

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: Bob LaLush
Division of Zoning Administration and Public Service

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

RE: **BA-15-020C**

DATE: October 22, 2015

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

- Health Department records indicate that the existing sewage disposal system serving the dwelling is adequate for a 4 bedroom residence. There is a sewage disposal area established on the property for a single residence. The floor plans attached to the request show 6 bedrooms on the second and third floor and do not include information on any possible bedrooms on other floors. Health Department would object to this conditional use until such time as the existing onsite sewage disposal system were upgraded to accommodate the existing and proposed number of bedrooms, including installation of a BAT treatment unit, and a perc certification plan submitted for our approval showing how three properly sized systems could fit in the existing sewage disposal area. If that is not possible, percolation testing leading to establishment of an expanded area would be necessary.

JRL

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

Date: September 21, 2015

Hearing Examiner **November 16, 2015**

Planning Board _____ Board of Appeals _____ Zoning Board _____

Petition No. **BA-15-020C** Map No. _____ Block _____ Parcel _____ Lot _____

Petitioner: _____ Scott Streit

Petitioner's Address: _____

Address of Property: _____

Return Comments by October 26, 2015 to Public Service and Zoning Administration

Owner: (if other than applicant) _____

Owner's Address: _____

Petition: _____ SEE APPLICATION

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

COMMENTS:
See memo


SIGNATURE



MAY 12 2015

For DPZ Office use only:	
BA CASE NO.	BA 15-0206
Date Submitted	5/12/15

**CONDITIONAL USE PETITION
TO THE HOWARD COUNTY HEARING AUTHORITY**

(This application will only be accepted after a pre-submission meeting. See attached info.)

1. Conditional Use Request

Conditional Use Category SECOND DWELLING ON
RC ZONED PROPERTY Section 131.0.N.
 Specific Use Requested SECOND STOVE

2. Name of Petitioner SCOTT STREIT

Trading as (If applicable) —
 Mailing Address 16487 FREDERICK ROAD WOODBINE, MD 21797
 Phone Number(s) 301-596-2550
 E-Mail Address SCOTT@SCOTTSTREIT.COM
 Name of Principal Contact (If different) _____

3. Counsel for Petitioner NONE

Mailing Address _____
 Phone Number(s) _____
 E-Mail Address _____

4. Conditional Use Site Description

Address/Street for Property 16487 FREDERICK RD WOODBINE, MD 21797
 Tax Map 7 Grid 10 Parcel 467 Lot 18
 Department of Assessments and Taxation Account No. _____
 Total Land Area of Property 5.25 (____ Acres) (____ Square Feet) Check one.
 Election District _____ Zoning of Property RC
 Subdivision Name and Plat No. (If Applicable) STANLEY MILLER
 Total Land Area of Use (If different than above) _____ (____ Acres) (____ Square Feet)

4. Petitioner's Interest in Subject Property

OWNER (Including joint ownership)

OTHER (Described and give name and address of owner)

Name of Owner _____

Mailing Address _____

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

5. Conditional Use Plan Requirements

If the petition is approved, the Conditional Use plan will be made a part of the Decision and Order, subject to modifications and conditions required by the Hearing Authority. The Conditional Use plan must be drawn to scale and must include the items listed below:

- (a) Courses and distances of outline boundary lines and the size of the property
- (b) North arrow
- (c) Zoning of subject property and adjoining properties RC
- (d) Scale of plan
- (e) Existing and proposed uses, structures, natural features and landscaping NONE
- (f) Location and surface material of existing and proposed parking spaces, driveways, and points of access; number of existing and proposed parking spaces SAME/NO CHANGES
- (g) Same as (e) and (f) above, of adjoining properties SAME/NO CHANGES
- (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 NO CHANGE
- (i) Election District in which the subject property is located
- (j) Tax Map and Parcel Number(s) of the subject property 7 467
- (k) Name of local community in which the subject property is located or name of nearby community WOODBINE LISBON
- (l) Name, mailing address, telephone number (and e-mail address, if any) of the Petitioner SAME AS # 2
- (m) Name, mailing address, telephone number (and e-mail address, if any) of Counsel NONE
- (n) Name, mailing address, telephone number of property owner SAME AS # 2
- (o) Floor area and height of structures, setback distances from property lines, and other numerical values necessary for the examination of the petition NO CHANGE
- (p) Location of subject property in relation, by approximate dimension, to the center line of nearest intersection of two public roads ONE MILE
- (q) Ownership of abutting roads, right-of-way width, and existing pavement width CANDICE BERRY 10 FT
- (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. NONE
- 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. NONE
- c. For expansions and enlargements, previous case number(s) and information regarding compliance with previous requirements and conditions. NONE

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

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. ADD A STOVE

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.

NONE

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?

NONE

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?

NONE

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

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 Examiner 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 and Advertising Requirements

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

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

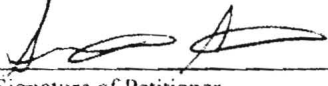
b. The Petitioner signing below hereby agrees to furnish such additional plats, plans, reports or other materials as may be required by the Department of Planning and Zoning and/or the Hearing Authority in connection with this petition.

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

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

11. Signatures

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

 April 30 2015 Scott Street
Signature of Petitioner Date 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 SCOTT STREET

ADDRESS 16487 FREDERICK ROAD WOODBINE, MD. 21797

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

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

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

CANDICE BERRY
Witness

Candice Berry
Signature

5/10/15
Date

GLENN A HOPPLE
Witness

Glenn A Hopple
Signature

5/10/15
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.

ROUTE 144

OWNER: SCOTT STREIT

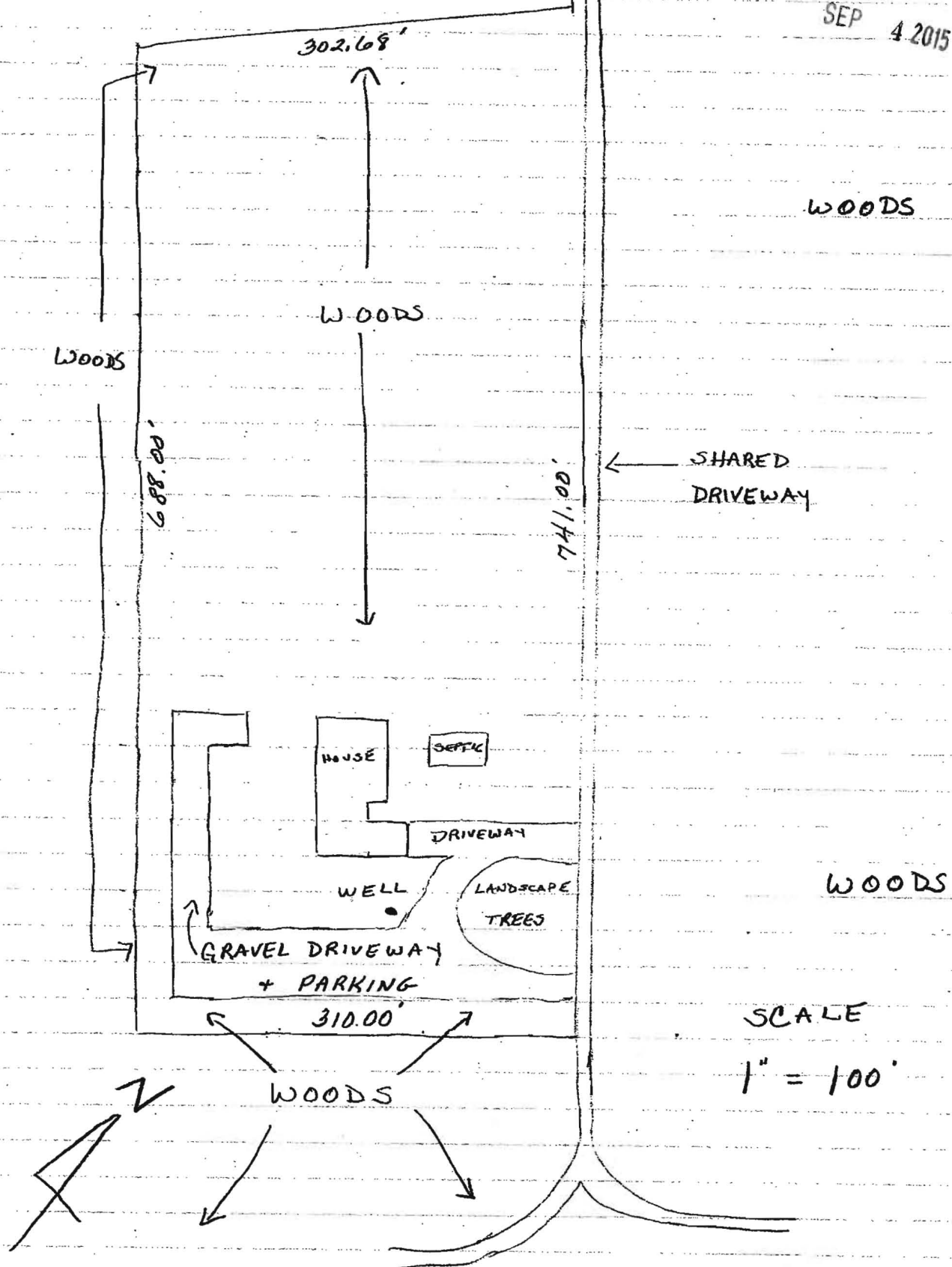
ADDRESS: 16487 FREDERICK ROAD

WOODDAINE, MD 21797

PHONE: 301-596-2560

SUBDIVISION: STANLEY MILLER
LOT 18 5.20 ACRES

SEP 4 2015



5. Conditional Use Plan Requirements:

- (a) Answer: Courses and distances of outline boundary lines and size of property is indicated on the attached drawing.
- (b) Answer: North arrow is indicated on the attached drawing.
- (c) Answer: All adjoining properies are RC.
- (d) Answer: Scale of Plan is one inch per 100 feet.
- (e) Answer: The existing use is a private residence and property is surrounded on three sides by natural trees and brush. No additional landcaping is proposed.
- (f) Answer: Surface area of existing parking is gravel and black top. Existing parking can accommodate up to 15 vehicles. No additional parking proposed.
- (g) Answer: First adjoining property is a residence surrounded on four sides of trees and brush, second adjoining property is a vacant lot, and third property is crop and livestock farm with a residence.
- (h) Answer: Existing well and septic are indiciated on attached drawing. No changes to be made.
- (i) Answer: 5
- (j) Answer: Tax Map is 7 and Parcel # is 467.
- (k) Answer: Local community is Woodbine and Lisbon.
- (l) Answer: Scott Streit
16487 Frederick Road
Woodbine, Md. 21797
(301) 596-2550
- (m) Answer: No counsel.
- (n) Answer: Same as (l) above.
- (o) Answer: No structures proposed.
- (p) Answer: Nearest intersections are Route 144 and Route 94 which is one mile from subject property.
- (q) Answer: Right-of-way width is 10 feet, is black top, and is owned by Candice Berry.
-
- (r) Answer: No additional information.

At 6:00 PM March 24, 2015, a pre-submission meeting was held at the Library on 97. In attendance were Mike and Anna Bartlett, Stanley Miller, Candice Berry, and Glenn Hopple. Ron Alexander of 16479 Fredrick Road called and offered his support for the conditional use. The meeting lasted 32 minutes.

The vote for the conditional use was "Yes" for Mike and Anna Bartlett, Candice Berry, Glenn Hopple and Ron Alexander. Stanley Miller's vote was "no". When queried by Candice Berry as to why Mr. Miller voted no he responded with "no reason, I just don't want it."

During the meeting, each neighbor voiced their concerns about the neighborhood. The major issue for my property was a loud 4-wheeler used by Colt Campbell, one of my room-mates. I spoke with Mr. Campbell prior to the meeting and he had already agreed to no longer use the 4-wheeler. I pointed out to Stanley Miller the excessive noise from his nephew riding a motorcycle without a muffler and his children's attack dogs regularly appearing on my property and intimidating me. Mr. Miller said that these issues would no longer occur.

I think each of the neighbors got something off their chest and we all agreed to be more neighborly. We exchanged phone numbers and agreed to call each other if there are any issues rather than get authorities involved.

Mr. Miller echoed a set of accusations that resulted in my Notice of Violation. My neighbors that have been in my house Mr. Bartlett, Mr. Hopple and Ms. Berry responded with information to refute the allegations. The accusations and responses are:

- 1) There is more than one child living in my house. Ms. Berry and I pointed out that there is one child that from time to time has playmates at the house.
- 2) There are more than 8 unrelated people living in my house because he sees someone leave for work at 5:00 am. Ms. Berry and I pointed out that that person is either Colt Campbell who leaves early or is me (Scott Streit) who regularly leaves at 5:00 am to catch a weekly flight. Mr. Miller could not identify any more people living in my house other than the enumerated roster given by Ms. Berry.
- 3) There are a lot of cars parked at my house for such a small number of people living in my house. This is actually true. I own 3 cars, Colt Campbell owns 3, Jonathan Turner owns 3, Nate Jason owns 3. That is 12 cars for only 4 people.

Now to the conditional use second dwelling. My house is extremely large and I wish to take the second and third floors into their own dwelling. The only change is the second level will have a stove, if this use is granted. There are simply no other changes. Additionally, I have plans for my parents to occupy part of my house and they keep Kosher. Jewish law prohibits them from using another stove or kitchen. I imagine my parents may live with me by the end of 2015.

The third floor has 3 bedrooms and is roughly 2500 square feet. The second floor also has 3 bedrooms and is also roughly 2500 square feet. The second floor would house the stove. The two floors are attached and contiguous. The succeeding page shows two pictures, one the actual today (no stove) and the next the proposed change with a stove. That is it. The additional and succeeding two pages are drawings of the second and third floor.

All of the facts present in this document are true to the best of my ability.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Streit". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

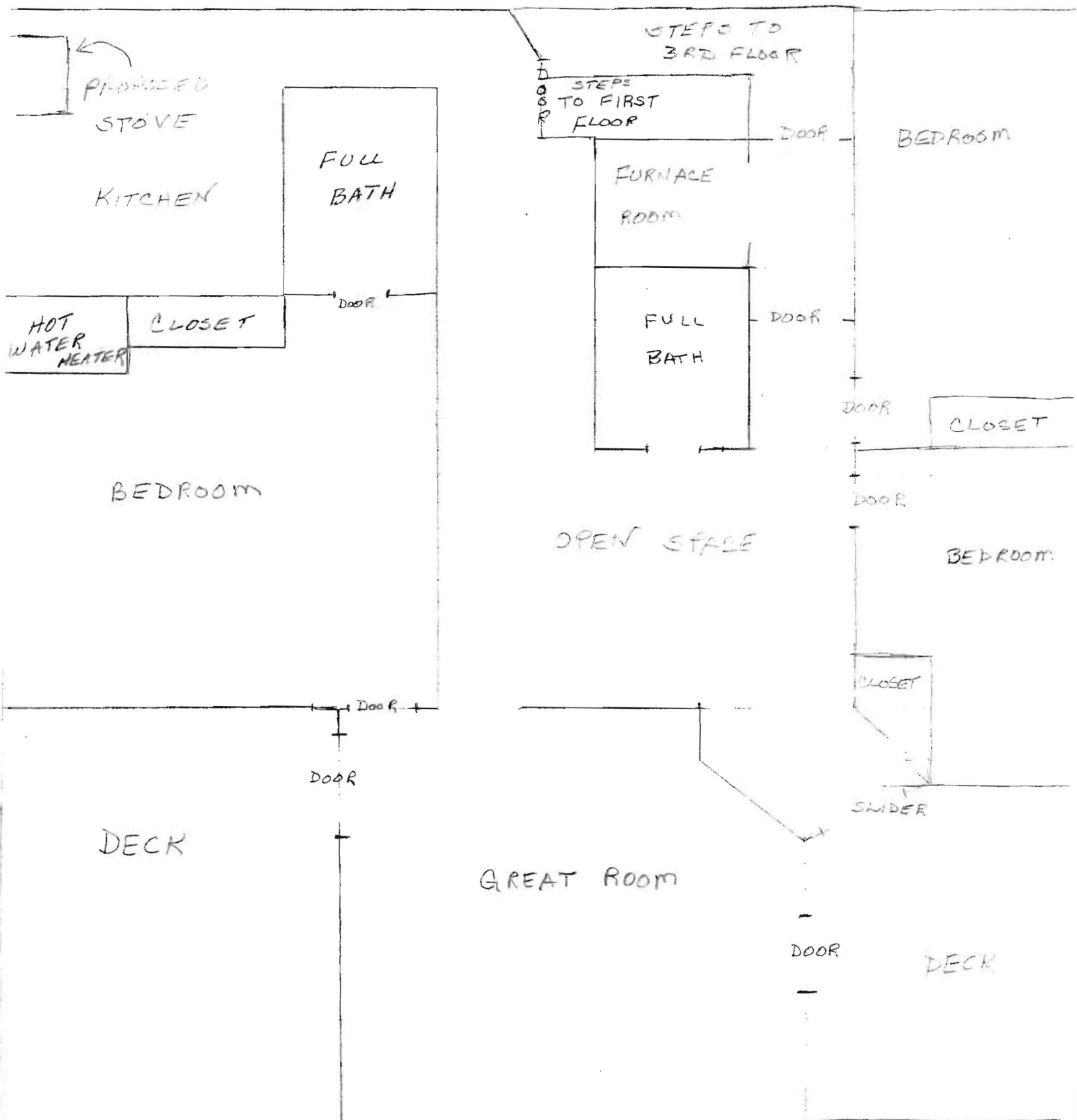
Scott Streit

April 10, 2015

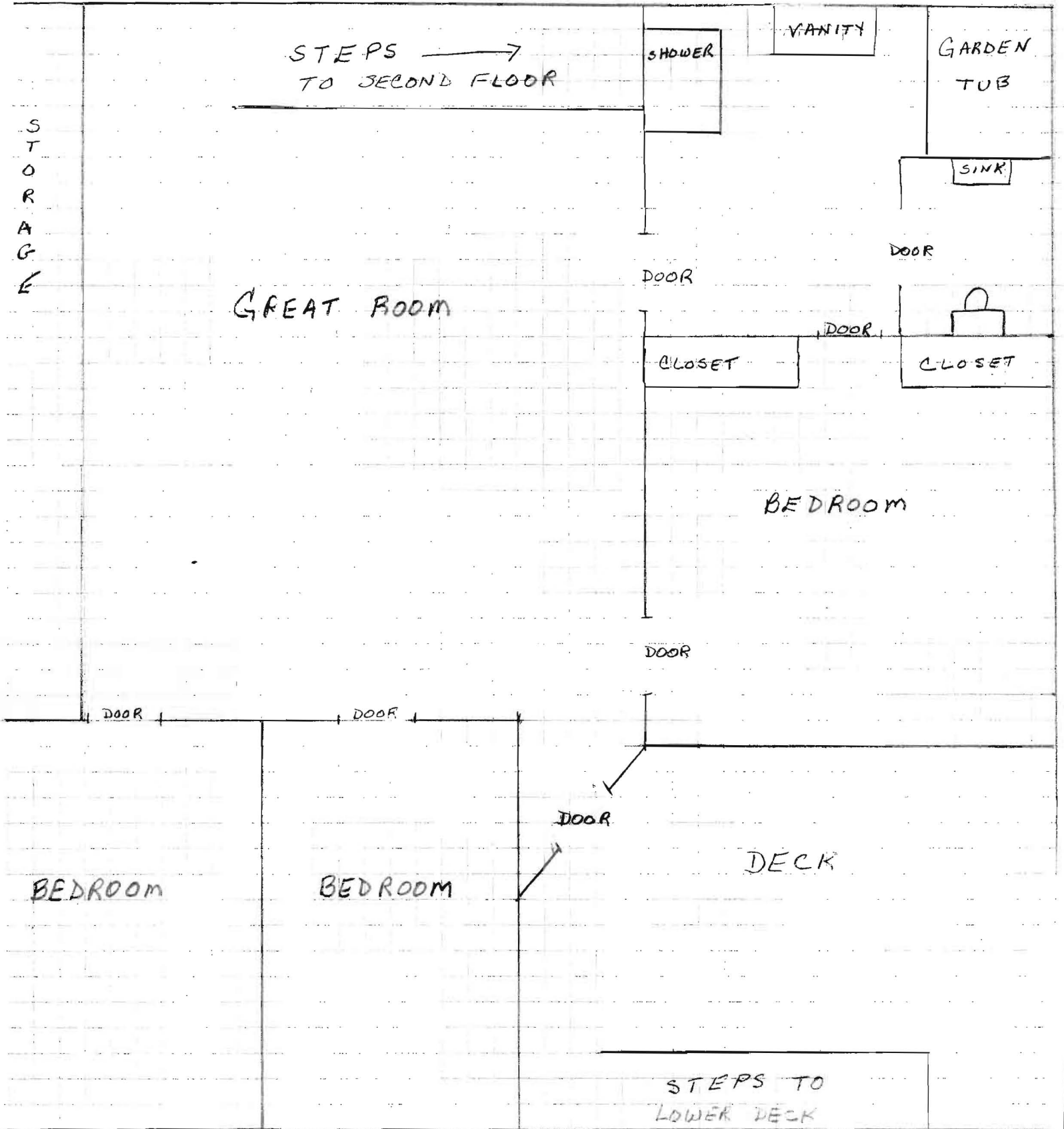




SECOND FLOOR



THIRD FLOOR



April 10, 2015

Candice Berry

16485 Frederick Road

Woodbine, MD 21797

My name is Candice Berry and I own the home next door to Scott Streit and I own the access road. I feel that Scott should be able to put the stove in the second floor at his house. Scott travels frequently and I look after his house in his absence.

I find Scott to be approachable and very neighborly. I know the actual layout of the house and the accommodations. Any issue brought to Scott's attention has been rectified immediately. I wish any of our neighbors that have an issue would speak to Scott or me in Scott's absence. Contrary to the Notice of Violation there are only 6 people living in Scott's house, including Scott, at the time of this writing. I know this for a fact based on my observations inside Scott's house.

Allowing a stove increases the comfort of one of the residents and creates no objections that I can imagine. Being Scott's closest neighbor, any discomfort would be felt by me, and I see and foresee none.

Being a person of faith and having met Scott's parents, I understand the stove is required under Jewish law. I believe Howard County should not bar this religious expression. Scott's parents have told me that they expect to move into his house some time "soon".

My husband is Glenn Hopple, co-owner of my aforementioned home. He echoes my sentiments.

Sincerely,

A handwritten signature in cursive script that reads "Candice Berry". The signature is written in black ink and is positioned above the printed name.

Candice Berry

April 10, 2015