



PETITION TO AMEND THE ZONING REGULATIONS OF HOWARD COUNTY

DPZ Office Use Only: Case No. ZRA-123 Date Filed: \_\_\_\_\_

AUG 27 P 12:26

1. Zoning Regulation Amendment Request

I (we), the undersigned, hereby petition the County Council of Howard County to amend the Zoning Regulations of Howard County as follows: To amend Section 100.G.2.g by providing the Zoning Board with the authority to approve a variance in addition to a conditional use as currently allowed.

[You must provide a brief statement here. "See Attached Supplement" or similar statements are not acceptable. You may attach a separate document to respond to Section 1 in greater detail. If so, this document shall be titled "Response to Section 1"]

2. Petitioner's Name Forest Venture II, LLC (C/O Richard B. Talkin, Esquire)

Address 5100 Dorsey Hall Drive, Ellicott City, MD 21042-7840

Phone No. (W) 410-964-0300 (H)

Email Address rtalkin@talkin-oh.com

3. Counsel for Petitioner Richard B. Talkin, Talkin & Oh, LLP

Counsel's Address 5100 Dorsey Hall Drive, Ellicott City, Maryland 21042

Counsel's Phone No. (410) 964-0300

Email Address rtalkin@talkin-oh.com

4. Please provide a brief statement concerning the reason(s) the requested amendment(s) to the Zoning Regulations is (are) being proposed In a Site Plan Zoning case, the Zoning Board is currently allowed to approve a conditional use; however, approval of a variance is not authorized. Thus, an applicant must go to the Zoning Board to get a rezoning and conditional use, but must then go to the Board of Appeals for a variance. The omission of the authority of the zoning authority for Howard Count to approve a variance in a Site Plan Zoning case upon meeting the applicable criteria was clearly an oversight.

5. Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with current General Plan for Howard County The General Plan is silent on the proposed change since this is largely a matter of procedure; however, the Zoning Regulations which implements the General Plan provides in Section 100 that one of the legislative intents is to provide a guide for public action in the orderly and efficient provision of public facilities and services, and for private enterprise in undertaking development, investment and other economic activity relating to uses of land and structures throughout the County. The existing regulations are not efficient and need to be corrected.

[You may attach a separate document to respond to Section 5. If so, this document shall be titled "Response to Section 5"]

6. The Legislative Intent of the Zoning Regulations in Section 100.A. expresses that the Zoning Regulations have the purpose of "...preserving and promoting the health, safety and welfare of the community." Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with this purpose and the other issues in Section 100.A. The health, safety and welfare of the community  
will be benefitted by an orderly, comprehensive and better-managed process.

[You may attach a separate document to respond to Section 6. If so, this document shall be titled "Response to Section 6."]

7. Unless your response to Section 6 above already addresses this issue, please provide an explanation of the public benefits to be gained by the adoption of the proposed amendment(s) See 5. and 6. above.

[You may attach a separate document to respond to Section 7. If so, this document shall be titled "Response to Section 7."]

8. Does the amendment, or do the amendments, have the potential of affecting the development of more than one property, yes or no? yes

If yes, and the number of properties is less than or equal to 12, explain the impact on all properties affected by providing a detailed analysis of all the properties based upon the nature of the changes proposed in the amendment(s). If the number of properties is greater than 12, explain the impact in general terms.

The proposed amendment could potentially impact a greater number of site plan zoning applications than 12; however, this change should be viewed to be positive since the proposed rezoning, conditional use and variances can all be viewed in the proposed plan together in one process. It is illogical that a proposed variance is not addressed by the Zoning Board as part of the documented site plan.

[You may attach a separate document to respond to Section 8. If so, this document shall be titled "Response to Section 8."]

9. If there are any other factors you desire the Council to consider in its evaluation of this amendment request, please provide them at this time. Please understand that the Council may request a new or updated Technical Staff Report and/or a new Planning Board Recommendation if there is any new evidence submitted at the time of the public hearing that is not provided with this original petition. \_\_\_\_\_

[You may attach a separate document to respond to Section 9. If so, this document shall be titled "Response to Section 9."]



**FEE**

The Petitioner agrees to pay all fees as follows:

Filing fee.....	\$695.00.	If the request is granted, the Petitioner shall pay \$40.00 per 200 words of text or fraction thereof for each separate textually continuous amendment (\$40.00 minimum, \$85.00 maximum)
Each additional hearing night.....	\$510.00*	

**The County Council may refund or waive all or part of the filing fee where the petitioner demonstrates to the satisfaction of the County Council that the payment of the fee would work an extraordinary hardship on the petitioner. The County Council may refund part of the filing fee for withdrawn petitions. The County Council shall waive all fees for petitions filed in the performance of governmental duties by an official, board or agency of the Howard County Government.**

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**For DPZ office use only:**

Hearing Fee \$ \_\_\_\_\_

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

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

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

**PROPOSED TEXT CHANGE**  
**Petition of Forest Venture II, LLC**  
**to Amend the Zoning Regulations of Howard County, Maryland**

If adopted as proposed:

Section 110.G.2.g.

A site plan zoning petition approved by the Zoning Board may include a use allowed as a conditional use in the zoning district to which the property is rezoned AND/OR A VARIANCE TO THE BULK REGULATIONS. If this occurs, the conditional use AND/OR VARIANCE shall be permitted as a matter of right, in accordance with the site plan approved by the Zoning Board, and shall not require approval by the Hearing Authority.