometimes helps with phones. Subject to the condition that no other employee work in the salon, including Mr. Ozcan's mother, the petition complies with Section 131.0.N.7.b.

- c. The road access to the use shall not be from a local road internal to a cluster subdivision and the driveway access to the use shall not be a shared driveway.

No such assess applies. This section is inapplicable.

- d. On the ALPP purchased or dedicated easement property, the following additional criteria are required:

- (1) The use shall not interfere with farming operations or limit future farming production.
- (2) The use shall operate within the principal dwelling unit. The dwelling and the parking associated with the proposed new facility shall count towards the cumulative use cap of 2% of the easement.

This section is inapplicable, as no ALPP purchased or dedicated easement property is involved.

ORDER

Based upon the foregoing, it is this 11<sup>th</sup> day of December 2013, by the Howard County Board of Appeals Hearing Examiner, **ORDERED**:

That the petition of Hasan Ozcan and Huseyin Ozcan to modify Condition No. 2 of Board of Appeals Case No. 12-023C for a Hair Salon Conditional Use in an R-20 (Residential: Single Family) Zoning District by expanding the 525 s.f. use area by 200 s.f. for an existing ADA bathroom is **GRANTED**.

**Provided**, however, that:

1. The modification shall be conducted in conformance with and shall apply only to the 200 s.f. ADA bathroom depicted on the October 2, 2013, Conditional Use Modification Plan and not to any other activities, use or structures on the Property.
2. The total Conditional Use area shall be no larger than 725 square feet.
3. Petitioners shall obtain any required Department of Inspections, Licensing and Permits permit for the ADA bathroom.
4. Mr. Ozcan shall be the sole operator. No additional operators or employees, paid or not, are permitted.
5. Only two parking spaces shall support the hair salon use.
6. Petitioners shall comply with the Original Case Finding of Fact No. 2, which described the Property as including a partially paved strip providing access to a paved driveway forming a "U" shaped drive around a landscaped area, as was depicted on the Original Case Conditional Use Plan.

7. Petitioners shall comply with the Conditional Use Plan in the Original Case depicting two stations (two salon chairs) adjacent to a living room.

HOWARD COUNTY BOARD OF APPEALS  
HEARING EXAMINER

MUTHELE L. STANKE

Date Mailed: 12/16/13

Notice: A person aggrieved by this decision may appeal it to the Howard County Board of Appeals within 30 days of the issuance of the decision. An appeal must be submitted to the Department of Planning and Zoning on a form provided by the Department. At the time the appeal petition is filed, the person filing the appeal must pay the appeal fees in accordance with the current schedule of fees. The appeal will be heard *de novo* by the Board. The person filing the appeal will bear the expense of providing notice and advertising the hearing.

Lot 106

Owner: Her Hyun Jung

Hair Salon and  
residence

#10213

JUL 7 2014

Meandering Fence  
Ownership Undetermined

N 21°30' E  
271'

26,266 square feet  
of land

Lot  
107

N 68°30' W  
97'

Non Permanent  
Wire Fence

In-Ground  
POOL  
Area

Frame  
Shed

Brick  
Garage

Frame  
Addition

Covered Bsmnt  
Ent

19±

51±

Conc  
Walk/Ramp

1 Story  
Brick  
#10207

Customer  
parking  
18'X31'

Handicapped  
Parking Space 18'X13'

Planter

garage access from road

resident  
parking

utility  
pole

Conc  
Mon  
Found

County paving

"Turn Around"

shrubs and fence

S 21°30' W  
271'

Orchard Avenue  
40' R/W

Counsel:  
Patrick D. Malloy  
3685 Park Avenue  
Ellicott City, MD 21043  
410-465-1560  
malloylaw@verizon.net

Petitioner/Owner: Huseyin & Hasan Ozcan  
10207 Baltimore National Pike  
Ellicott City, MD 21042  
410-750-8070  
ozcan\_h79@yahoo.com

Zoning: R-20  
Scale: 1" = 26'  
Second Election District  
Tax Map 24, Parcel 544  
Pine Orchard

Route 40  
50'