

ARL



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

Marsha S. McLaughlin, Director

www.howardcountvmd.gov
FAX 410-313-3391
TDD 410-313-2323

SUBJECT: NONCONFORMING USE APPLICATION

NCU 12-006
Brian Schwenk

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
State Highway Administration

From: Toni Sieglein *Toni*
Division of Public Service and Zoning Administration

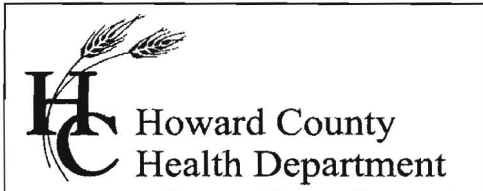
Date: January 24, 2013

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 **February 12, 2013**. Please submit any advisory comments or applicable requirements your agency has on the application by **February 7, 2013**.

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

Attachment



Bureau of Environmental Health
7178 Columbia Gateway Drive, Columbia MD 21046
(410) 313-2640 Fax (410) 313-2648
TDD (410) 313-2323 Toll Free 1-866-313-6300
website: www.hchealth.org

Maura J. Rossman, M.D., Acting Health Officer

MEMORANDUM

TO: Cindy Hamilton
Division of Zoning Administration and Public Service

FROM: Jeff Williams *JW*
Program Supervisor, Well & Septic Program
Bureau of Environmental Health

DATE: February 7, 2013

RE: Nonconforming Use Application 12-006

The Health Department has reviewed the above referenced application and has no objection to the nonconforming use with the following stipulation:

- Prior to Health Department approval of a building permit for the hobby room addition, a percolation certification plan must be approved by the Department establishing a 10,000 square foot septic disposal area and approved well sites. Percolation testing will be required in order to establish the septic area.



For DPZ Office use only:
BA CASE NO. NCU 12-006
Date Submitted: 12/20/12

**NON-CONFORMING USE PETITION
 TO THE HOWARD COUNTY HEARING AUTHORITY**

1. TYPE OF NONCONFORMING USE Full bathroom and residential use of a detached accessory garage

2. PETITIONER'S NAME Brian Schwenk
 TRADING AS (If Applicable) _____
 ADDRESS 3552 Church Road, Ellicott City, Maryland 21043
 PHONE NO. W) 202-841-3134 (H) _____
 E-MAIL ADDRESS brian_schwenk@yahoo.com

3. COUNSEL FOR PETITIONER Dylan Springmann, Talkin & Oh, LLP
 COUNSEL'S ADDRESS 5100 Dorsey Hall Drive, Ellicott City, Maryland 21042
 COUNSEL'S PHONE NO. 410-964-0300
 E-MAIL ADDRESS dspringmann@talkin-oh.com

4. PROPERTY IDENTIFICATION
 ADDRESS OF SUBJECT PROPERTY 3552 Church Road, Ellicott City, Maryland 21043

 TOTAL ACREAGE OF PROPERTY 2.762
 PROPERTY LOCATION _____
 ELECTION DISTRICT 02 ZONING DISTRICT RR
 TAX MAP # 25 BLOCK # 8 PARCEL/LOT # 283
 SUBDIVISION NAME (if applicable) _____

5. PETITIONER'S INTEREST IN SUBJECT PROPERTY
 OWNER (including joint ownership) OTHER (describe and give name and address of owner)

If the Petitioner is not the owner of the subject property, documentation from the owner authorizing the petition must accompany this petition.

DEC 20 2012

6. CONFIRMATION OF NONCONFORMING USE

- (a) Describe the magnitude and the extent of the nonconforming use:
See attached Statement of Justification

- (b) Identify the date that the subject use became nonconforming to the use provisions of the Zoning Regulations: January 4, 2005

- (c) Describe the documentation included with this petition demonstrating the continuous and uninterrupted use of the site from the specified date:
The attached affidavit from the current owner demonstrates the continuous and uninterrupted use of the garage structure for full bathroom and residential uses from the specified date. Also see the attached deed documenting the current owner's ownership of the property since before the specified date.

- (d) Describe the documentation included with this petition substantiating the existence of the subject use on the date that the use became nonconforming:
The attached affidavit from the current owner substantiates the existence of the full bathroom and residential use prior to January 4, 2005. The deed documenting ownership of the Property dating back before that date is also attached.

- (e) Does the nonconforming use involve a structure? () No (X) Yes If Yes, describe:
See attached Statement of Justification

- (f) Any other factors which the Petitioner desires to have considered?
See attached Statement of Justification

7. EXTENSION OR ENLARGEMENT OF THE NONCONFORMING USE (IF APPLICABLE)

(a) Will the use change in any way? No () Yes If Yes, describe:

See attached Statement of Justification

(b) Describe the percentage which the expansion will exceed either the existing floor area or gross acreage: See attached statement of justification

(c) Will the extension cause a violation of the bulk regulations for the district in which the property is located? No

(d) Describe the effect of the extension, if granted, upon vicinal properties:
See attached Statement of Justification

8. PRIOR PETITIONS

Has any petition for the same, or substantially the same, nonconforming use as contained herein for the same property as the subject of this petition been disapproved by the Board of Appeals within twenty four (24) months of the date of this petition? () YES No
If yes, and six (6) months have elapsed since the last hearing, an affidavit setting forth new and different grounds on which re-submittal is based must be attached.

PLEASE READ CAREFULLY
DATA TO ACCOMPANY PETITION

9. 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 distances 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) Same as (e) and (f) above, of any adjoining property as necessary for proper examination of the petition
- (h) Location of well and private sewerage easement area, if property is to be served by private water and sewer
- (i) Election District in which the subject property is located
- (j) Tax Map and parcel number on which the subject property is located
- (k) Name of local community in which the subject property is located or name of nearby community
- (l) Name, mailing address, telephone number (and e-mail address if any) of the Petitioner
- (m) Name, mailing address, telephone number (and e-mail address if any) of attorney, if any
- (n) Name and mailing address of property owner
- (o) Floor area and height of structures, setback distances from property lines, and other numerical values necessary for the examination of the petition
- (p) Location of subject property in relation, by approximate dimension, to the center line of nearest intersection of two public roads
- (q) Ownership of effected roads
- (r) A detailed description of all exterior building materials for all proposed structures
- (s) Any other information as may be necessary for full and proper consideration of the petition

10. **ADDITIONAL MATERIAL, FEES, POSTING, AND ADVERTISING**

A) If desired, supplemental pages may be attached to the petition. The following number of petitions, plans and supplemental pages must be submitted.

- *If the subject property adjoins a State road-* **original and 20 copies (application & plans)**
- *If the subject property adjoins a County road-* **original and 18 copies (application & plans)**

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 and/or the Board of Appeals in connection with the filing of this petition.


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

D) The undersigned also agrees to properly post the property at least thirty (30) days immediately prior to the hearing and to maintain the property posters as required and submit an affidavit of posting at, or before the time of the hearing. The undersigned also agrees to insert legal notices, to be published one (1) time in at least two (2) newspapers of general circulation in Howard County, as prepared and approved by the Department of Planning and Zoning, within at least thirty (30) days prior to the hearing, and to pay for such advertising costs; and further agrees to submit two (2) approved certificates of the text and publication date(s) of the advertisement at or before the time of the hearing.

11. 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.



Signature of Petitioner

12-19-12

Date



Signature of Attorney

12/19/12

Date

For DPZ office use only: (Filing fees are \$300.00 plus \$25.00 per poster)

Hearing fee: \$ _____

Poster fee: \$ _____

Total: \$ _____

Receipt No. _____

(Make check payable to "Director of Finance")

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

County Website: www.howardcountymd.gov

T:\shared\PubSer\Applications\NonConfUseBA

Revised 07/12

CASE # _____
PETITIONER Brian Schwenk
ADDRESS 3552 Church Road, Ellcott City, Maryland 21043

Affidavit made pursuant to the pertinent provisions of Title 22 of the Howard County Code as amended.

THE UNDERSIGNED DOES HEREBY DECLARE THAT NO OFFICER OR EMPLOYEE OF HOWARD COUNTY, WHETHER ELECTED OR APPOINTED, HAS RECEIVED PRIOR HERETO OR WILL RECEIVE SUBSEQUENT HERETO, ANY MONETARY OR MATERIAL CONSIDERATION, ANY SERVICE OR THING OF VALUE, DIRECTLY OR INDIRECTLY, UPON MORE FAVORABLE TERMS THAN THOSE GRANTED TO THE PUBLIC GENERALLY IN CONNECTION WITH THE SUBMISSION, PROCESSING, ISSUANCE, GRANT OR AWARD OF THE WITHIN APPLICATION OR PETITION IN ZB OR BA CASE # _____ FOR A ZONING CHANGE AS REQUESTED.

I, WE, DO SOLEMNLY DECLARE AND AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE CONTENTS OF THE AFOREGOING AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY, OUR, KNOWLEDGE, INFORMATION AND BELIEF.

Kelly L Wagner
Witness

[Signature] 12-19-12
Signature Date

Witness

Signature Date

Witness

Signature Date

Brian Schwenk

Re: 3552 Church Road, Ellicott City, Maryland 21043

AFFIDAVIT IN SUPPORT OF USE OF PROPERTY

I hereby certify on this 19th day of December, 2012 that I, Brian Schwenk, currently own and reside at 3552 Church Road, Ellicott City, Maryland (the "Property") and state as follows:

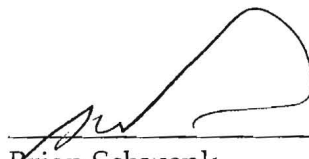
1. I am over the age of 18 and am competent to testify to the matters stated herein, and the matters stated herein are within my personal knowledge and are true and correct.

2. I have owned the Property from January 9, 2004 until the present.

3. Since January of 2004, my family and I have used the garage structure on the Property for a combination of parking and residential uses. The garage structure also contained a full bathroom, including a shower, at the time I took ownership of the Property, which full bathroom has remained to the present.

4. Since January of 2004 and for the duration of my ownership, my family and I have used the garage structure on the Property for a combination of parking and residential uses in a continuous and uninterrupted manner.

I solemnly affirm under the penalties of perjury that the contents of this affidavit are true and correct, to the best of my knowledge, information and belief.



Brian Schwenk

①

Lawyers Trust Title Company
File No. 03-2261 JCA
Tax ID # 02 02-199408

LIBER 08052 FOLIO 533

HC 190

This Deed, made this 9th day of January, 2004, by and between David J. Gallitano and Anita W. Gallitano, parties of the first part, Grantors; and Brian W. Schwenk, party of the second part, Grantee.

- Witnesseth -

That for and in consideration of the sum of Eight Hundred Seventy Five Thousand And 00/100 Dollars (\$875,000.00), which includes the amount of any outstanding Mortgage or Deed of Trust, if any, the receipt whereof is hereby acknowledged, the said Grantors do grant and convey to the said Brian W. Schwenk, as sole owner, in fee simple, all that lot of ground situate in the County of Howard, State of Maryland and described as follows, that is to say:

20
20
4375
8750
218750
N

Beginning for the same at a railroad spike now set in the Southeast edge of paving of Lloyd G. Taylor's Driveway and on the Southwestern margin of the thirty foot wide right of way of the county Road known as Church Road, the said Point also being at 127.00 feet on the first or South 50 ¾ degrees East 19 perches line of the land, the land herein description being a part thereof, which by Deed dated June 19, 1930 and recorded among the Land Records of Howard County in Liber No. 139, folio 49, was granted and conveyed by J.A. Dushane Penniman and W. Herbert Mellor, Trustees, to William L. Hood, and running with the said Church Road margin and with a part of the said first line to the end thereof, as now surveyed, (1) South 48 degrees 29 minutes East 186.12 feet to an iron pipe now set, thence leaving the said road and running with the second and part of the third line of said land (2) South 52 degrees 03 minutes West 749.10 feet to an iron pipe now set, (3) North 26 degrees 17 minutes West 188.80 feet to a granite stone heretofore set at the end of the second line of that land which by Deed dated 2/5/21, and recorded among the said Land Records in Liber No. 112, folio 31, was granted and conveyed by George E. Schillinger, widower to Edward R. Dennis, thence running reversely with the second and first lines of said conveyance to Dennis (4) North 57 degrees 14 minutes East 320.82 feet to a concrete monument heretofore set, (5) North 47 degrees 24 minutes East 360.24 feet to the point of beginning. Containing 2.762 Acres of land more or less. The improvements thereon being known as 3552 Church Road.

BEING the same property, which by Deed dated November 27, 2001, and recorded among the Land Records of Howard County, Maryland, in Liber No. 5871, folio 129, was granted and conveyed by David J. Gallitano and Anita Wager unto David J. Gallitano and Anita W. Gallitano, as tenants by the entireties in fee simple.

Together with the buildings and improvements thereon erected, made or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

To Have and To Hold the said tract of ground and premises above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said Brian W. Schwenk, as sole owner, in fee simple.

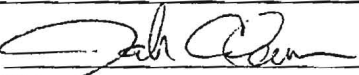
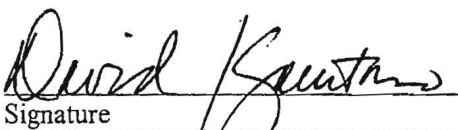
2/2/04

TRANSFEROR AFFIDAVIT AND CERTIFICATION OF RESIDENCE OR PRINCIPAL RESIDENCE

Based on the certification below, Transferor claims exemption from the tax withholding requirements of Section 10-912 of Maryland's Tax General Article. Section 10-912 states that certain tax payments must be withheld when a deed or other instrument that affects a change in the ownership of real property is recorded. The requirements of 10-912 do not apply when a transferor provides a certification of Maryland residence or certification that the transferred property is the transferor's principal residence.

1. TRANSFEROR INFORMATION	
Name of Transferor	David J. Gallitano
2. REASON FOR EXEMPTION	
RESIDENT STATUS	<input checked="" type="checkbox"/> I, transferor, am a resident of the State of Maryland. <input type="checkbox"/> Transferor is a resident entity under Section 10-912(A)(4) of Maryland's Tax General Article, I am an agent of Transferor, and I have authority to sign this document of Transferor's behalf.
PRINCIPAL RESIDENCE	<input type="checkbox"/> Although I am no longer a resident of the State of Maryland, the Property is my principal residence as defined in IRC Section 121.

Under penalty of perjury, I certify that I have examined this declaration and that, to the best of my knowledge, it is true, correct, and complete.

3. INDIVIDUAL TRANSFERORS	
 _____ Witness	David J. Gallitano Printed Name  _____ Signature

4. ENTITY TRANSFERORS	
_____ Witness/Attest	_____ Name of Entity By: _____ _____ Printed Name _____ Title

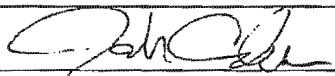
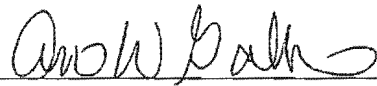
TRANSFEROR AFFIDAVIT AND CERTIFICATION OF RESIDENCE OR PRINCIPAL RESIDENCE

Based on the certification below, Transferor claims exemption from the tax withholding requirements of Section 10-912 of Maryland's Tax General Article. Section 10-912 states that certain tax payments must be withheld when a deed or other instrument that affects a change in the ownership of real property is recorded. The requirements of 10-912 do not apply when a transferor provides a certification of Maryland residence or certification that the transferred property is the transferor's principal residence.

1. TRANSFEROR INFORMATION	
Name of Transferor	Anita W. Gallitano

2. REASON FOR EXEMPTION	
RESIDENT STATUS	<input checked="" type="checkbox"/> I, transferor, am a resident of the State of Maryland. <input type="checkbox"/> Transferor is a resident entity under Section 10-912(A)(4) of Maryland's Tax General Article, I am an agent of Transferor, and I have authority to sign this document of Transferor's behalf.
PRINCIPAL RESIDENCE	<input type="checkbox"/> Although I am no longer a resident of the State of Maryland, the Property is my principal residence as defined in IRC Section 121.

Under penalty of perjury, I certify that I have examined this declaration and that, to the best of my knowledge, it is true, correct, and complete.

3. INDIVIDUAL TRANSFERORS	
 _____ Witness	Anita W. Gallitano Printed Name  _____ Signature

4. ENTITY TRANSFERORS	
_____ Witness/Attest	_____ Name of Entity By: _____ _____ Printed Name _____ Title

TRANSFEROR AFFIDAVIT AND CERTIFICATION AS TO "TOTAL PAYMENT"

Each of the undersigned hereby affirms under the penalties of perjury that the foregoing is true and correct to the best of their information, knowledge and belief.

1. This affidavit is made in accordance with Section 10-912(b)(2) of the Tax-General Article of the Annotated Code of Maryland.
2. The undersigned is/are the transferors(s) of the real property described in an accompanying deed and related closing documents.
3. The undersigned have examined the settlement statement prepared in connection with the transfer of the property, including both the gross amounts due and the listing of expenses and adjustments which result in a reduction in the net proceeds due.
4. The undersigned understands that, for purposes of the tax withholding law, the calculation of a "total payment" is determined as follows:
 - a. Total payment includes the fair market value of any property transferred as part of the sale;
 - b. Only expenses arising out of this sale or exchange of the property have been deducted from the gross proceeds to arrive at the total payment figure.
 - c. Debts incurred in contemplation of sale (i.e. debts secured by the property that were incurred within 120 days of the sale, including loan funds received from financing or refinancing, as well as advances received on new or existing lines of credit) were not deducted from the gross proceeds in calculating the total payment;
5. The undersigned declares that the amount of "total payment" for the purpose of the above cited statute is \$ 602,270.85.

David J. Gallitano
 David J. Gallitano
Anita W. Gallitano
 Anita W. Gallitano

December 26, 2003
 Date
December 26, 2003
 Date

STATE OF: MARYLAND
 COUNTY OF: HOWARD

Subscribed to and sworn before me this 26th day of DECEMBER, 2003.
[Signature]
 Notary Public

My commission expires: JOHN CARDAMONE
 NOTARY PUBLIC STATE OF MARYLAND
 My Commission Expires July 13, 2005

STATE OF: MARYLAND
 COUNTY OF: HOWARD

Subscribed to and sworn before me this 26th day of DECEMBER, 2003.
[Signature]
 Notary Public

My commission expires: JOHN CARDAMONE
 NOTARY PUBLIC STATE OF MARYLAND
 My Commission Expires July 13, 2005



LIBER 08052 FOLIO 537

**AFFIDAVIT OF GRANTEE AS
FIRST-TIME MARYLAND HOME BUYER**

The undersigned states under oath and penalties of perjury that the following is true to the best of the knowledge, information, and belief of each individual:

1. The undersigned is the Grantee of residentially improved real property located at 3552 Church Road, Ellicott City, MD 21043, and being more particularly described as Tax ID Number 02-199408, Howard County, Maryland.
2. The undersigned is a first-time Maryland home buyer (defined as an individual who has never owned in the state residential real property that has been the individual's principal place of residence) who will occupy the property as Grantee's principal residence.



Brian W. Schwenk

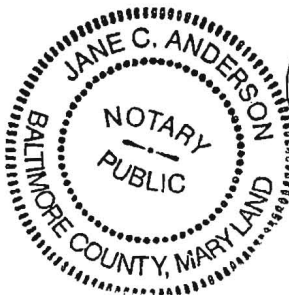
Grantee

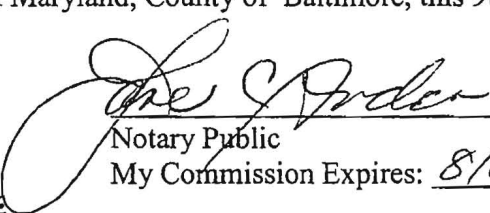
The undersigned states under oath and penalties of perjury that the following is true to the best of the knowledge, information, and belief of each individual:

1. The undersigned is the Grantee of residentially improved real property located at 3552 Church Road, Ellicott City, MD 21043, and being more particularly described as Tax ID Number 02-199408, Howard County, Maryland.
2. The undersigned is a co-maker or guarantor of the purchase money mortgage or purchase money deed of trust as defined in §12-108(i) of the Tax Property Article on the property who will not occupy the property as Grantee's principal residence.

Guarantor/co-maker

The above oath or affirmation was given under the penalties of perjury before me, a Notary Public in and for the State of Maryland, County of Baltimore, this 9th day of January, 2004.





Notary Public

My Commission Expires: 8/10/05

And the said parties of the first part hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant specially the property hereby granted; and that they will execute such further assurances of the same as may be requisite.

As Witness the hands and seals of said Grantors, the day and year first above written.

WITNESS:

[Signature]

David J. Gallitano {Seal}
David J. Gallitano

[Signature]

Anita W. Gallitano {Seal}
Anita W. Gallitano

STATE OF MARYLAND, COUNTY/CITY OF HOWARD, to wit:

I hereby certify that on this 26th day of DECEMBER, 2003, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared David J. Gallitano and Anita W. Gallitano, the Grantors herein, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledged the same for the purposes therein contained, and further acknowledged the foregoing Deed to be their act, and in my presence signed and sealed the same, giving oath under penalties of perjury that the consideration recited herein is correct.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.



[Signature]
Notary Public
My commission expires: JOHN CARDAMONE

NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires July 13, 2006

THIS IS TO CERTIFY that the within Deed was prepared by, or under the supervision of the undersigned, an Attorney duly admitted to practice before the Court of Appeals of Maryland.

[Signature]
Attorney

Joe E. Hill, Jr., Esquire

AFTER RECORDING, PLEASE RETURN TO:
Lawyers Trust Title Company
901 Dulaney Valley Rd
Suite 708
Towson, MD 21286

IMP FD SURE \$	20.00
RECORDING FEE	20.00
RECORDATION T	4,375.00
TR TAX COUNTY	8,750.00
TR TAX STATE	2,187.50
TOTAL	15,352.50
Res# HD02	Rcpt # 58819
MDR BF	Blk # 1055
Feb 04, 2004	10:46 am

State of Maryland Land Instrument Intake Sheet

| | Baltimore City | | County: Howard
 Information provided is for the use of the Clerk's Office and State Department of Assessments and Taxation, and the County Finance Office only.
 (Type or Print in Black Ink Only All Copies Must Be Legible)
 () Check Box if Addendum Intake Form is Attached.)

1	Type(s) of Instruments	1	Deed	<input type="checkbox"/>	Mortgage	<input type="checkbox"/>	Other	<input type="checkbox"/>	Other	<input type="checkbox"/>	
		2	Deed of Trust	<input type="checkbox"/>	Lease	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
2	Conveyance Check Box	<input checked="" type="checkbox"/>	Improved Sale	<input type="checkbox"/>	Unimproved Sale	<input type="checkbox"/>	Multiple	<input type="checkbox"/>	Not an Arms-Length Sale [9]	<input type="checkbox"/>	
			Arms-Length [1]		Arms-Length [2]		Arms Length [3]				
3	Tax Exemptions (if Applicable)	Recordation									
		State Transfer									
4		Consideration			Amount		Finance Office Use Only				
4		Purchase Price/Consideration		\$	875,000.00		Transfer and Recordation Tax Consideration				
		Any New Mortgage		\$	700,000.00		Transfer Tax Consideration		\$		
		Balance of Existing Mortgage		\$			x () %		= \$		
		Other:		\$			Less Exemption Amount		= \$		
		Other:		\$			Total Transfer Tax		= \$		
		Full Cash Value		\$	875,000.00		Recordation Tax Consideration		\$		
						x () per \$500		= \$			
						TOTAL DUE		\$			
5	Fees	Amount of Fees		Doc. 1		Doc. 2		Agent:			
		Recording Charge	\$	40.00		\$	40.00		Tax Bill:		
		Surcharge	\$	0.00		\$	0.00				
		State Recordation Tax	\$	4,375.00		\$	0.00		C.B. Credit:		
		State Transfer Tax	\$	2,187.50		\$	0.00				
		County Transfer Tax	\$	8,750.00		\$	0.00		Ag. Tax/Other:		
		Other	\$			\$					
		Other	\$			\$					
6	Description of Property	District	Property Tax ID No.(1)	Grantor Liber/Folio	Map	Parcel No.	Var. LOG				
		02	02-199408	/					1 (5)		
		Subdivision Name		Lot (3a)	Block(3b)	Sect/AR(3c)	Plat Ref.	SqFt/Acreage(4)			
		Location/Address of Property Being Conveyed (2)									
		3552 Church Road, Ellicott City, MD 21043									
		Other Property Identifiers (if applicable)					Water Meter Account No.				
		Residential <input checked="" type="checkbox"/> or Non-Residential Fee Simple <input checked="" type="checkbox"/> or Ground Rent Amount: \$N/A									
		Partial Conveyance? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			Description/Amt. of SqFt/Acreage Transferred:			N/A			
		If Partial Conveyance, List Improvements Conveyed: N/A									
		7	Transferred From	Doc. 1 - Grantor(s) Name(s)				Doc. 2 - Grantor(s) Name(s)			
David J. Gallitano				Brian W. Schwenk							
Anita W. Gallitano											
Doc. 1 - Owner(s) of Record, if Different from Grantor(s)				Doc. 2 - Owner(s) of Record, if Different from Grantor(s)							
8	Transferred To	Doc. 1 - Grantee(s) Name(s)				Doc. 2 - Grantee(s) Name(s)					
		Brian W. Schwenk				Maureen Chrissinger - Trustee					
		New Owner's (Grantee) Mailing Address									
		3552 Church Road, Ellicott City, MD 21043									
9	Other Names to Be Indexed	Doc. 1 - Additional Names to be Indexed (Optional)				Doc. 2 - Additional Names to be Indexed (Optional)					
						Wells Fargo Bank, N.A.					
10	Contact/Mail Information	Instrument Submitted By or Contact Person								<input checked="" type="checkbox"/> Return to Contact Person	
		Name: wwanzner								<input type="checkbox"/> Hold for Pickup	
		Firm: Lawyers Trust Title Company								<input type="checkbox"/> Return Address Provided	
		Address: 901 Dulaney Valley Rd Suite 708 Towson, MD 21286									
		Phone: 410-339-7580									
11 IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER											
Assessment Information		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Will the property being conveyed be the grantee's principal residence?								
		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Does transfer include personal property? If yes, identify:								
		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Was property surveyed? If yes, attach copy of survey (if recorded, no copy required)								
Assessment Use Only - Do Not Write Below This Line											
[] Terminal Verification [] Agricultural Verification [] Whole [] Part [] Tran. Process Verification											
Transfer Number:		Date Received:		Deed Reference:		Assigned Property No.:					
Year		Geo.		Map		Sub		Block			
Land		Zoning		Grid		Plat		Lot			
Buildings		Use		Parcel		Section		Occ. Cd.			
Total		Town Cd.		Ex. St.		Ex. Cd.					
REMARKS:											

IN RE:	*	BEFORE THE
BRIAN SCHWENK	*	HOWARD COUNTY
REQUEST FOR CONFIRMATION AND EXPANSION OF NONCONFORMING USE	*	HEARING EXAMINER
	*	Case No: _____

***** ** ***** ** *****

Statement of Justification

6(a): Describe the magnitude and the extent of the nonconforming use:

This petition seeks to confirm as a nonconforming use the full bathroom and residential use of a portion of an existing 1,980 square foot, two-story building (the "Building"). The lower level, at approximately 1,500 square feet, is used for a combination of parking and residential uses and also contains a full bathroom. The second level, at approximately 480 square feet, is used for a variety of residential purposes. The full bathroom and residential uses of the Building described in this Statement of Justification have been in existence since at least January of 2004 through the present in a continuous and uninterrupted manner.

As shown on the Nonconforming Use Plan (the "Plan"), 660 square feet of the Building is currently used as a three car garage. The area proposed to be remodeled for recreation and home office uses is currently used as a home workshop area, fully equipped with cabinets and a work top. The remainder of the first floor contains a closet and full bathroom, including a shower. The Hobby Room shown on the Plan is a proposed addition and will be discussed in more detail below.

The second floor of the Building, containing 480 square feet, is fully heated and air conditioned. This area has been put to residential uses by the current owner including, but not limited to, serving as a bedroom for the owner's family and as a sleeping area for friends and relatives. Other residential uses of the second level include, but are not limited to, home gym uses, watching television, listening to music, reading, serving as a children's playroom, and storing clothing and household items. The second level contains a refrigerator for food storage and is also equipped with a computer and telephone.

Because the Building is considered to be a Detached Accessory Garage, the full bathroom and residential uses within are nonconforming pursuant to Section 128.A.12.b.(3)(c) of the Howard County Zoning Regulations (the "Zoning Regulations").

6(e): Does the nonconforming use involve a structure? If Yes, describe:

Yes. See the response to question 6(a) as well as the Plan submitted with this petition.

6(f): Any other factors which the Petitioner desires to have considered?

As documented by the attached affidavit, the Building has been used for full bathroom and residential uses for a continuous and uninterrupted period predating the amendment to the Zoning Regulations. For this reason, the Hearing Authority should confirm this nonconforming use.

7(a): Will the use change in any way? If Yes, describe:

The use of the Building will not change in any way; it will still be used for a combination of parking, full bathroom, and residential uses.

The Petitioner seeks approval of an enlargement of the Building to 2,190 square feet as shown on the Plan. The second floor would remain unchanged. The Hobby Room shown on the Plan is a proposed 210 square foot addition, which Hobby Room is also proposed to be used residentially.

The Plan also shows a proposed ground level deck to the east of the hobby room. The proposed deck will be elevated no more than 18 inches above average grade and will have no railings, walls, or roofing. Pursuant to Section 103.A.193.c of the Zoning Regulations, such a ground level deck is not considered a structure for bulk regulation purposes such as those contained in Zoning Regulations Section 128.A.12.

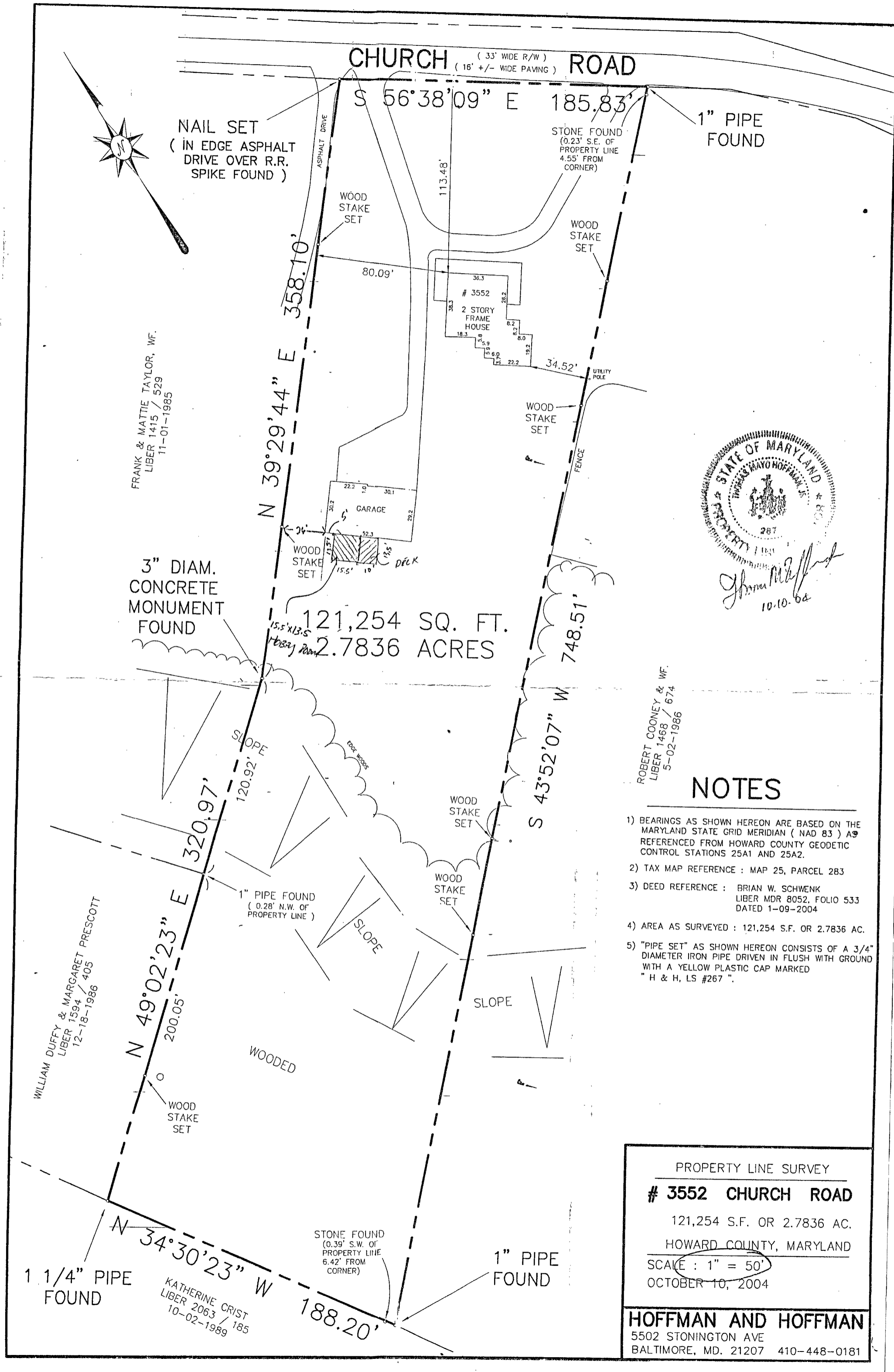
7(b): Describe the percentage which the expansion will exceed either the existing floor area or gross acreage:

Currently, 1,320 square feet of the Building is used for full bathroom and residential purposes. The proposed Hobby Room addition of 210 square feet would increase the floor area of these uses by approximately 15.9%.

7(d): Describe the effect of the extension, if granted, upon vicinal properties:

The proposed enlargement would not cause an adverse effect on vicinal properties. The enlargement is proposed for the rear of the Building and will not encroach into any of the applicable setbacks. The residential use would not generate excessive noise, odors, or other adverse effects that would negatively impact vicinal properties.

CHURCH ROAD (33' WIDE R/W)
(16' +/- WIDE PAVING)



FRANK & MATTIE TAYLOR, WF.
LIBER 1415 / 529
11-01-1985

WILLIAM DUFFY & MARGARET PRESCOTT
LIBER 1594 / 405
12-18-1986

KATHERINE CRIST
LIBER 2063 / 185
10-02-1989

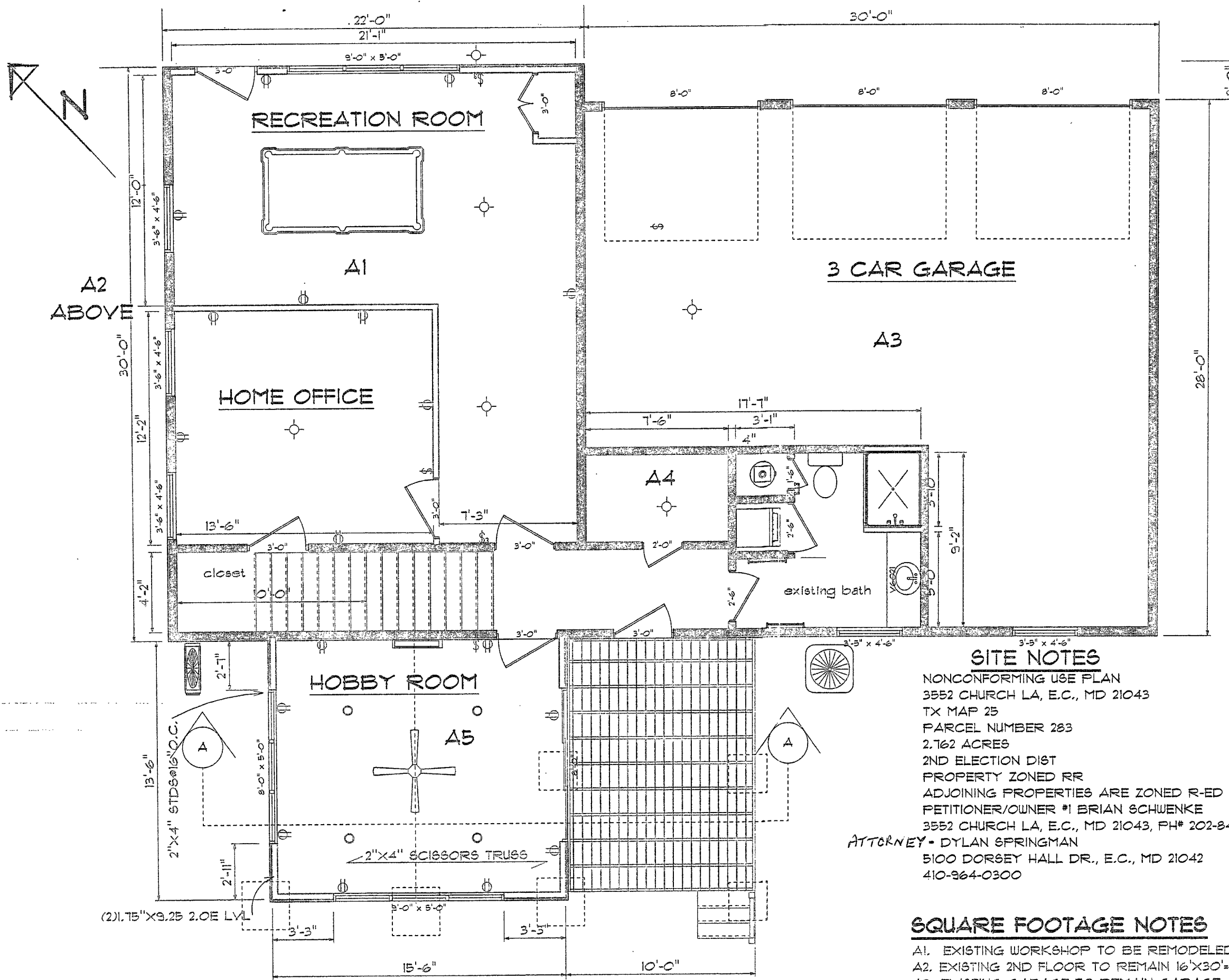


ROBERT COONEY & WF.
LIBER 1468 / 674
5-02-1986

NOTES

- 1) BEARINGS AS SHOWN HEREON ARE BASED ON THE MARYLAND STATE GRID MERIDIAN (NAD 83) AS REFERENCED FROM HOWARD COUNTY GEODETIC CONTROL STATIONS 25A1 AND 25A2.
- 2) TAX MAP REFERENCE : MAP 25, PARCEL 283
- 3) DEED REFERENCE : BRIAN W. SCHWENK LIBER MDR 8052, FOLIO 533 DATED 1-09-2004
- 4) AREA AS SURVEYED : 121,254 S.F. OR 2.7836 AC.
- 5) "PIPE SET" AS SHOWN HEREON CONSISTS OF A 3/4" DIAMETER IRON PIPE DRIVEN IN FLUSH WITH GROUND WITH A YELLOW PLASTIC CAP MARKED " H & H, LS #267 ".

PROPERTY LINE SURVEY
3552 CHURCH ROAD
 121,254 S.F. OR 2.7836 AC.
 HOWARD COUNTY, MARYLAND
 SCALE : 1" = 50'
 OCTOBER 10, 2004
HOFFMAN AND HOFFMAN
 5502 STONINGTON AVE
 BALTIMORE, MD. 21207 410-448-0181



SITE NOTES
 NONCONFORMING USE PLAN
 3552 CHURCH LA, E.C., MD 21043
 TX MAP 25
 PARCEL NUMBER 283
 2.762 ACRES
 2ND ELECTION DIST
 PROPERTY ZONED RR
 ADJOINING PROPERTIES ARE ZONED R-ED & RR
 PETITIONER/OWNER #1 BRIAN SCHWENKE
 3552 CHURCH LA, E.C., MD 21043, PH# 202-841-3134
 ATTORNEY - DYLAN SPRINGMAN
 5100 DORSEY HALL DR., E.C., MD 21042
 410-964-0300

SQUARE FOOTAGE NOTES
 A1. EXISTING WORKSHOP TO BE REMODELED 22'X30' = 660 SFT
 A2. EXISTING 2ND FLOOR TO REMAIN 16'X30' = 480 SFT
 A3. EXISTING GARAGE TO REMAIN GARAGE 660 SFT
 A4. EXISTING BATH, CLOSETS TO REMAIN 18'X10' = 180 SFT
 TOTAL EXISTING SQUARE FEET 1380 SFT.
 A5. PROP HOBBY ROOM 13'6"X15'6" = 210 SFT
 TOTAL SQUARE FEET OLD & NEW = 2190 SFT

project - SCHWENK	Coastal Builders Inc. drawn by R. Campbell 1005 Frederick Rd. Catonsville, MD 21228 rcampbell@coastalbuilders.com 410-461-3303 fx 410-388-3106	scale - 3/16"=1' page # _____
drawing - PROP. GRND FLR		
set date - 12-19-12		
printed on December 19, 2012		

PROPERTY OF COASTAL BUILDERS NO COPYING W/O PERMISSION