



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
3430 Court House Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350
Voice/Relay

Amy Gowan, Director

FAX 410-313-3467

February 24, 2022

TECHNICAL STAFF REPORT

Hearing Examiner Hearing of March 10, 2022

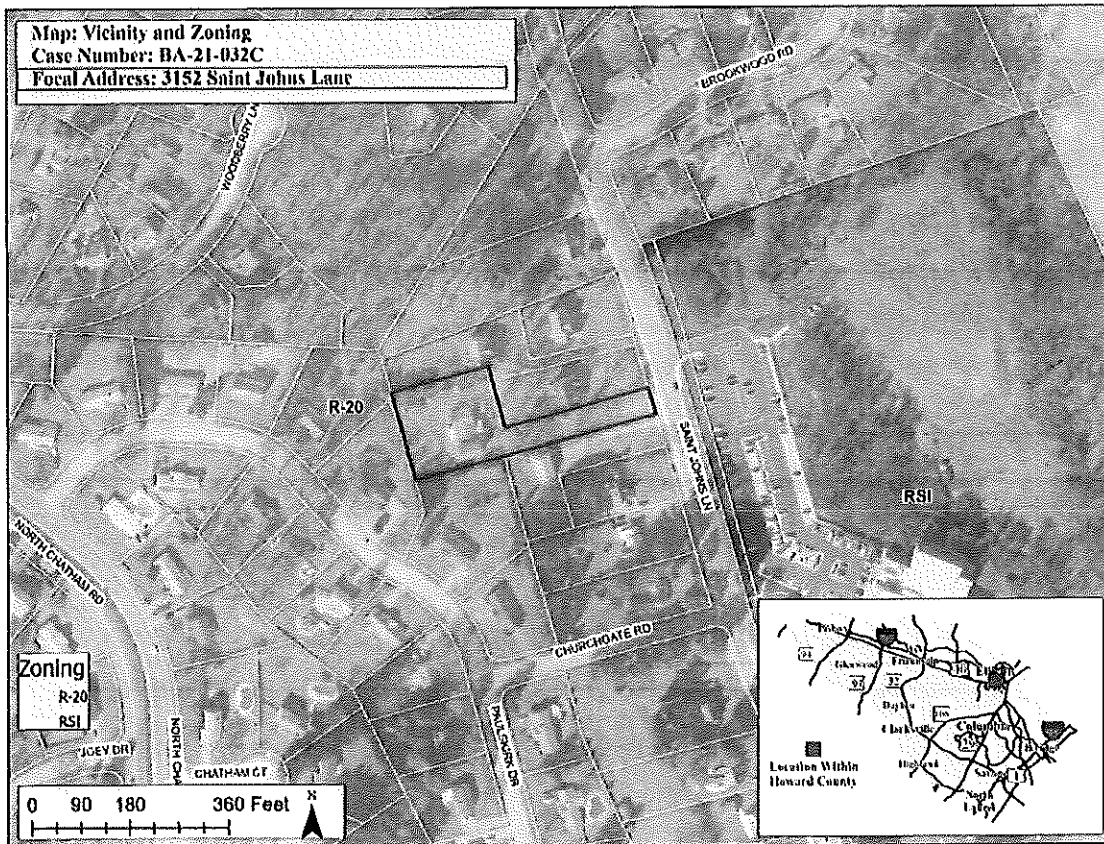
Case No./Petitioner: BA-21-032C – Young Joo Kim

Request: Conditional Use for a Barber Shop, Hair Salon and Similar Personal Service Facilities (Section 131.0.N.7)

Location: 3152 Saint Johns Lane
Tax Map 17, Grid 23, Parcel 145; (the "Property")

Property Size: 1-acre

Zoning: R-20 (Residential: Single)



Case No.: BA-21-032C
Petitioner: Young Joo Kim

I. **CONDITIONAL USE PROPOSAL**

The Petitioner proposes a 400 square foot acupuncture office within the existing residential dwelling. Clients will be treated by appointment only from 8:00 a.m. to 4:00 p.m. Monday-Friday, and 8:00 a.m. to 2:00 p.m. on Saturdays. The office will be closed on Sundays. The maximum number of staff and clients in the office at one time will be four (4).

II. **BACKGROUND INFORMATION**

A. Site Description

The site consists of a single family detached dwelling. The site descends from an elevation of 420 feet along the east property line to 410 feet in the northwestern corner of the Property.

B. Vicinal Properties

Direction	Zoning	Land Use
North	R-20	Single-Family Residential
South	R-20	Single-Family Residential
East	R-20 and RSI	Single-Family Residential/Saint Johns Lane/Religious Facility
West	R-20	Single-Family Residential

C. Roads

Saint Johns Lane has two lanes within a 25-foot pavement width. The speed limit is 30 miles per hour. Annual Average Daily Traffic data is not available for this portion of Saint Johns Lane.

D. Water and Sewer Service

The Property is within the Planned Service Area for water/sewer and is served by public water/sewer.

E. General Plan

The Property is designated Established Community on the Designated Place Types Map of PlanHoward 2030. Saint Johns Lane is a Minor Collector.

F. Agency Comments

Agency comments are attached.

III. **ZONING HISTORY**

There is no record of a Board of Appeals, Zoning Board, or any other Zoning cases for the Property.

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Petitioner: Young Joo Kim

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IV. EVALUATION AND CONCLUSIONS

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

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.*

The proposed use is in harmony with Policy 5.1, which encourages innovation and entrepreneurship:

Policy 5.1 – Identify, develop, implement and refine a comprehensive program to foster a diversified economy and encourage innovation and entrepreneurship.

While Howard County General Plan policies are not directly related to Conditional Use requests for Personal Service Facilities within dwellings where the operator resides, properly sited facilities are considered compatible with residential areas.

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 acupuncture office will operate in a 400 square foot living room within the Petitioner's home and will have a maximum of four (4) occupants including staff. There is sufficient area for four (4) parking spaces to accommodate staff and clients. Saint Johns Lane is a Minor Collector and appropriate for the type and number of vehicles associated with the proposed use.

The nature and intensity of the proposed use, the size of the Property in relation to the use, and the location of the site with respect to the streets that provide access, are such that the overall intensity and scale of the use are appropriate.

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 not be greater at the proposed site than it would generally be elsewhere in the same zoning district or other similar zoning district.*

A personal service, acupuncture office is a low intensity use and is unlikely to result in any adverse effects such as noise, dust, fumes, odors, glare, vibrations, increased lighting, hazards. Additionally, any impacts associated with this use on the subject site would not be greater than generally elsewhere in the R-20 zoning district.

- 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*

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Petitioner: Young Joo Kim

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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.

The acupuncture office will operate from the existing house and no new structures or site disturbance is proposed. The Petitioner is not proposing any landscaping. Therefore, 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 R-20 zoning district.

- 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.*

Pursuant to Section 133.0 of the Howard County Zoning Regulations, the off-street parking requirement for a personal service establishment is five (5) spaces per 1,000 square feet. The 400 square foot acupuncture office requires two (2) parking spaces and four (4) are provided. There are two (2) parking spaces within the garage reserved for the single family detached dwelling.

The existing driveway will provide access to the parking spaces, which are over 250 feet from Saint Johns Lane and will not be discernible from the road. Refuse disposal will occur through a standard residential container.

- 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.*

Precise sight distance measurements can only be determined by a detailed sight distance analysis, which is typically conducted during Site Development Plan review. The estimated site distance on Saint Johns Lane is over 300 feet in both directions. According to the American Association of State Highway and Transportation Official (AASHTO) guidelines, based on an estimated stopping sight distance of 200 feet for a car going 30 miles per hour, the proposed access point on Saint Johns Lane appears to provide safe access with adequate stopping sight distance.

The driveway is not shared with any other properties.

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

The closest environmentally sensitive area is a stream located over 300 feet west of the proposed personal service establishment, which exceeds the stream buffer requirement in the Subdivision and Land Development Regulations. The use will

Case No.: BA-21-032C
Petitioner: Young Joo Kim

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not create any land disturbance or impact to the stream or buffer. Therefore, 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.*

The closest historic site is over 4,000 feet to the northwest and is screened by existing vegetation and residences. Therefore, the proposed use will not have a greater potential for diminishing the character and significance of historic sites in the vicinity than elsewhere

- B. Evaluation of petition according to Section 131.0.N.7 (Specific Criteria for a Conditional Use for a Barber shop, Hair Salon and Similar Personal Service Facilities):

A Conditional Use may be granted in the RC, RR or R-20 District 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 Petitioner will operate the acupuncture office and will reside in the residence.

- 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.*

The Property is one (1) acre and there will be only one (1) part-time employee.

- 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.*

Vehicular access will be from Saint Johns Lane and will not be shared with other uses.

- 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.*

The Property is not subject to any ALPP purchased or dedicated easements; therefore, this criterion does not apply.

DocuSigned by:

Amy Gowan

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2/8/2022

Amy Gowan, Director

Date

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

Date: September 24, 2021

Hearing Examiner TBD
Planning Board _____ Board of Appeals _____ Zoning Board _____

Petition No. BA-21-032C Map No. _____ Block _____ Parcel _____ Lot _____

Petitioner: Young Joo Kim

Petitioner's Address: _____

Address of Property: SEE PETITION

Return Comments by 10/08/21 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.
 - _____ Tom Meunier, 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 – Kristin O'Connor
 - _____ Telecommunication Towers – (Comm. Dept.)
 - _____ Division of Transportation – Dave Cookson

COMMENTS: No comments. Property is connected to public water and sewer.

Jeff Williams
SIGNATURE

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

Date: September 24, 2021

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Planning Board _____ Board of Appeals _____ Zoning Board _____

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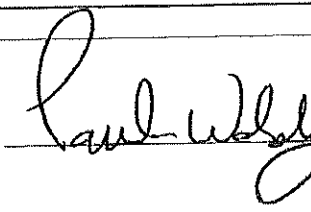
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 - _____ Police Dept., Animal Control, Deborah Baracco, (kennels)
 - _____ Susan Fitzpatrick, Health Dept. (Nursing & Res. Care)
 - Land Development - (Religious Facility & Age-Restricted Adult Housing)
 - _____ Housing and Community Development
 - Resource Conservation Division - Beth Burgess
 - Route 1 Cases - DCCP - Kristin O'Connor
 - _____ Telecommunication Towers - (Comm. Dept.)
 - _____ Division of Transportation - Dave Cookson

COMMENTS: WE HAVE NO COMMENTS.


SIGNATURE



Howard County Maryland
Department of Planning and Zoning
 3430 Courthouse Drive, Ellicott City, MD 21043

(410) 313-2350

DPZ Office Use only:
 Case No: BA-21-032C
 Date Filed 09/23/2021

ALTERNATIVE COMPLIANCE COMMENT FORM

Date: 09/15/2021

Comment Due Date: 09/19/2021

DPZ File No: BA-21-032C

Plan Name: Young Joo Kim

This request for comments has been distributed to the following Departments.

DPZ – Comprehensive & Community Planning	DPZ – Development Engineering Division
DPZ – Research Division	DPZ – Resource Conservation Division
Department of Fire and Rescue Services	Recreation and Parks
Department of Inspections, Licenses & Permits	Office of Transportation
DPW, Real Estate Services & Directors Office	Office of Community Sustainability
Health Department	Soil Conservation District
Public School System	State Highway Administration

COMMENTS:

The petitioner shall be advised that the proposed Live/work unit shall comply with section 419 of the 2018 IBC. A building permit is required. The Live/work unit shall comply with the Maryland Accessibility Code. This would include but not limited to Van accessible parking space, firm pavement-gravel is not acceptable, and accessible route to the building entrance. Parts of the interior may be required to be accessible.

James Hobson
 Print Name

09/24/2021
 Date



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
3430 Court House Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350


Voice/Relay

Amy Gowan, Director

FAX 410-313-3467

Subject: BA-21-032C – 3152 St. John's Lane
Personal Service Establishment (Acupuncture)

To: Geoff Goins, Chief
Division of Public Service and Zoning Administration

Through: Anthony Cataldo, Chief 
Division of Land Development

From: Julia Sauer, Division of Land Development

Date: September 24, 2021

The Division of Land Development has reviewed the Conditional Use application and determined that it is not in conflict with the Subdivision and Land Development Regulations.

If the Conditional Use is approved, the Division of Land Development would need to further evaluate the proposal to see if a Site Development Plan will be required in accordance with Section 16.155(a)(3) of the Subdivision and Land Development Regulations. At this time, the Petitioner has stated there are no outdoor activities and the request does not require exterior site improvements.

JS/js

T:\DLD- Division of Land Development\Zoning Cases (ZB, BA, AA) - DLD Review Comments

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

Date: September 24, 2021

Hearing Examiner TBD
Planning Board _____ Board of Appeals _____ Zoning Board _____

Petition No. BA-21-032C Map No. _____ Block _____ Parcel _____ Lot _____

Petitioner: Young Joo Kim

Petitioner's Address: _____

Address of Property: SEE PETITION

Return Comments by 10/08/21 to Public Service and Zoning Administration

Owner: (if other than applicant) _____

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Petition: SEE APPLICATION

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 - Land Development - (Religious Facility & Age-Restricted
Adult Housing)
 - _____ Housing and Community Development
 - Resource Conservation Division
 - Route 1 Cases – DCCP – Kristin O'Connor
 - _____ Telecommunication Towers – (Comm. Dept.)
 - _____ Division of Transportation – Dave Cookson

COMMENTS: We have no comments.

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SIGNATURE



Howard County

Department of Planning and Zoning

Subject: Board of Appeals Case No: BA-21-032c
Applicant: *Young Joo Kim*
Petition: A conditional use for a personal service establishment to provide an acupuncture treatment center.

To: Division of Public Service and Zoning Administration
Department of Planning and Zoning

From: Development Engineering Division
Department of Planning and Zoning

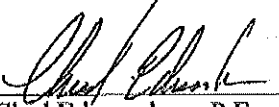
Date: September 27, 2021

The Development Engineering Division has reviewed the above referenced petition and has no objection.

Based on an examination of the petition, we offer the following comments:

1. The request appears to have no adverse engineering impact on the adjacent properties.
2. All improvements must comply with current Howard County design criteria including APFO requirements and stormwater management. Adequate parking should be shown that included ADA requirement and the driveway and parking shall be paved.

If you have any questions concerning this matter, please contact me at extension 2350.



Chad Edmondson, P.E.
Chief

CE/pmt

cc: Thomas Mcunier, Director, Department of Public Works
Philip M. Thompson, Engineer, Development Engineering Division
Amah Binde, Chief, Bureau of Engineering, Department of Public Works
Reading File

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