



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
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September 2, 2015

TECHNICAL STAFF REPORT (1ST REVISED)

*Original Petition Accepted on November 20, 2014
 1ST Amended Conditional Use Plan Submitted on July 9, 2015
 Hearing Examiner Continuation Hearing of October 29, 2015*

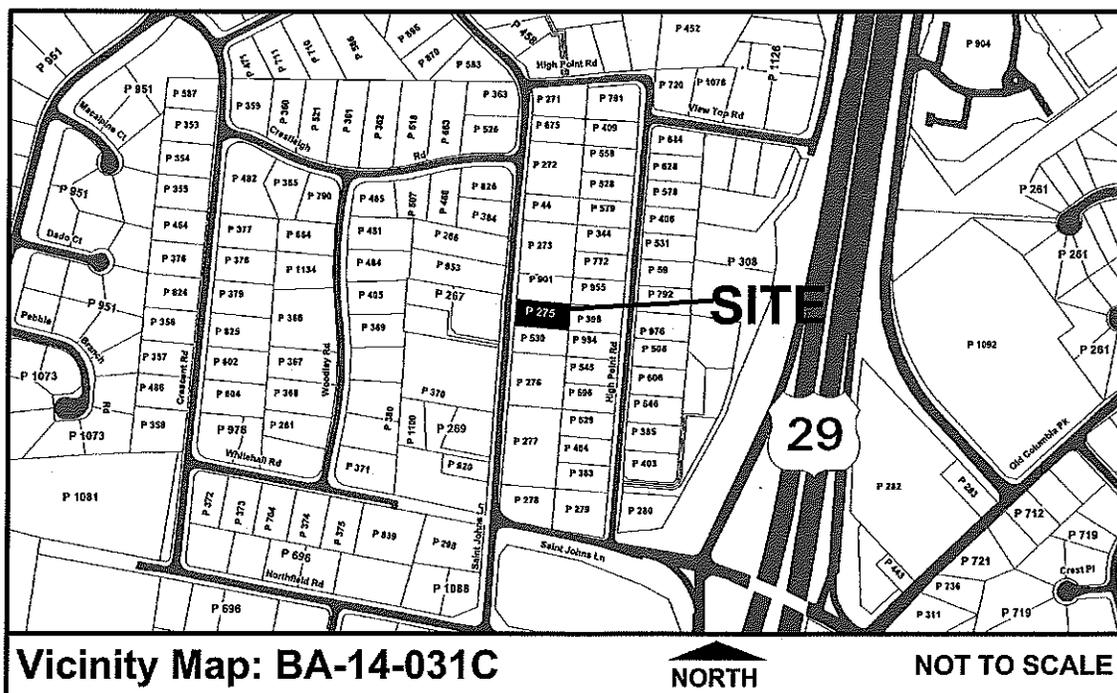
Case No./Petitioner: BA-14-031C Lorman Lykes

Request: Conditional Use for a Two-family Dwelling (Section 131.0.N.54.)

Location: Second Election District
 East side of St. Johns Lane approximately 600 feet south of Crestleigh Road
 Tax Map 24, Grid 17, Parcel 275, Lot 9; 4033 St. Johns Lane (the "Property")

Area of Site: 21,344 square feet (0.49 acre)

Zoning: R-20 (Residential: Single)



I. CONDITIONAL USE PROPOSAL

During the July 9, 2015 continuation hearing before the Howard County Hearing Authority, the Petitioner submitted an amended Conditional Use plan (the "Amended CUP") and the Hearing Authority requested a new Technical Staff Report on the basis that the Amended CUP substantially revised the original Conditional Use Plan.

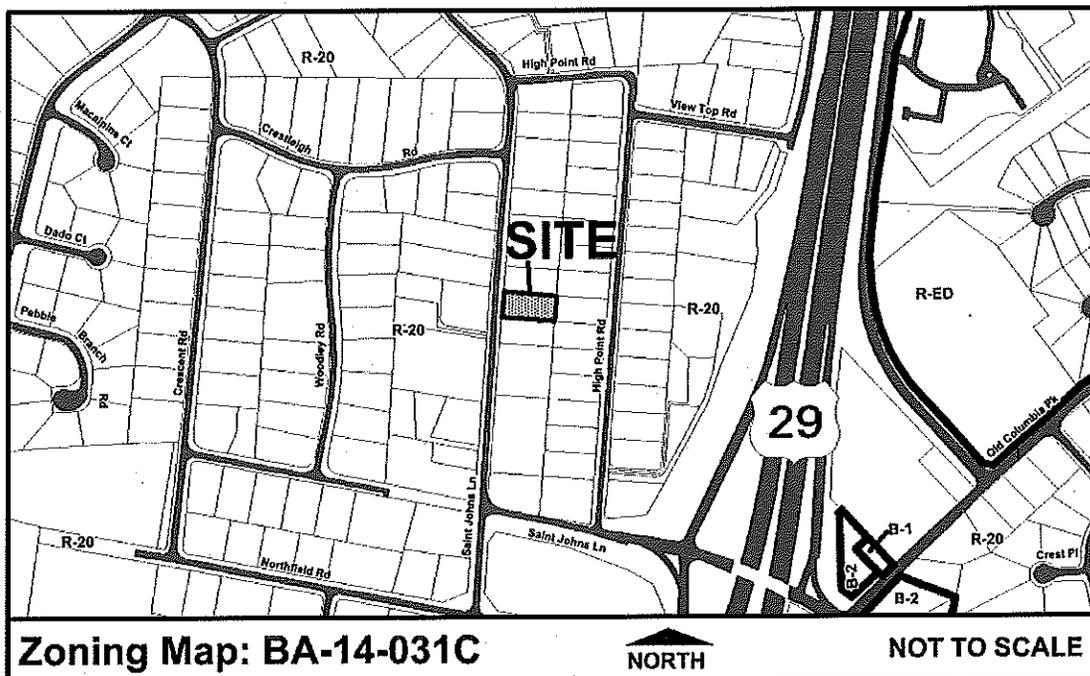
The Petitioner seeks approval for a two-family dwelling located within the existing two-story dwelling on the Property. The dwelling is approximately 36' wide with an approximately 12' wide carport on the south side (48' overall) by approximately 26.3' deep.

An existing driveway on the south side of the lot would continue to provide access. Under the Amended CUP, portions of the driveway's existing paving would be removed. The driveway would be narrowed from 24' wide to 12' wide near the site entrance and some paving on the south side of the driveway would be removed in order to meet the required 20' use setback. A paved parking area would be added to the north side of the driveway. This parking area and driveway would be approximately 42' wide by 36' deep and would provide four parking spaces.

The Amended CUP depicts the following proposed landscaping: three White Pines adjacent to the north property line approximately opposite the proposed parking area; seven Schipkaensis Cherry Laurel along the western edge of the proposed parking area; five Otto Luykens Cherry Laurel near the south property line adjacent to plantings on the adjoining Parcel 530 and one Nellie Stevens Holly in the southwest corner of the lot.

According to the floor plan contained in the original petition, the upper and lower levels of the dwelling each comprise a living room, dining room, kitchen, bathroom and two bedrooms. The basement comprises areas designated as storage, laundry, a utility room, rec room, bathroom and one bedroom. No new additions to the dwelling are proposed.

The dimensions shown on the originally submitted floor plan are inconsistent with the overall dimensions of the dwelling; however, it appears that the decimal point may have been inadvertently omitted from the dimensions on the floor plan.



II. BACKGROUND INFORMATION

A. Site Description

The 0.49 acre, rectangular-shaped Property is Lot 9 of the Dunloggin Heights subdivision. The Property is improved with a two-story dwelling with a basement. A driveway on the south side of the lot leads to a carport, and a split rail fence runs along a portion of the north side of the driveway. As depicted on the Amended CUP, the dwelling (including carport) is situated approximately 62' from the front property line, 25' from the north property line, and 24' from the south property line.

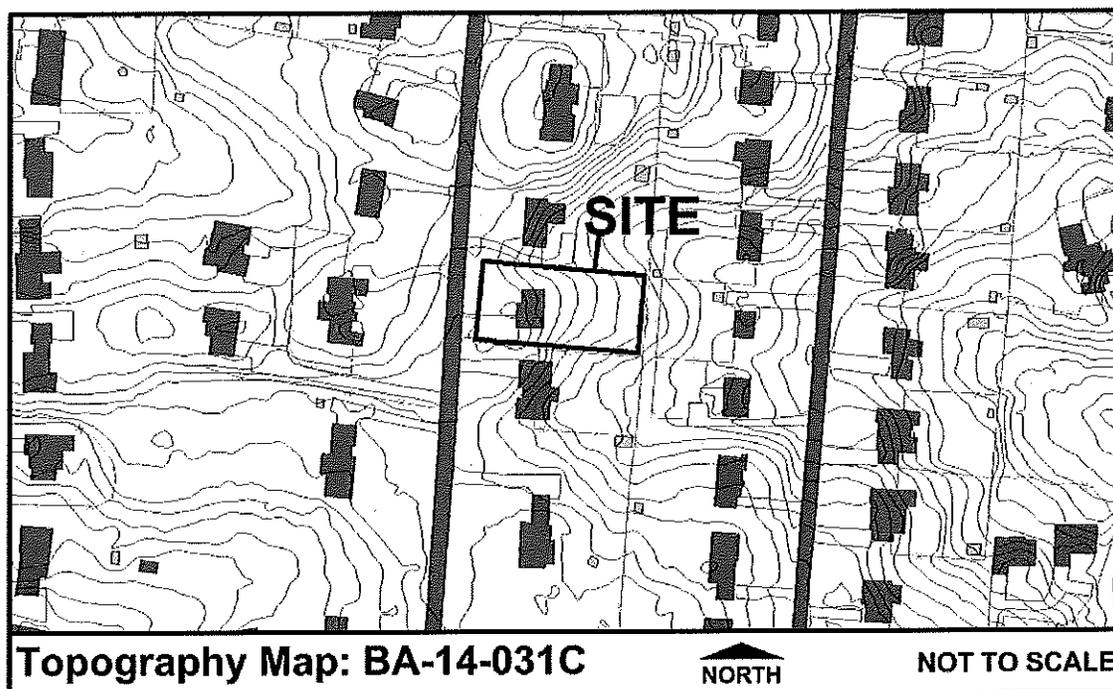
The topography of the front yard is relatively level although there is a gentle downward slope from south to north near the dwelling. There is a dead evergreen tree in the front yard which would apparently be removed to accommodate the proposed parking area. There are several deciduous trees in the northwestern portion of the site.

B. Vicinal Properties

Vicinal properties to the north, south, east and west are zoned R-20 and are predominately improved with single-family detached dwellings typically having garages or carports.

Parcel 530 which adjoins the south side of the Property has a paved driveway leading to a garage and there is a T-turning area in close proximity to the north side of the dwelling. There are several large evergreen trees and medium height evergreen shrubs on this parcel along the common property line. The dwelling on this lot is located approximately 45 feet from the dwelling on the Property at its closet point.

Parcel 901 which adjoins the north side of the Property has a curving driveway situated toward the south side of the lot and this driveway extends to the rear of the dwelling where there is a paved parking area. The dwelling on this lot is located approximately 45 feet from the dwelling on the Property at its closet point.



C. Roads

St. Johns Lane has two travel lanes. According to data from the Department of Public Works, the traffic volume on St. Johns Lane south of Frederick Road was 8,800 ADT (average daily trips) as of January, 2009.

The posted speed limit in the vicinity of the Property is 20 miles per hour and most speed limit signs are posted in conjunction with traffic calming "speed hump" signs.

Sight distance from the driveway entrance is approximately 400 feet to the north where there is a slight vertical rise and approximately 600 feet to the south.

D. Water and Sewer Service

The Property is within the Metropolitan District and is within the Existing Service Area of the Howard County Water and Sewerage Master Plan according to the Howard County Geographic Information System maps. The Property is served by public water and sewer facilities.

E. General Plan

The Property is designated Established Community on the Designated Place Types Map of PlanHOWARD 2030.

St. Johns Lane is depicted as a Minor Collector on the Functional Road Classification Map of PlanHOWARD 2030.

F. Agency Comments

See attached comments on the proposal from the following agency:

1. Department of Inspections, Licenses and Permits

The following agencies had no objections to the proposal:

1. Department of Recreation and Parks
2. Department of Fire and Rescue Services
3. Bureau of Health

III. ZONING HISTORY

A. CE-15-119

Action: Complaint received July 31, 2015 for the maintenance of non-owner occupied apartments; three dwelling units in a single-family detached dwelling on R-20 zoned property.
Action/Status: Formal notice not issued to date.

B. CE-13-108

Action: Formal notice issued October 4, 2013 for the maintenance of three dwelling units in a single-family detached dwelling on R-20 zoned property.

Action: Preliminary Order, January 6, 2015 (copy attached to original TSR)

Status: Closed, December 1, 2014

IV. EVALUATION AND CONCLUSIONS

A. Evaluation of petition according to Section 131.0.B. of the Zoning Regulations (general criteria for Conditional Uses):

1. Policies 9.2.a. and 9.2.b. of PlanHOWARD 2030 (Chapter 9, Housing), address the implementation of actions for providing a range of affordable housing options and diverse rental opportunities.

The Conditional Use would continue the existing residential land use on the site, and would presumably offer affordable rental opportunities which would be in harmony with the land uses and policies in the Howard County General Plan related to the proposed use.

2. The residential nature of the use would continue to operate within the existing structure and there is no indication in the petition that the use would be any more intense than that of vicinal dwellings. Access to the site will continue to be via a Minor Collector road. The nature and intensity of the use are appropriate for 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 residential use of the Property is not anticipated to create impacts or adverse effects such as noise, dust, fumes, odors, intensity of lighting, vibrations, hazards or other physical conditions which would be greater at the proposed site than it would generally be elsewhere in the same zoning district or other similar zoning districts.

The proposed paved parking area would constitute a physical condition on the lot; however, given that the permanent parking area provision of Section 128.0.A.14.c¹ is applicable to any front yard area on a lot of one acre or less regardless of whether the dwelling is single-family or two-family, and any residential use may involve parking multiple vehicles on a lot, the paving would not create an impact that would be greater at the proposed site than it would generally be elsewhere in the same zoning district or other similar zoning districts. Several properties in the vicinity (such as the adjoining property to the south) have paved areas which exceed a standard driveway width or extend to the rear of the dwelling; therefore it appears the proposal to add the paved parking area is not inconsistent with vicinal properties. It is also noted that while paving would be added on the site, other paving would be removed so any increase or decrease in the net paving on the site is likely of minimal square footage.

¹ Regulations for Accessory Uses and Outdoor Accessory Storage on Residential Lots or Parcels less than one acre: No permanent parking area shall exceed 50% of the area of the front yard, and not more than four motor vehicles may be parked therein. In the front yard, registered and operable motor vehicles must be parked on asphalt, concrete, pervious pavers or another hard surfaced, dustless material.

The parking area is proposed to be screened by landscaping as discussed below in Section IV.A.4.

The Amended CUP did not specifically address whether the permanent parking area meets the criterion that it shall not exceed 50% of the area of the front yard; however, from a visual standpoint, it appears that the proposed permanent parking area does not comprise more than 50% of the front yard area.

4. There are no proposed changes to the location, nature or height of existing structures, walls or fences, except that a split rail fence along the north side of the driveway would be removed in order to install the proposed parking area and landscaping.

Three evergreen trees are proposed adjacent to the north property line approximately opposite the proposed parking area to screen the view of the parking area from the adjoining property to the north, and five shrubs and one evergreen tree are proposed adjacent to the south property line to screen the view of the parking area from the adjoining property to the south.

Seven shrubs are proposed along the western edge of the proposed parking area to screen the view of the parking area from the roadway.

While a Site Development Plan (SDP) may not be required for the proposed use, an evaluation of the Landscape Manual obligations which would be required with an SDP is provided here as a comparison to the proposed landscaping.

A Type E buffer would be required for parking adjacent to a roadway. This would equate to one shade tree per 40 linear feet (LF) and one shrub per four LF. Based on approximately 20 LF of parking adjacent to the roadway, one shade tree and five shrubs would be required along the western portion of the parking area.

A Type C buffer would be required for the parking area adjacent to the residential land use adjoining the north and south sides of the lot. This would equate to a requirement for one shade tree per 40 LF and one evergreen tree per 20 LF. Based on approximately 36 LF of parking adjacent to the adjoining residential uses, the requirement would be for one shade tree and two evergreen trees on each the north side and the south side of the parking area.

The proposed landscaping with DPZ's recommendations would adequately screen the view of the paved parking area from roads and adjoining properties and would approximately equate to that which would be required with an SDP. 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.

It is recommended that the same type of shrubs proposed along the western edge of the paving be installed along the northern edge of the parking area in order to provide supplemental screening of the parking area from the view to the north.

The Amended CUP does not include a plant list which would typically specify the minimum plant height requirement at installation. It is recommended that plants be of appropriate size at the time of installation to provide some immediate screening.

5. Section 133.0.D.2.a. requires two parking spaces per dwelling unit plus 0.5 spaces per dwelling unit for visitor parking in the R-20 District. This equates to five required parking spaces. Under the Amended CUP, the proposed parking area would provide four parking spaces in the front of the house and one space in the carport. The number of parking spaces will be appropriate to serve the particular use.

Portions of the driveway's existing paving would be removed so the driveway would be narrowed near the site entrance and the south side of the driveway would meet the required 20' use setback, so the driveway is appropriately located.

The proposed landscaping as discussed above in Section IV.B.4. would be of sufficient height and location to screen the proposed parking area from the view of adjoining properties to the north and south and from the public road.

Parking areas and driveways are appropriately located and buffered or screened from public roads and residential uses to minimize adverse impacts on adjacent properties.

The petition does not address refuse areas; however, it is recommended that refuse areas be screened or buffered by a fenced enclosure or landscaping.

6. There are no proposed changes to the existing access driveway point and there is no shared driveway access. The Amended CUP notes that the driveway is situated approximately 660' from Crestleigh Drive and approximately 825' from Montgomery Road (MD. 103). Sight distance from the driveway entrance is approximately 400 feet to the north where there is a slight vertical rise and approximately 600 feet to the south. Based on the American Association of State Transportation Officials (ASSHTO) standard for a road with a design speed limit of 20 miles per hour, a stopping sight distance of 115 feet is recommended. It appears that sight distance is adequate for the use.
7. There are no known environmentally sensitive areas in the vicinity.
8. There are no known historic sites in the vicinity.

B. Evaluation of petition according to Section 131.0.N.54 (Specific Criteria for a Conditional Use for a Two-family Dwelling):

No new structures or additions are proposed for the two-family dwelling.

1. The Property is a 21,344 square foot lot located in an R-20 District. It is improved with a residential dwelling on an individual lot, and is an existing recorded lot (Dunloggin Heights subdivision) at the time of the Conditional Use application. The petition complies with Section 131.0.N.54.a.
2. This section which concerns accessory apartments is not applicable.

V. RECOMMENDATION

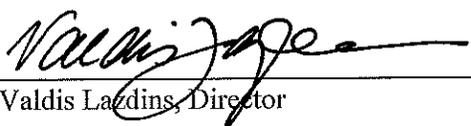
For the reasons stated above, the Department of Planning and Zoning recommends that the request for a Two-family Dwelling (Section 131.0.N.54.) be **GRANTED** subject to the following conditions:

1. The Conditional Use shall be conducted in conformance with and shall apply only to the Conditional Use for a Two-family Dwelling as described in the petition and as depicted on the Amended Conditional Use Plan submitted on July 9, 2015 and as may be revised by the Hearing Authority, and not to any other activities, uses, or structures on the Property.
2. Shrubs shall be installed along the northern edge of the proposed paved area.
3. Plants shall be of appropriate size at the time of installation to provide some immediate screening.
4. Refuse areas shall be screened or buffered by a fenced enclosure or landscaping.

Report drafted by:


Zan Koldewey, Planning Specialist II 9/4/15
Date

Approved by:


Valdis Laidins, Director 9-4-15
Date

NOTE: The file is available for public review at the Department of Planning and Zoning Public Information Counter.

MEMO TO: Department of Planning and Zoning

FROM: Department of Inspections, Licenses and Permits



Petition No.: **BA 14-031C** Date Due: **01/05/2015** Date Rec'd: **12/09/2014**

Tax Map No: **24** Parcel: **17** Lot: **9**

Applicant: **Lorman Lykes**

Location/Address: **4033 St. Johns Lane, Ellicott City**

Nature of Petition: **Zoning change to two-family dwelling**

Approved, subject to the following advisory comment:

The building code will require a one (1) hour fire separation be installed between the two dwelling units. A building permit is required to install the one (1) hour fire separation.

James Hobson

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