

Howard County

Internal Memorandum

Subject: Nonconforming Use Application 05-005
Robert A. and Joanne L. Mead

To: Department of Recreations and Parks
Department of Inspections, Licenses and Permits
Bureau of Environmental Health
Department of Fire and Rescue Services
Development Engineering Division

From: George L. Beisser, Chief *GLB*
Division of Comprehensive Planning and Zoning Administration

Date: August 8, 2005

Attached is the application for the nonconforming use referenced above as permitted under Section 129 of the Howard County Zoning Regulations. This Section allows approval of a nonconforming use by the Director of the Department of Planning and Zoning.

A public hearing on the application is scheduled for **September 22, 2005**. Please submit any advisory comments or applicable requirements your agency has on the application **by August 29, 2005**.

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

GLB/hg
Attachment

8/29/05
No comments
[Signature]

For DPZ office use only:
Case No. NCU 05-005
Date Filed _____
Date Accepted for Scheduling _____
Hearing Date _____

05 JUL 21 AM 9:37

**NON-CONFORMING USE PETITION
TO THE HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING**

1. **Petitioner's Name:** Robert A. and Joanne L. Mead
Trading as (If Applicable): Mead Tree and Turf Care, Inc.
Address: 3316 Hipsley Mill Road, Woodbine, Maryland 21797
Phone No.:(W) 301-854-5990 (H) 410-795-8709
2. **Counsel for Petitioner:** Thomas M. Meachum, Reese and Carney, LLP
Counsel's Address: 10715 Charter Drive, Columbia, Maryland 21044
Counsel's Phone No.: 410-740-4600
3. **Property Identification:**
Address of Subject Property: 3316 Hipsley Mill Road, Woodbine, Maryland 21797

Total Acreage of Property: 11.7
Property Location: 1000 feet west of the intersection of Jennings Chapel Road and Hipsley Mill Road
Election District: 4 Zoning District: RC-DEO
Tax Map # 20 Block # _____ Parcel/Lot # 40
Subdivision Name (if applicable): _____
4. **Petitioner's Interest in Subject Property:**
 OWNER OTHER
If the Petitioner is not the owner of the subject property, documentation from the owner authorizing the petition must accompany this petition.
5. **Confirmation of Nonconforming Use:**
 - (a) Describe the magnitude and the extent of the nonconforming use: Landscape contractor and nursery, extent of use shown on enclosed plan.
 - (b) Identify the date that the subject use became nonconforming to the use provisions of the Zoning Regulations: December 6, 1983

- (c) Describe the documentation included with this petition demonstrating the continuous and uninterrupted use of the site from the specified date: See attached Supplement.
- (d) Describe the documentation included with this petition substantiating the existence of the subject use on the date that the use became nonconforming: Lots of documents that will be presented at the hearing substantiating the existence of a landscape contracting nursery use at and prior to December 6, 1983:
- a. Articles of Incorporation of Valley View Landscape Co., Inc. dated May 26, 1971 referencing landscape contracting business at subject property;
 - b. Various invoices referencing auto repair work for vehicles and equipment for Valley View Landscape Co., Inc. from 1978 to 1982, referencing address for Valley View as subject property;
 - c. Equipment repair invoices from 1978 to October 1983, referencing Valley View and subject property address;
 - d. Valley View Landscape Co., Inc. Contract dated September 10, 1977 for landscape contracting job;
 - e. Assessment records dating back before December 6, 1983; and
 - f. Business use summary for buildings and property.
- Other documents may also be presented at the hearing.
- (e) Does the nonconforming use involve a structure?
() No (X) Yes. If Yes, describe: See Plan, Business Use Summary form, and assessment records.
- (f) Any other factors which the Petitioner desires to have considered: Valley View Landscape Co. Inc. was operating a landscape contracting and nursery business from the early 1970s to the mid-1990s. Mead Tree and Turf took over the property, and has run a landscape contracting and nursery since then. Mobile home was moved onto the property in 2000, replacing an older home that had been there since the 1970s. Mead Tree and Turf has operated from the property since the mid-1990s, has upgraded the property since it took the property over, and would like to continue to do so.

Go to Page 3

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

Date: 8/9/06

Hearing Examiner 10/2/06
Planning Board _____ Board of Appeals _____ Zoning Board _____

Petition No. BA06-031C Map No. 20 Block 3 Parcel 40 Lot _____

Return Comments by 9/11/06 to Public Service and Zoning Administration

Location of Property: 1000' west of the intersection of Jennings Chapel Rd, & Hipsley Mill Rd

Applicant: Robert A. Mead and Joanne L. Mead, T/A Mead Tree and Turf Care, Inc.

Applicant's Address: 3316 Hipsley Mill Rd, Woodbine, Md 21797

Owner: (if other than applicant) _____

Owner's Address: _____

Petition: Conditional use for a landscape contractor business.

To:

- Department of Education
- 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
- MD Dept. of Human Resources, Janice Burris
(Child Day Care)
- Office on Aging, Betty Totaro (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)

COMMENTS:

ok 8/22/06



SIGNATURE

PLEASE READ CAREFULLY
DATA TO ACCOMPANY PETITION:

6. **Nonconforming Use Plan:**

No application for a nonconforming use shall be considered complete unless accompanied by a nonconforming use plan. The submitted plans shall be folded to approximately 8 ½ x 14 inches. The plan must be drawn to scale and must include the items listed below:

- (a) Courses and distance of outline boundary lines and the size of the property.
- (b) North arrow.
- (c) Zoning of subject property and adjoining property.
- (d) Scale of plan.
- (e) Existing and proposed uses, structures, natural features and landscaping.
- (f) Location and surface material of existing and proposed parking spaces, driveways, and points of access; number of existing and proposed parking spaces.
- (g) Floor area and height of structures, setback distances from property lines, and other numerical values necessary for the examination of the petition.
- (h) Boundary of area and structures considered to be nonconforming.
- (i) Any other information as may be necessary for full and proper consideration of the petition.

7. **Additional Material, Fees, Posting and Advertising:**

- A) If desired, supplemental pages may be attached to the petition. Eight copies of the petition, plans and supplemental pages must be submitted.
- B) The undersigned agrees to furnish such additional plats, plans, reports or other material as may be required by the Department of Planning and Zoning in connection with the filing of this Petition.

The undersigned also agrees to pay all costs in accordance with the current schedule of fees.

The undersigned also agrees to properly post the property at least fifteen (15) days immediately prior to the hearing and to maintain the property posters as required until 15 days immediately after the hearing and submit an affidavit of posting at or before the time of the hearing.

Go to Page 4

8. **Signatures:**

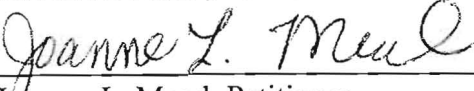
The undersigned hereby affirms that all of the statements and information contained in or filed with this petition are true and correct.

The undersigned has read the instructions on this form, filing herewith all of the required accompanying information.



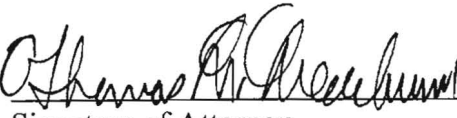
Robert A. Mead, Petitioner

07-16-05
Date



Joanne L. Mead, Petitioner

07-16-05
Date



Signature of Attorney

7/18/05
Date

Thomas M. Meachum, Esquire
Reese and Carney, LLP
10715 Charter Drive, Suite 200
Columbia, Maryland 21044
410-740-4600

For DPZ office use only: (Filing fees are \$250.00, plus \$15.00 per poster)

Hearing fee: \$ _____
Poster fee: \$ _____
Total: \$ _____
Receipt No. _____

(Make checks payable to "Director of Finance")

P:\TMM\WPDATA\Mead.NonC.Use.Pet.wpd

IN THE MATTER OF THE * BEFORE THE
PETITION OF * HOWARD COUNTY
ROBERT A. AND JOANNE L. MEAD * DEPARTMENT OF
FOR * PLANNING AND ZONING
NON-CONFORMING USE *

* * * * *

SUPPLEMENT TO PETITION

5. c. List of documents that will be presented at hearing showing continuous and uninterrupted use of the site from the specified date of December 6, 1983:
- a. Contract for Valley View Landscape Co., Inc. for landscape contracting job dated April 12, 1983;
 - b. Invoice from Hall Chevrolet to Valley View Landscaping for equipment work dated October 10, 1983;
 - c. Estimate for landscape contracting job dated December 7, 1985;
 - d. Job work order dated May 12, 1994;
 - e. Agreement to Sell Real Estate dated December 19, 1994;
 - f. Addendum to Sales Contract dated December 9, 1994 referencing the operation of the business on the site by Robert Mead;
 - g. Assessment records cards referencing business buildings on site dating back to 1980;
 - h. Articles of Incorporation of Mead Tree and Turf Care, Inc. referencing landscape contracting business, purpose of company, dated July 31, 1995;
 - i. Deed from Duplans to Robert Mead and Joanne Worthington (later Mead)

dated November 30, 1995;

- j. Certification of Robert Mead as Licensed Tree Expert beginning January 2, 1995 to February 2, 2004, showing business of Robert Mead, including references to the subject property;
- k. Business Use Summary for buildings and property.

Other documents may be provided at the hearing.



Thomas M. Meachum, Esquire
Reese & Carney, LLP
10715 Charter Drive, Suite 200
Columbia, Maryland 21044
410-740-4600
Attorney for the Petitioner

