

1 TIMOTHY MARTINS \* BEFORE THE  
2 PETITIONER, \* PLANNING BOARD OF  
3 ZRA 161 \* HOWARD COUNTY, MARYLAND  
4 \*

5 \* \* \* \* \*

6 MOTION: *To recommend denial of the Zoning Regulation Amendment petition*  
7 *request to amend Section 131.0.N.31. of the Zoning Regulations to allow certain properties*  
8 *(0.5 acres or larger) located in the R-20 District to be eligible to apply for conditional use*  
9 *approval of a pet grooming establishment, provided that all business activities are located*  
10 *entirely within the residence.*  
11

12 ACTION: *Recommended Denial; Vote 3 to 0.*

13 \* \* \* \* \*

14 RECOMMENDATION

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16 On December 17, 2015, the Planning Board of Howard County, Maryland, considered the petition of  
17 Timothy Martins, for an amendment to Section 131.0.N.31. of the Zoning Regulations. The amendment  
18 would allow certain properties (0.5 acres or larger) located in the R-20 District to be eligible for conditional  
19 use approval of a pet grooming establishment, provided that all business activities are located entirely within  
20 the residence.

21 The petition, the Department of Planning and Zoning Technical Staff Report and Recommendation,  
22 and the comments of reviewing agencies, were presented to the Board for its consideration. The Department  
23 of Planning and Zoning recommended denial of the petition based on neighborhood compatibility issues  
24 which would result from allowing commercial activity in residential neighborhoods.

25  
26 The Petitioner was represented by Mr. William Erskine. Mr. Erskine stated the following:

- 27  
28 • For the past 10 years, the Petitioner's believed that they owned 1 acre of land. However, they only  
29 actually own 0.9909 acres of land (325 square feet shy of an acre).  
30 • The Property does not meet the minimum criteria for the Hearing Authority to grant conditional use  
31 approval of a pet grooming establishment since the Property is not at least 1 acre.  
32 • The Petitioner's pet grooming establishment generates no traffic, no noise, and the business caters to  
33 one client at a time, by appointment only.

- Even though the Petitioner only needs the conditional use requirement reduced to 0.9909 acres, they are requesting that the requirement be reduced to 0.5 acre because the size seems reasonable to them.
- The Planning Board could give the Board of Appeals the authority to approve smaller lots, down to 0.5 acre if other criteria are met such as buffering, screening, no traffic problems, etc.

Ms. Dale Martins spoke in support of the proposal. Ms. Martins stated that there is no noise associated with her business. She also stated that the traffic generated by her business does not bother any of the neighbors. Ms. Martins was asked by a Planning Board member how she found out that the pet grooming establishment was operating illegally. Ms. Martins stated that a neighbor called and complained about dogs barking, and at that point it was determined that the use was not permitted on the property and that the Property was too small to qualify for a conditional use for a pet grooming establishment.

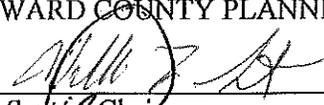
Mr. Jacob Miller, Mr. Zach Miller, Mr. Pete Merson, Mr. James Cheek, and Ms. Makayla Clancy spoke in support of the petition and stated that a number of neighbors support the petition and that the business provides a positive service for the community. The supporters repeatedly stated that the Martins' business has never disturbed them, noise and traffic have never been an issue, and that the Martins' are good neighbors.

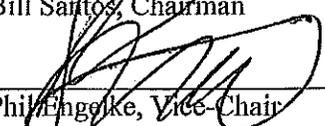
The Planning Board expressed that they believed one acre is an appropriate size for a pet grooming establishment and that one half an acre is too small. The Planning Board also recognized that not all pet grooming establishments will be run as well as the Martins'. Finally, the Planning Board noted that they must take into consideration that the proposed change to the Zoning Regulations may affect many properties within the county, not just the Martins' property.

Tudy Adler made a motion to recommend denial of the proposed amendment to Section 131.0.N.31. of the Zoning Regulations to allow certain properties (0.5 acres or larger) located in the R-20 District to be eligible to apply for conditional use approval of a pet grooming establishment, provided that all business activities are located entirely within the residence. Phil Engelke seconded the motion. The motion passed by a vote of 3 to 0.

For the foregoing reasons, the Planning Board of Howard County, Maryland, on this 4<sup>th</sup> day of February, 2016, recommends that ZRA 161, as described above, be **DENIED**.

HOWARD COUNTY PLANNING BOARD

  
\_\_\_\_\_  
Bill Santos, Chairman

  
\_\_\_\_\_  
Phil Engstke, Vice-Chair

 1/23  
\_\_\_\_\_  
Tudy Adler

Absent

\_\_\_\_\_  
Jacqueline Easley

Absent

\_\_\_\_\_  
Erica Roberts

ATTEST:

  
\_\_\_\_\_  
Valdis Lazdins, Executive Secretary