

## Bureau of Environmental Health

8930 Stanford Boulevard, Columbia, MD 21045

Main: 410-313-2640 | Fax: 410-313-2648

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[www.hchealth.org](http://www.hchealth.org)

Facebook: [www.facebook.com/hocohealth](http://www.facebook.com/hocohealth)

Twitter: HowardCoHealthDep

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

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### MEMORANDUM

TO: Geoff Goins  
Division of Zoning Administration and Public Service

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

RE: **BA-16-028 C&V**

DATE: February 24, 2017

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The Health Department has reviewed the above referenced petition and has the following comments:

- The Health Department will evaluate the building use and location during the building permit application process to ensure that the locations are outside of well and sewage disposal setbacks and that the existing onsite well and sewage disposal systems are adequate for the proposed use.
- Health Department strongly recommends that any storage and loading/unloading of road salt takes place inside a covered, protected structure with an impervious floor and that any spilled material is promptly removed to avoid potential groundwater and well contamination.

ZK

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

Date: January 9, 2017

Hearing Examiner 03/13/17

Planning Board \_\_\_\_\_ Board of Appeals \_\_\_\_\_ Zoning Board \_\_\_\_\_

Petition No. BA-16-028 C&V Map No. \_\_\_\_\_ Block \_\_\_\_\_ Parcel \_\_\_\_\_ Lot \_\_\_\_\_

Petitioner: \_\_\_\_\_ Marty Howard \_\_\_\_\_

Petitioner's Address: \_\_\_\_\_

Address of Property: \_\_\_\_\_

Return Comments by February 20, 2017 to Public Service and Zoning Administration

Owner: (if other than applicant) \_\_\_\_\_

Owner's Address: \_\_\_\_\_

Petition: \_\_\_\_\_ SEE APPLICATION \_\_\_\_\_

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- To:
- \_\_\_\_\_ MD Department of Education – Office of Child Care
  - \_\_\_\_\_ 3300 N. Ridge Road, Ste. 19G, 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.
  - \_\_\_\_\_ James Irvin, 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 – Kristen O'Connor
  - \_\_\_\_\_ Telecommunication Towers – (Comm. Dept.)
  - \_\_\_\_\_ Division of Transportation – Dave Cookson

COMMENTS: see comments  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

  
\_\_\_\_\_  
SIGNATURE



**For DPZ Office use only:**  
 BA CASE NO. BA-16-028C+V  
 Date Submitted 11/14/16

**CONDITIONAL USE PETITION  
 TO THE HOWARD COUNTY HEARING AUTHORITY**  
 (This application will only be accepted after a pre-submission meeting. See attached info.)

**1. Conditional Use Request**

Conditional Use Category Home Based Contractors--Landscape Contractors  
 \_\_\_\_\_ Section 131.0.N. 32  
 Specific Use Requested Expansion of the Existing Conditional Use to include the addition of two existing buildings and parking.  
 \_\_\_\_\_

**2. Name of Petitioner** Marty A. Howard

Trading as (If applicable) H & H Landscaping  
 Mailing Address 8045 Hunterbrooke Lane, Fulton, MD 20759  
 Phone Number(s) (301) 854-9958  
 E-Mail Address H.hlandscaping@hotmail.com  
 Name of Principal Contact (If different) \_\_\_\_\_

**3. Counsel for Petitioner** Bradley Farrar, The Law Offices of Shipley & Horne, P.A.

Mailing Address 1101 Mercantile Lane, Suite 240, Largo, MD 20774  
 Phone Number(s) (301) 925-1800  
 E-Mail Address bfarrar@shpa.com

**4. Conditional Use Site Description**

Address/Street for Property 8045 Hunterbrooke Lane, Fulton, MD 20759  
 Tax Map 46 Grid 01 Parcel 344 Lot \_\_\_\_\_  
 Department of Assessments and Taxation Account No. Dist. 05 Acct. No. 394422  
 Total Land Area of Property 5.11 ( X Acres) ( \_\_\_\_\_ Square Feet) Check one.  
 Election District Clarksville No. 5 Zoning of Property RR-DEO  
 Subdivision Name and Plat No. (If Applicable) \_\_\_\_\_  
 Total Land Area of Use (If different than above) \_\_\_\_\_ ( \_\_\_\_\_ Acres) ( \_\_\_\_\_ Square Feet)

*Revised*

**4. Petitioner's Interest in Subject Property**

OWNER (Including joint ownership)

OTHER (Described and give name and address of owner)

Name of Owner \_\_\_\_\_

Mailing Address \_\_\_\_\_

**If the Petitioner is not the owner, written authorization must be submitted from the owner.**

**5. Conditional Use Plan Requirements**

If the petition is approved, the Conditional Use plan will be made a part of the Decision and Order, subject to modifications and conditions required by the Hearing Authority. The Conditional Use 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 properties
- (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 adjoining properties
- (h) Location of existing and/or proposed well and private septic easement area, if property is to be served by private water and septic facilities
- (i) Election District in which the subject property is located
- (j) Tax Map and Parcel Number(s) of the subject property
- (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 Counsel
- (n) Name, mailing address, telephone number 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 abutting roads, right-of-way width, and existing pavement width
- (r) Any other information as may be necessary for full and proper consideration of the petition

**7. Additional Information Requirements**

- a. Information regarding noise, dust, fumes, odors, lighting, vibrations, hazards or other physical conditions resulting from the use.
- b. Supporting documentation, such as traffic studies, market studies, and noise studies as may be required by the Department of Planning and Zoning or by the Zoning Regulations.
- c. For expansions and enlargements, previous case number(s) and information regarding compliance with previous requirements and conditions.

8. Summary of Request

The following items should be answered by summary statements. If additional space is needed, please attach a Supplement to this petition.

a. The present use of the subject property Home Based Contractor -- Landscape Contractor

b. Details of the proposed use, including, **where applicable:** types of indoor and outdoor activities; hours of operation; number of employees, occupants, and/or customers; quantity and types of vehicles or equipment used; outdoor lighting to be used; quantities and capacities of materials stored; etc. Applicant proposes the expansion of the existing use with the inclusion of two existing storage buildings in the southeast portion of the parcel, and the increase of vehicular parking in the southwest gravel lot on the property. These existing buildings have 1,800 square feet and 1,200 square feet of storage and were not included in the 1992 Special Exception and Variance.

c. Any additional information which will be useful in the evaluation of whether the Conditional Use complies with the specific criteria for the conditional use category within Section 131.0.N. 32  
The subject property is currently used as a home based landscape contractor business. The property received a variance and special exception in 1992 for its current use. The property owner built the two existing storage buildings in the southeast corner of the property approximately ten (10) years ago. The Property owner has utilized the designated parking areas approved in the prior case shown on the CU exhibit since that time, and would like to add additional parking.

d. Will the Conditional Use generate any physical conditions such as noise, dust, fumes, odors, lighting, or vibrations which would be discernible from abutting and vicinal properties?The conditional use will not generate any physical conditions such as noise, dust, fumes, odors, lighting, or vibrations which would be discernible from abutting or vicinal properties. The applicant proposes to add additional tree screening to enhance neighboring vistas.

e. Will the number of parking spaces be appropriate to serve the use and will the parking areas, loading areas, driveways, and trash receptacle areas be appropriately located and buffered from public roads and residential areas? The number of parking spaces will be appropriate, and the loading areas, driveways and trash receptacle areas are appropriately located and buffered from public roads and residential areas. The applicant is proposing additional screening within the current landscape buffering.

- f. Will the ingress and egress driveway(s) provide safe access with adequate sight distance? The existing ingress and egress driveways will be adequate to provide safe access and adequate sight distance.
- 
- g. Are there any environmentally sensitive areas in the vicinity of the property and, if so, will the proposed use have any potential to affect such areas? There are no environmentally sensitive areas in the vicinity of the property which will be negatively affected by the use.
- 
- h. Are there any historic sites in the vicinity of the property and, if so, will the proposed use have any potential to diminish the character and significance of such sites? There are no historic sites in the vicinity of the property whose historic character and significance will be diminished.
- 

**9. Prior Petitions**

Has any petition for the same, or substantially the same, conditional use as noted above for the subject property been denied by the Hearing Examiner within twenty four (24) months of the date of this petition?

( ) Yes                      (X) No

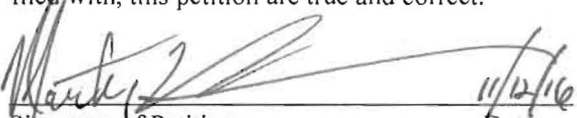
If yes, and six (6) months have elapsed since the last hearing, an affidavit must be attached which states the new and different grounds on which this re-submittal is based.

**10. Additional Materials, Fees, Posting and Advertising Requirements**

- a. Supplemental pages may be attached to the petition. **You must submit one original petition with original signatures, and one original of any other signed documents.** The following number of sets including 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 Petitioner signing below hereby agrees to furnish such additional plats, plans, reports or other materials as may be required by the Department of Planning and Zoning and/or the Hearing Authority in connection with this petition.
- c. The Petitioner hereby agrees to pay all costs in accordance with the current schedule of fees.
- d. The Petitioner hereby agrees to properly post the property at least thirty (30) days immediately prior to the Hearing Examiner public hearing; to maintain the public notice posters until the public hearing is concluded; and to submit an affidavit of posting at, or before the time of the initial public hearing. The Petitioner also hereby agrees to advertise the public hearing by means of legal notices as prepared and approved by the Department of Planning and Zoning to be published one (1) time in at least two (2) newspapers of general circulation in Howard County, at least thirty (30) days prior to the Hearing Examiner public hearing, and to pay for such advertising costs; and 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**

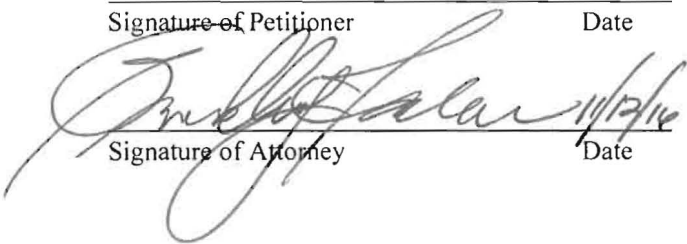
The Petitioner hereby affirms that he/she has read the instructions on this form, filing herewith all of the required accompanying information, and affirms that all of the statements and information contained in, or filed with, this petition are true and correct.

  
\_\_\_\_\_  
Signature of Petitioner                      Date

\_\_\_\_\_  
Marty A. Howard  
Print Name of Petitioner

\_\_\_\_\_  
Signature of Petitioner                      Date

\_\_\_\_\_  
Print Name of Petitioner

  
\_\_\_\_\_  
Signature of Attorney                      Date

\_\_\_\_\_  
Bradley S. Farrar  
Print Name of Attorney



## General Standards for Conditional Uses

All requests for conditional uses must meet the following general standards set forth in Section 131.0.B. of the Zoning Regulations for approval:

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.
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.
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 be greater at the proposed site than it would generally be elsewhere in the same zoning district or other similar zoning districts.
  - 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 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.
  - 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.
  - 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.
  - e. 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.

In addition to the specific requirements of the appropriate subsection within Section 131.0.N of the Zoning Regulations, Conditional Uses within residential developments in the R-ED, R-SC, R-SA-8, R-H-ED, R-APT, R-A-15, R-MH or R-VH districts are subject to the standards enumerated in Section 131.0.C.

PETITIONER Marty A. Howard

ADDRESS 8045 Hunterbrooke Lane, Fulton, Maryland 20759

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

The person(s) signing below hereby declare(s) 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 attached petition to the Hearing Examiner for a conditional use as requested.

I, we, do solemnly declare and affirm under the penalties of perjury that the contents of the foregoing affidavit are true and correct to the best of my, our, knowledge, information and belief.

Patricia H. Lewis  
Witness

[Signature] 11/18/2014  
Signature Date

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Signature Date

\*\*\*\*\*

Application Fee: \$500.00      Poster Fee: \$25.00 per sign/poster

Make check payable to: Director of Finance.

<b>For DPZ use only:</b>	
Hearing fee:	\$ _____
Poster fee:	\$ _____
Total:	\$ _____
Receipt No. _____	

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

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

**Please access the online application process for the pre-submission meeting by using the link below:**

**[https://pdox.howardcountymd.gov/ProjectDox/workflowforms/Anonymous Form C Z Presub.aspx](https://pdox.howardcountymd.gov/ProjectDox/workflowforms/Anonymous_Form_C_Z_Presub.aspx)**

#### **Pre-Submission Community Meeting**

A pre-submission community meeting is required prior to the initial submittal of a petition for a Conditional Use subject to the same procedures for such meetings as specified in Section 16.128 of the Subdivision and Land Development Regulations.

Please use the following web address to access the community notification list

[http://data.howardcountymd.gov/HOA\\_Register/GCommunityView\\_new.asp](http://data.howardcountymd.gov/HOA_Register/GCommunityView_new.asp). You will be prompted to enter the three-digit sign code assigned to your development. Once your sign code has been entered, you will be provided with a list of community contacts that have requested information about your development.

T:\DPZ\Shared\Public Service and Zoning\Applications\Hearing Examiner\Conditional Use Application.doc REV 08/14

LAW OFFICES  
**SHIPLEY & HORNE, P.A.**

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Largo, Maryland 20774  
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Russell W. Shipley  
Arthur J. Horne, Jr.\*  
Dennis Whitley, III\*  
Robert J. Antonetti, Jr.

Bradley S. Farrar  
L. Paul Jackson, II\*

\* Also admitted in the District of Columbia

November 12, 2016

Mr. Valdis Lazdins, Director  
Department of Planning & Zoning  
Howard County Government  
3430 Courthouse Drive  
Ellicott City, MD 21043

**RE: Board of Appeals Case No. 16-028C  
8045 Hunterbrooke Lane**

Dear Ms. Koldewey:

The Applicant, Marty A. Howard, by and through his attorneys, Bradley Farrar, and Shipley & Horne, P.A., hereby submits this Statement of Justification in support of a Conditional Use application for a Landscape Contractor Business. The subject property is located at 8045 Hunterbrooke Lane, Fulton, Maryland 20759-2102. The application is submitted pursuant to Section 131.0.B of the Howard County Zoning Regulations in accordance with the following criteria:

1. Requirements of Board of Appeals case BA-92-31E&V and WP 93-47
2. Requirements for the RR (Rural Residential) District (Section 105.0)
3. Conditional Use Landscape Contractor Requirements (Section 131.0)
4. Supplementary Zoning District Regulations Requirements (Section 128.0)

**Description of Subject Property:**

The Applicant and Owner of the subject property, Marty A. Howard /D/B/A H&H Landscaping ("Applicant") seeks a Conditional Use identified as ("Application" or "Conditional Use") to allow the continuation of an existing landscape contractor business. The business was originally started by the prior owners of the property in 1992 upon receipt of a special exception and variance application (BA 92-31E&V) to operate a landscape contract and business at the property. The improvements for the business are to be located in the southern section of the site and include a 1,200 square foot office building, storage garages totaling a 1,500 square feet and gravel parking areas of about 4,500 square feet.

The topography slopes from a generally northwesterly direction towards the existing small pond located near the Property road frontage along Hunterbrooke Lane. The topography ranges from a high elevation of approximately 454 feet Above Mean Sea Level (AMSL) located near the rear or southeast property boundary, to a low elevation of approximately 420 feet near its front along Hunterbrooke Lane. Existing building improvements include the Applicant's 4,794 square foot residence and in ground swimming pool located near the approximate center of the property, a

one-story building that serve as a combination office for the business and equipment storage, and four (4) assorted buildings utilized for equipment and supply storage, a selection of small garden type sheds, gravel parking areas, and driveway. Details relating to the buildings are discussed later in this report, as well as illustrated on the Conditional Use Site Plan.

The Property is an irregular shaped parcel consisting of approximately 5.11 acres (1,375,501 square feet) of land identified as Tax Map Parcel 344 on Grid 1, Tax Map 46. A detailed description of the subject property boundaries are described in 'Schedule A' of the attached deed which is recorded in the Land Records of Howard County Maryland on January 30, 2004 in Liber 8039 folio 106 (copy attached). The Property is zoned Rural Residential District (RR) District.

The Property also contains an existing farm-pond near the very front of the property along Hunterbrooke Lane. Domestic water is provided to the existing residence, main office/storage building by an existing well; sewer or septic needs are met by use of onsite well and septic.

The Property is accessed from Hunterbrooke Lane by an existing paved macadam driveway. Gravel parking areas for trucks, trailers and employee vehicles is located towards the interior of the property, well away from the view of nearby properties or Hunterbrooke Lane.

**Description of Subject Business Operation:**

The landscape contractor business has at this site ten (10) trucks, fifteen (14 if it snows), six (6) trailers (non-dumping), two (2) skid steers and sixteen (16) tractors, and fourteen (14) mowers.

For this business in total, has the following equipment in his inventory:

<u>Equipment</u>	<u>Total Number</u>	<u>At This Site</u>
<i>Trucks</i>	54	10 ( <i>14 if it snows</i> )
<i>--Pick-up</i>	45	8
<i>--Dump</i>	9	2
<i>Trailers (non-dumping)</i>	12	6
<i>Skid Steers</i>	14	2
<i>Tractors</i>	30	16
<i>Mowers</i>	26	14

Currently, the business has 23 employees, consisting of the Applicant and other laborers/truck drivers, and other employees broken down as follows:

- 2 office
- 1 yard
- 20 laborers/truck drivers

The number of employees will vary, depending upon the season. The greatest number of employees will be needed during the spring, summer and fall. Many of the laborers car pool to work, and often will report directly to the job site.

**Hours of operations are as follows:**

Monday-Friday:	6:00 a.m. to 5:00 p.m.	<b>Note:</b> Do not work most Saturday's. Only in Peak season (spring) April-May.
Saturday:	8:00 a.m. to 4:00 p.m.	

**Neighborhood and Surrounding Properties:**

The neighborhood is predominantly agricultural with single-family detached residential homes on large estate type lots and unimproved parcels in the RR-DEO Zone. The Subject Property is bound long its southern and southeastern property lines by improved single-family lots located on one (1) acre or more in size residential lots.

**Zoning History:**

The Prior owners received a special exception to operate a landscape contract and business at the property. The improvements for the business are to be located in the southerly area of the site and include a 1,200 square foot office building 1,500 square foot storage areas and gravel parking areas totaling about 4,500 square feet. Additionally, there was a waiver petition filed in WP 93-47.

The property was cited with two violations. The first violation cited 131.0.H.3, 105.0.B&C, 101.0.O – Development and use of a landscape contractor's business not in compliance with approved Board of Appeals case BA-92-31E&V on RR (Rural Residential) zoned property. Corrective Action cited in said violation notice: ***“Restrict the use of the property to those building and areas approved by the Board of Appeals and remove all equipment materials, vehicles and buildings from any other areas of the property or apply for and receive approval of the expansion from the Hearing Authority”.***

The second violation cited 128.0.A.12 – Maintenance of accessory structures with a maximum lot coverage exceeding 2,200 square feet on RR (Rural Residential) zoned property. Corrective Action cited in said violation notice: ***“Reduce the lot coverage of all accessory structures to 2,200 square feet or apply for and receive approval of a variance from the Hearing Authority”.***

**Proposal:**

The purpose of this Conditional Use application is to permit the continuation of the existing operation of the Applicants landscape contractor business known as H&H Landscaping, located at 8045 Hunterbrooke Lane, Fulton, Maryland 20759. The Applicant believes that this instant Application, as well as his approximately twelve (12) year history of operating his landscape contractor business as an extremely low impact use to neighboring properties and the surrounding community. The Applicant is confident that the documentation and analysis contained within this statement of justification, supporting application package, and his long

operational history support his compliance with the conditional use standards promulgated for Landscape Contractors.

**Section 103.0. Landscape Contractors**

***A. Defined***

*A commercial business which is principally engaged in providing plant-based landscaping services to off-site locations, including designing, planting and maintaining landscaped areas, and conducting accessory grading activities to create these landscaped areas. Businesses which principally provide grading services, hardscape construction and services, or construction of yard features such as exterior fireplaces, fountains, patios or swimming pools are not landscape contractors.*

**Section 105.0: - RR (Rural Residential) District**

The following table summarizes the relevant Rural Residential (RR) District development standards:

<b>Development Standards for Conditional Uses Allowed in the Zone</b>			
<b>RR District</b>	<b>Required/Allowed</b>		<b>Proposed/Existing</b>
	Section 105.0	Section 131.0.N.32	
<b>Minimum Lot Area</b>	3 acres	5 acres	5.11 acres
<b>Minimum Lot width:</b> • at Street Line • at Building Line	200 ft.		74.88 ft. 960± ft.
<b>Maximum Building Height</b> • Principal • Accessory	40 ft. 25 ft.		1. Building A – 14 ft. 2. Building B – 19 ft. 3. Building C – 10 ft. 4. Building D – 13 ft. 5. Building E – 16 ft. 6. Building F – 12 ft. 7. Building G – 21 ft. Sheds – 10 ft.
<b>Maximum Building Coverage</b>		5%	1. Building A – 4,500 sf 2. Building B – 930 sf 3. Building C – 189 sf 4. Building D – 1,200 sf 5. Building E – 1,800 sf 6. Building F – 1,200 sf 7. Building G – 3,390 sf Total – 13,209 sf

<b>Principal Building Setback:</b> a. Front setback b. Side street setback c. Side setback d. Rear yard	75 ft. 60 ft. 20 ft. 60 ft.	100 ft.	285 ft. min NA 133 ft. min 182 ft. min
<b>Accessory Building Setback:</b> a. Front setback b. Side street setback c. Side setback d. Rear yard	30 ft. 30 ft. 10 ft.	100 ft.	a. NA b. NA c. 11 ft. d. 11 ft.

**Response:** As noted previously in this statement, the Applicant has an approximately twelve (12) year history of operating his landscape contractor business as an extremely low impact use to neighboring properties and the surrounding community. With the exception of the infrequent traffic entering and leaving the site, most of the activities related to the operation of the business are conducted more than 100 feet from the closest residentially zoned properties to the south, and more than 290± feet from Hunterbrooke Lane. A review of the Conditional Use Site Plan graphically demonstrates the extent to which the landscaping operations are well buffered from neighboring properties by a combination of both the large size of the subject property in conjunction with a dense buffer of existing trees and vegetation, as to result in a minimal, if any noticeable impact on neighboring properties. The parking layout and schedule incorporated in the Conditional Use site plan complies with the above standards, as well as other applicable design standards of the Zoning Ordinance. Adequate off-street parking spaces are provided to satisfy the needs of the use. The parking areas for the trucks and trailers are significantly distanced and substantially screened from the adjoining residential properties and adjacent Damascus Road to the south. The proposed Conditional Use satisfies all applicable general development requirements for approval.

**Conditional Use Findings:**

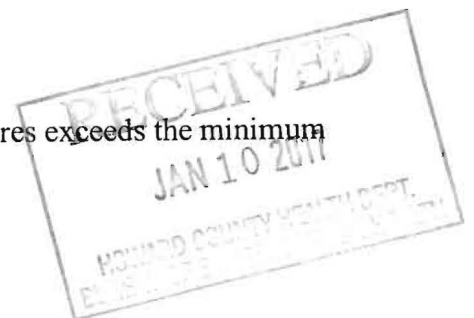
Necessary Findings (Section 131.0.B. and Section 131.0.N.32)

A. Section 131.0.N.32 states:

*A Conditional Use may be granted in the RC and RR Districts for landscape contractors, provided that:*

*a. The site is at least 5 acres in area.*

**Response:** The subject property with its approximately 5.11 acres exceeds the minimum lot area defined in this standard.



- b. Buildings and outdoor areas to be used for parking, loading and storage of vehicles, equipment and tools and supplies shall be delineated on the Conditional Use plan and located at least 100 feet from lot lines and public roads.*

**Response:** Areas for parking and loading of trucks and equipment and other operations areas exceed the minimum setback defined in this standard, inasmuch as they were granted in the prior case BA 92-31EV which was approved in 1992, when the conditional use setback was 50 feet. With the exception of the existing access drive, the business related activities including the parking areas are located deep into the interior of the Property removed from the views of passing motorists and adjoining properties.

- c. The location and design of the operation shall be such that the use will not be a nuisance to neighboring properties due to noise, dust or fumes.*

**Response:** The proposed use is not expected to cause any objectionable noise, vibrations, fumes, odors, dust, illumination, glare, or physical activity at the site.

The Applicant has indicated that the business operation consists of "providing landscaping services to off-site locations and the site is strictly used for the storage of equipment, operational supplies, and vehicles associated with said business". No sale of plant material or garden supplies will be conducted on the Property. No wholesale or retail horticultural nursery operations exist on or are proposed for the Property. There will be no light spillage to the adjacent properties.

- d. Buildings used for storage or offices will be screened or compatible in scale and character with other residential or agricultural structures in the vicinity. If new structures or additions to structures are proposed, architectural elevations or renderings must be submitted with the petition.*

**Response:** The existing conditional use site complies with the above standard. Additionally, the Applicant is proposing enhanced screening to the south and west.

- e. Outdoor parking and storage areas shall be screened from neighboring properties and roads.*

**Response:** The parking areas for the trucks and trailers are significantly distanced and substantially screened from the adjoining residential properties and adjacent Hunterbrooke Road to the north. The Applicant is proposing additional screening on to the south and west property lines. The proposed Conditional Use satisfies all applicable general development requirements for approval.

- f. Minor repairs to vehicles or equipment are permitted, provided such activities take place inside a building. Body work, engine rebuilding, engine reconditioning, painting and similar activities are not permitted.*

**Response:** This is understood, the Applicant believes that this instant Application, as well as his approximately twelve (12) year history of operating his landscape contractor business as an extremely low impact use to neighboring properties and the surrounding community and fully agrees to comply with this condition.

- e. *The area used for parking and storage of commercial vehicles, equipment, materials and supplies, whether exterior or interior, shall be limited to no more than 5% of the area of the lot.*

**Response:** The areas used for parking and storage of commercial vehicles, equipment, materials and supplies is limited to Building G (3,390 s.f.), Building B (930 s.f.) and Parking Areas A-E totaling 6,000 s.f. of commercial parking. The total of these areas is 10,320 s.f., which is 4.6% of the total acreage, well below the 5.0% threshold.

- h. *The Hearing Authority shall set limits on the maximum number of employees and shall set the days and hours of operation.*

**Response:** This is understood, the existing hours of operation, as well as the breakdown of employee shift schedules are defined above.

- i. *A snow removal service shall not be conducted as an accessory use unless specifically authorized by the Hearing Authority, upon a finding that the noise and level of activity of such a service will not be a nuisance to the neighborhood.*

**Response:** For his snow removal business, the Applicant stores all but two of his plows offsite. The two plows that remain on site during the snow season are solely utilized for snow removal for the applicant's property and assisting neighbors who have needs for snow removal.

- j. *On an 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) *Any new building or building addition associated with the use, including any outdoor storage and parking area shall count towards the cumulative use cap of 2% of the easement.*

**Response:** Neither the Applicant nor the subject property is not associated with the Agricultural Land Preservation Program.

## **CONCLUSION**

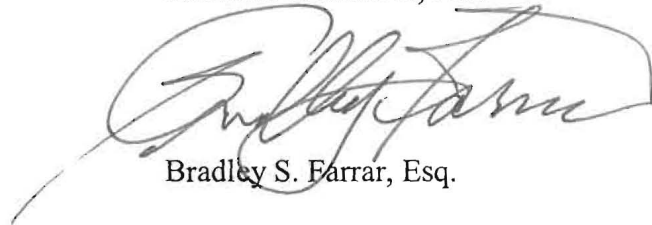
The proposed Conditional Use satisfies all applicable requirements for approval of a Conditional Use as specified in the Zoning Regulations of the County of Howard, Maryland.

Mr. Valdis Lazdins  
November 12, 2016  
Re: 8045 Hunterbrooke Lane  
Page 8

Moreover, the proposed development is consistent with the recommendations of the Master Plan. There is no unacceptable traffic, circulation, noise or environmental impacts associated with the Application provided that the recommended conditions are satisfied.

Based on the foregoing analysis, the Application requests Approval of Conditional Use application. Thank you in advance for your thoughtful consideration.

Very truly yours,  
**SHIPLEY & HORNE, P.A.**



Bradley S. Farrar, Esq.

BSF/gnh

Attachments (2)

cc: Marty A. Howard



HC 241

DEED -- FEE SIMPLE --- INDIVIDUAL GRANTOR --- LONG FORM

File No. 03-7745

Parcel ID No.

000186

\*This Deed is being re-recorded to correct the legal description\*

HBO CKP

MA

DIT

This Deed, MADE THIS 31<sup>st</sup> day of July, 2003, by and between H.

BRUCE PHILLIPS and KATHLEEN K. PHILLIPS, HUSBAND AND WIFE, parties of the first part, GRANTOR; and MARTY A. HOWARD, party of the second part, GRANTEE.

WITNESSETH, That in consideration of the sum of EIGHT HUNDRED SIXTY FIVE

20 THOUSAND AND 00/100 DOLLARS (\$865,000.00), the said GRANTOR does grant and convey to the said MARTY A. HOWARD, Sole Owner, his/her personal representatives and assigns, in fee simple, all that lot of ground situate in Howard County, Maryland and described as follows, that is to say:

~~BEING KNOWN AND DESIGNATED as Lot No. 20 as shown on a Plat entitled, "HUNTERBROOKE, Formerly Prince Property, Lots 1 thru 21, Preservation Parcels A thru C and Non-buildable Parcel D & E", which Plat is recorded among the Land Records of Howard County, Maryland in Plats 9450 and 9451. The improvements thereon being known as 8045 HUNTERBROOKE LANE, FULTON, MD-20759.~~

\*SEE ATTACHED LEGAL DESCRIPTION\*

20 BEING the same lot of ground which by Deed dated 07-30-92 and recorded among the Land Records of Howard County, in Liber 2647, folio 276, was granted and conveyed by LAUREL FEDERAL SAVING BANK to H. BRUCE PHILLIPS and KATHLEEN K. PHILLIPS, HUSBAND AND WIFE, the within GRANTOR.

TOGETHER with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

TO HAVE AND TO HOLD the said described lot of ground and premises to the said MARTY A. HOWARD, Sole Owner, his/her personal representatives and assigns, in fee simple.

AND the said parties of the first part hereby covenants 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.

8/22/03

IMP. FID. SURE \$ 20.00  
RECORDING FEE 20.00  
TOTAL 40.00  
Res# HD02 Rct # 58203  
HDR BF Rlk # 8147  
Jan 29, 2004 02:58 PM

KT (Land Records) MDR 8039, p. 0106, MSA\_CE53\_8023, Date available 05/26/2004, Printed 11/13/2016

## EXHIBIT "A"

## Parcel One:

Beginning for the same at a point on the nineteenth or North 50 degrees 14' East 2072.00 footline of a parcel of land that was granted and conveyed by Richard Warren Sopher and Ruth Jane Sopher, his wife, to Undine H. Prince by deed January 17, 1967, and recorded among the Land Records of Howard County, Maryland in Liber 465, at folio 774, distant 517.59 feet from the end thereof, thence leaving said point and running with a part of said nineteenth line,

- 1) North 50 degrees 14' 00" East 384.93 feet to a point; thence leaving said nineteenth line and crossing the lands of Undine H. Prince,
- 2) South 26 degrees 17; 05" East 71.32 feet, passing over an iron pin set, distant 30.00 feet from the beginning thereof, to a point at the end of the third or North 23 degrees 03' 05" West 1072.94 footline of a parcel of land that was granted and conveyed by Undine H. Prince, to Charles E. Hardison and Annie Lorraine Hardison, his wife, by a deed dated January 31, 1975, and recorded among the aforesaid Land Records in Liber 710 at folio 471, thence with a part of said third line, reversed,
- 3) South 26 degrees 17' 05" East 410., feet to an iron pin set; thence leaving said third line and crossing the lands of Undine H. Prince;
- 4) South 50 degrees 14' 00" West 384.93 feet to an iron pin set; and
- 5) North 26 degrees 17' 05" West 481.39 feet, passing over an iron pin set distant 30.00 feet from the end thereof, to the place of beginning containing 4.136 acres of land.

Being the same property which by deed dated January 6, 1984, and recorded in Liber 1224, folio 677, among the Land Records of Howard County, Maryland, was granted and conveyed by Undine H. Prince to Edward Robert Prince and Kathleen Adair Prince, his wife, in fee simple. Subject, however, to and together with (1) an easement for ingress and egress to and from the above-described property and Lime Kiln Road, said easement being more particularly described as follows:

Beginning for the same at a point at the end of the first or North 50 degrees 14' 00" East 384.93 footline of the above-described conveyance, said point also being on the nineteenth or North 50 degrees 14' East 2072.00 footline of a parcel of land described in conveyance from Richard Warren Sopher and Ruth Jane Sopher, his wife, to Undine H. Prince, by deed dated January 17, 1967, and recorded among the Land Records of Howard County, Maryland in Liber 465, at folio 774, distant 132.66 feet from the end thereof, thence leaving said point and with a part of said nineteenth line,

- 1) North 50 degrees 14' 00" East 132.66 feet to an iron pipe found at the end of the sixth or North 22 degrees 15' 00" West 63.02 footline of a parcel of land described in a conveyance from Charles E. Hardison and Annie Lorraine Hardison, his wife, to Undine H. Prince, by deed dated January 31, 1975, and recorded among the aforesaid land Records in Liber 710 at folio 468, thence with all of the seventh, first, second, third, fourth and fifth lines of said conveyance;
- 2) North 46 degrees 41' 13" East 474.30 feet to a point;
- 3) North 30 degrees 31' 13" East 214.50 feet to a point in the existing paving of Lime Kiln

Road; thence with said road,

- 4) South 75 degrees 57' 47" East 62.47" East 62.57 feet to a point; thence leaving said road,
- 5) South 30 degrees 31' 13" West 189.64 feet to a point of curvature;
- 6) 101.58 feet along the arc of a curve, deflecting to the right, having a radius of 360.00 feet and a chord bearing South 38 degrees 36' 13" West 101.24 feet to a point of tangency; and
- 7) South 46 degrees 41' 13" West 450.99 feet to a point at the end of the fourth or North 49 degrees 55' 13" East 134.00 footline of a parcel of land described in a conveyance from Undine H. Prince to Charles E. Hardison and Annie Lorraine Hardison and Annie Lorraine Hardison, his wife, by Deed dated January 31, 1975 and recorded among the aforesaid Land Records in Liber 710 at folio 471, thence with all of said fourth line, reversed,
- 8) South 46 degrees 41' 13" West 134.00 feet to a point at the end of the second or South 26 degrees 17' 05" East 71.32 footline, of the above-described conveyance, thence with said second line, reversed
- 9) North 26 degrees 17' 05" West 71.32 feet to the place of beginning, containing 1.188 acres of land.

Being (1) a part of a parcel of land that was granted and conveyed by Richard Warren Sopher and Ruth Jane Sopher, his wife, to Undine H. Prince, by deed dated January 7, 1967, and recorded among the land Records of Howard County, Maryland in Liber 465 at folio 774, and

(2) all of a parcel of land that was granted and conveyed by Charles E. Hardison and Annie Lorraine Hardison, his wife, to Undine H. Prince, by deed dated January 31, 1975 and recorded among the aforesaid Land Records in Liber 710 at folio 468. The above-described easement will cease to exist when and if a road is built to Howard County Specifications across same and is dedicated to Howard County, Maryland.

(2) and easement for ingress and egress to and from the Undine H. Prince property, said easement being sixty (6) feet wide and lying south of and adjacent, contiguous and parallel to the first or North 50 degrees 14' 00" East 384.93 footline of the above-described conveyance, containing .530 of an acre of land.

When and if any future subdividing is done with the Undine H. Prince property and said easement is needed for a county road, said easement shall cease to exist and be dedicated to Howard County, Maryland.

(3) use in common right of way for ingress and egress to and from Lime Kiln Road said right of way being twenty (20) feet wide and lying south of and adjacent, contiguous and parallel to the first or North 56 degrees 25' 00" East 384.93 footline of the above-described conveyance and south of and adjacent, contiguous and parallel to the first, second and third lines of the heretofore first described easement.

Parcel Two:

Beginning for the same at an iron pin found at the end of the fourth or South 50 degrees 14' 00" West 384.93 foot line of a parcel of land that was granted and conveyed by Undine H. Prince to Edward Robert Prince and Kathleen Adair Prince, his wife, by Deed dated January 26, 1984, and recorded among the Land Records of Howard County, Maryland in Liber 1224, folio 677, thence leaving said point and running with all of said fourth line, reversed:

1. North 50 degrees 14' 00" East 384.93 feet to an iron pin found on the third or North 23 degrees 03' 05" West 1072.94 foot line of a parcel of land that was granted and conveyed

by Undine H. Prince, to Charles E. Hardison and Annie Lorraine Hardison, his wife, by deed dated January 31, 1975, and recorded among the aforesaid Land Records in Liber 710, folio 471, distant 410.07 feet from the end thereof, thence with a part of said third line, reversed.

2. South 26 degrees 17' 05" East 147.49 feet to a point; thence leaving said third line and crossing the lands of Undine H. Prince for a new line of division,
3. South 42 degrees 20' 13" West 343.00 feet to a point;
4. South 53 degrees 05' 00" West 55.89 feet to a point; and
5. North 26 degrees 17' 05" West 193.09 feet to the place of beginning, containing 65,531 square feet, or 1.504 acres of land, more or less.

**SAVING AND EXCEPTING:**

BEGINNING for the same at an existing five-eight's inch iron pipe found at the beginning of the first or North 50 degrees 14' 00" East 384.93 foot deed line in a deed dated June 18, 1992, which was conveyed by F.L. Hewitt, III and Robert J. Wiltbank, trustees to the Laurel Federal Savings Bank and recorded among the Land Records of Howard County, Maryland in Liber 2576 at Folio 353, thence leaving said point of beginning and running with and binding on the first and a portion of the second line of the aforesaid mentioned deed, referring the courses and distances of this description to the Maryland State Grid System (NAD83), as now surveyed by Riemer Muegge & Associates, Inc., on June 5, 1997 the following two (2) courses and distances, viz;

1. North 44 degrees 57' 46" East, 383.70 feet, thence
2. South 30 degrees 31' 54" East, 61.98 feet to a point, thence leaving said second deed line and running, in through, over and across Parcel 1 of the first piece or parcel of land described in the aforesaid mentioned deed the following course and distance, viz;
3. South 44 degrees 57' 46" West, 383.66 feet to a point on and distant 61.97 feet from the end of the North 26 degrees 17' 05" West, 481.39 foot deed line of the aforesaid mentioned deed, thence running with and binding on the remaining portion of said deed line, the following course and distance, viz;
4. North 30 degrees 33' 58" West, 61.97 feet to the point of beginning.

CONTAINING 23,022 square feet or 0.529 acres of land more or less.

WITNESS the hands and seals of said GRANTOR.

H. Bruce Phillips {SEAL}  
H. BRUCE PHILLIPS

Kathleen K. Phillips {SEAL}  
KATHLEEN K. PHILLIPS

STATE OF MARYLAND, HOWARD COUNTY, to wit:

I HEREBY CERTIFY, That on this 31<sup>st</sup> day of July, 2003, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared H. BRUCE PHILLIPS and KATHLEEN K. PHILLIPS, HUSBAND AND WIFE, the GRANTOR herein, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledged the foregoing Deed to be their act, and in my presence signed and sealed the same.

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



My commission expires:

W. McNair  
NOTARY PUBLIC  
HOWARD CO., MD  
MY COM. EXPS.  
FEB. 14, 2006

W. McNair  
Notary Public

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.

James K. Eagan III  
James K. Eagan III, Attorney

AFTER RECORDING, PLEASE RETURN TO:

LAKEVIEW TITLE COMPANY  
Suite 600, Merrill Lynch Bldg. 10320 Little Patuxent Parkway  
Columbia, MD 21044



NOV 18 2016  
By \_\_\_\_\_

DPZ Office use only:  
CASE NO. BA.16.028 C+U  
DATE FILED 11/18/16

**RESIDENTIAL DISTRICT VARIANCE PETITION  
TO THE HOWARD COUNTY HEARING EXAMINER**

**1. VARIANCE REQUEST**

SECTION 105.0 of the Zoning Regulations (describe) \_\_\_\_\_  
variance to the 30-ft. rear and side use setback lines \_\_\_\_\_

**2. PETITIONER'S NAME** Marty A. Howard

TRADING AS (IF APPLICABLE) \_\_\_\_\_

ADDRESS 8045 Hunterbrooke Lane, Fulton, Maryland 20759-2102

PHONE NO. (W) 301-343-1353 (H) \_\_\_\_\_

EMAIL H.Hlandscaping@hotmail.com

**3. COUNSEL FOR PETITIONER** Bradley Farrar (Shiple & Horne, P.A.)

COUNSEL'S ADDRESS 1101 Mercantile Lane, Suite 240, Largo, MD 20774

COUNSEL'S PHONE NO. 301-925-1800

EMAIL bfarrar@shpa.com

**4. PROPERTY IDENTIFICATION**

ADDRESS OF SUBJECT PROPERTY 8045 Hunterbrooke Lane, Fulton, Maryland 20759

ELECTION DISTRICT 05 ZONING DISTRICT R-R ACREAGE 5.110

TAX MAP # 46 GRID # 0001 PARCEL # 0344 LOT # \_\_\_\_\_

SUBDIVISION NAME (if applicable) \_\_\_\_\_

PLAT NUMBER AND DATE \_\_\_\_\_

**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.

**PLEASE READ CAREFULLY  
DATA TO ACCOMPANY PETITION**

**6. VARIANCE PLAN**

No application for a variance shall be considered complete unless the plan indicates the required setback or other requirement, and the requested variance from the subject setback or other requirement. 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) Location of all building and use restriction lines
- (h) Same as (a) through (g) above, of any adjoining, confronting and vicinal properties as necessary for proper examination of the petition, or, if applicable, a copy of the subdivision plat for the community
- (i) Location of well and private sewerage easement area, if property is to be served by private water and sewer
- (j) Election District in which the subject property is located
- (k) Tax Map and parcel number on which the subject property is located
- (l) Name of local community in which the subject property is located or name of nearby community
- (m) Name, mailing address, telephone number (and e-mail address if any) of the petitioner
- (n) Name, mailing address, telephone number (and e-mail address if any) of attorney, if any
- (o) Name and mailing address of property owner
- (p) Floor area and height of structures, setback distances from property lines, and other numerical values necessary for the examination of the petition
- (q) Location of subject property in relation, by approximate dimension, to the center line of nearest intersection of two public roads
- (r) Ownership of affected roads
- (s) A detailed description of all exterior building materials for all proposed structures
- (t) Any other information as may be necessary for full and proper consideration of the petition

**7. VARIANCE**

A) Describe why the application of the Zoning Regulations in question to your particular property would result in practical difficulties or unnecessary hardships in complying strictly with the bulk requirements:

1. The physical character of the property is different from the character of the surrounding properties because of its ( ) narrowness, ( ) shallowness, (x) shape, (x) topography, (x) other; explain: Due to the unique shape of the property (i.e., parallelogram), its topographic conditions, placement of the current applicant's house 285± feet back from the front property line/ROW, at the time of development, and the location of the existing septic drain field, has limited usable area of the property that resulted in this hardship.

2. The uniqueness of the property prevents me from making a reasonable use of the property because: The topography of the area to the rear of the main dwelling is moderately sloping. Presently, the storage buildings are located on relatively flat land, with minimal disturbance to the area of moderate slope. Because of limited residential storage, accessory storage for the residential use is necessary to maintain the viability of the home.

B) The intended use of the property, in the event the petition is granted: The applicant intends to use the buildings for personal/residential purposes and to store materials associated with his hobby and other personal residential storage use.

C) Any other factors which the Petitioner desires to have considered: The two instant accessory buildings associated with this application, are 345± feet to the nearest residential dwelling located to the northeast, and 325± feet to the residential dwelling to the south/southeast. Views of the accessory buildings are entirely screened from the neighbors.

D) Explain why the requested variance is the minimum necessary to afford relief: This space variance is the minimum because any other relief would require the demolition and replacement of the existing structures these structures are required to provide storage for the residence, and the elimination of this storage would cause a diminution of the value of the residence and surrounding residences.

E) Is the property connected to: public water?: Y  N ; public sewer?: Y  N

F) If the variance is granted, would it impact the water and/or septic/sewer on the site? Y  N

G) If the variance is granted, would it increase the intensity of uses on the site? Y  N  if yes, explain: \_\_\_\_\_

H) If the requested variance is granted, would it increase traffic to or from the site? Y  N  if yes, explain: \_\_\_\_\_

I) Describe in detail all means of vehicular access onto the site (i.e. width, type of paving, etc.): \_\_\_\_\_  
The Property is accessed from Hunterbrooke Lane by an existing paved macadam driveway.

J) Describe the topography of the site: The property is subject to a moderately sloping site conditions that rise from its lowest elevation along the property's street frontage along its north boundary along Hunterbrooke Lane, to its highest elevation in the rear or south side of the property.

K) Will the existing or proposed structure be visible from adjacent properties? Y\_\_ NX; if yes, describe any proposed buffering or landscaping: \_\_\_\_\_

L) Describe any existing buffering or landscaping: Views of the said structures are screened from neighboring properties by an established wooded / vegetated buffer composed of mature trees mixed with shrubs. The nearest residential structure to the northeast is approximately 345± feet distance; and, approximately 325± feet to the south/southwest.

**8. PRIOR PETITIONS**

Has any petition for the same variance, or substantially the same variance as contained herein, for the same property as the subject of this petition, been disapproved by the Hearing Examiner 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.

**9. 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 19 copies (application & plans)*
  - *If the subject property adjoins a County road- original and 16 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 Hearing Examiner 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 agrees to properly post the property at least fifteen (15) days 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.
- e) The undersigned 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 fifteen (15) 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.

**10. PLANNING BOARD REVIEW**

The Hearing Examiner may, at its discretion, refer a residential district variance petition to the Planning Board for review and a recommendation.

**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.

**Marty A. Howard**

Petitioners Name (please print)

Petitioner's Signature

Date

**Bradley S. Farrar**

Counsel's Name (please print)

Counsel's Signature

Date

\*\*\*\*\*

**For DPZ office use only: (Filing fee is \$300.00 plus \$25.00 per poster.)  
(Make checks payable to "Director of Finance")**

Hearing fee: \$ \_\_\_\_\_  
Poster fee: \$ \_\_\_\_\_  
TOTAL: \$ \_\_\_\_\_

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

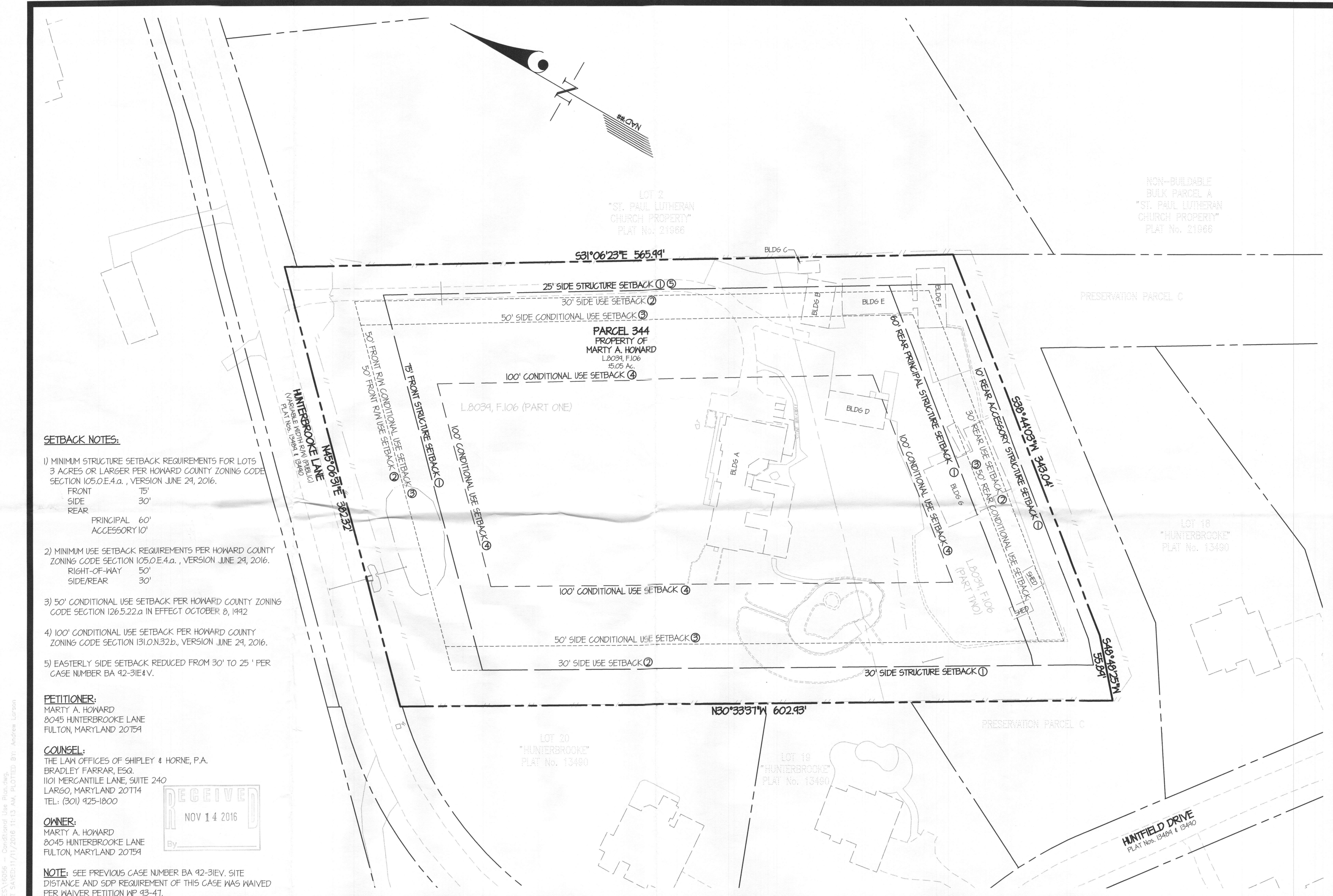
**PLEASE CALL 410-313-2350 FOR AN APPOINTMENT TO SUBMIT YOUR APPLICATION**

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

Revised: 07/12

T:\shared\PubSer\Applications\ResVar





**SETBACK NOTES:**

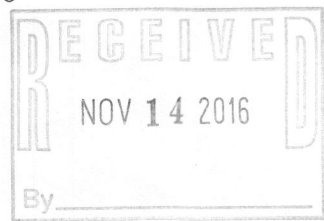
- 1) MINIMUM STRUCTURE SETBACK REQUIREMENTS FOR LOTS 3 ACRES OR LARGER PER HOWARD COUNTY ZONING CODE SECTION 105.0.E.4.a., VERSION JUNE 29, 2016.  
 FRONT 75'  
 SIDE 30'  
 REAR PRINCIPAL 60'  
 ACCESSORY 10'
- 2) MINIMUM USE SETBACK REQUIREMENTS PER HOWARD COUNTY ZONING CODE SECTION 105.0.E.4.a., VERSION JUNE 29, 2016.  
 RIGHT-OF-WAY 50'  
 SIDE/REAR 30'
- 3) 50' CONDITIONAL USE SETBACK PER HOWARD COUNTY ZONING CODE SECTION 126.5.22.a IN EFFECT OCTOBER 8, 1992
- 4) 100' CONDITIONAL USE SETBACK PER HOWARD COUNTY ZONING CODE SECTION 131.0.N.32.b., VERSION JUNE 29, 2016.
- 5) EASTERLY SIDE SETBACK REDUCED FROM 30' TO 25' PER CASE NUMBER BA 92-31E#V.

**PETITIONER:**  
 MARTY A. HOWARD  
 8045 HUNTERBROOKE LANE  
 FULTON, MARYLAND 20754

**COUNSEL:**  
 THE LAW OFFICES OF SHIPLEY & HORNE, P.A.  
 BRADLEY FARRAR, ESQ.  
 1101 MERCANTILE LANE, SUITE 240  
 LARGO, MARYLAND 20774  
 TEL: (301) 925-1800

**OWNER:**  
 MARTY A. HOWARD  
 8045 HUNTERBROOKE LANE  
 FULTON, MARYLAND 20754

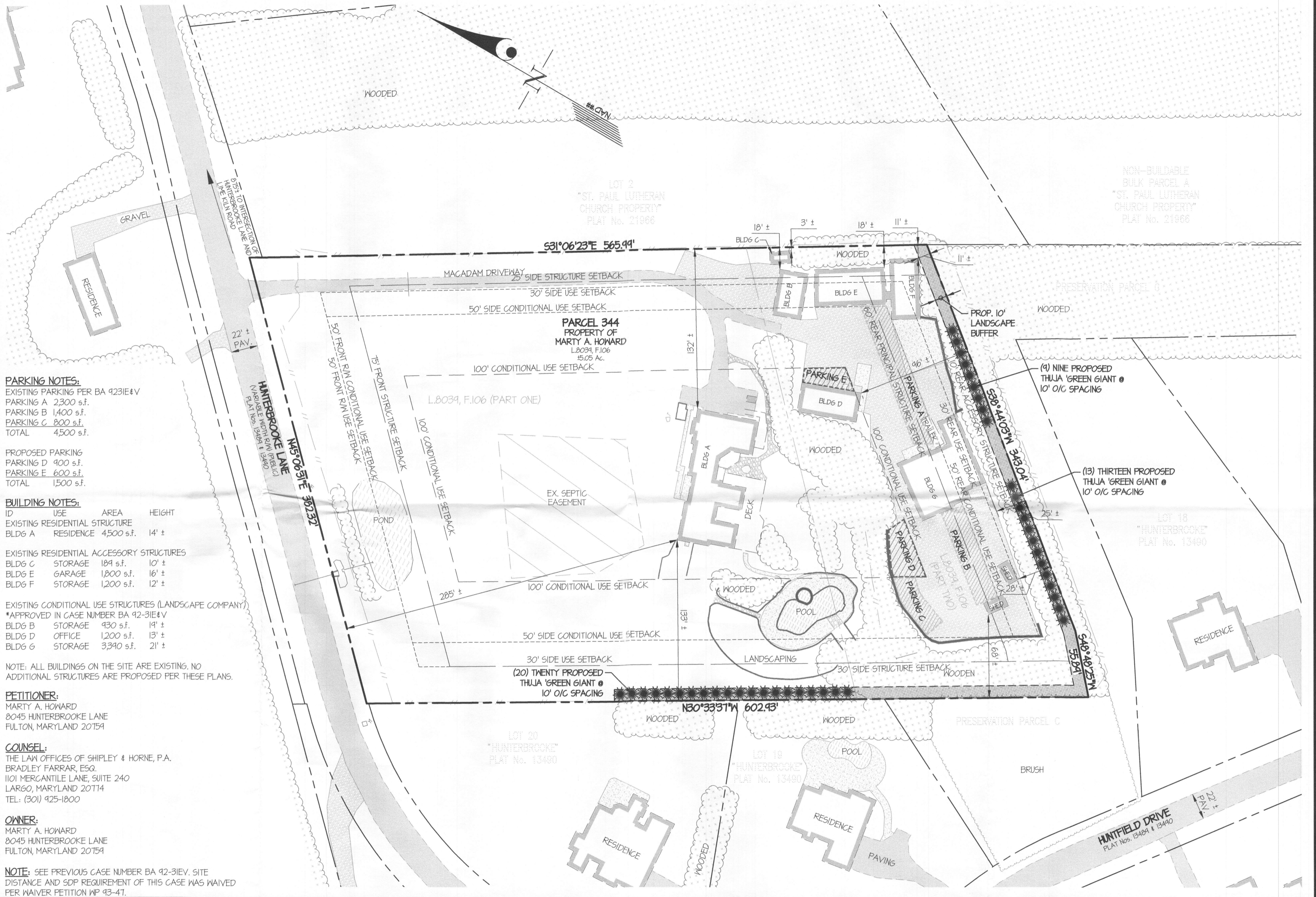
**NOTE:** SEE PREVIOUS CASE NUMBER BA 92-31E.V. SITE DISTANCE AND SDP REQUIREMENT OF THIS CASE WAS WAIVED PER WAIVER PETITION WP 43-47.



S:\Survey Drawings\16056\SKETCHES\16056 - Conditional Use Plan.dwg, PLOTTED:11/11/2016 1:38 PM, LAST SAVED:11/11/2016 11:13 AM, PLOTTED BY: Andrew Larson

<b>GLW GUTSCHICK LITTLE &amp; WEBER, P.A.</b> CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS, LANDSCAPE ARCHITECTS 3909 NATIONAL DRIVE - SUITE 250 - BURTONSVILLE OFFICE PARK BURTONSVILLE, MARYLAND 20866 TEL: 301-421-4024 BAL: 410-880-1820 DC/VA: 301-989-2524 FAX: 301-421-4186	PREPARED FOR: MARTY A. HOWARD 8045 HUNTERBROOKE LANE FULTON, MD 20759	SCALE	ZONING	<b>CONDITIONAL USE EXHIBIT</b>  <b>8045 HUNTERBROOKE LANE</b> <b>PARCEL 344</b>  RR-DEO	G. L. W. FILE No.
		1" = 50'	RR-DEO		16056
		DATE	TAX MAP - GRID		SHEET
		SEPT., 2016	46-01		01 OF 02
				CLARKSVILLE ELECTION DISTRICT No. 05	HOWARD COUNTY, MARYLAND

REVISED



**PARKING NOTES:**  
 EXISTING PARKING PER BA 9231E#V  
 PARKING A 2,300 s.f.  
 PARKING B 1,400 s.f.  
 PARKING C 800 s.f.  
 TOTAL 4,500 s.f.

PROPOSED PARKING  
 PARKING D 900 s.f.  
 PARKING E 600 s.f.  
 TOTAL 1,500 s.f.

**BUILDING NOTES:**

ID	USE	AREA	HEIGHT
EXISTING RESIDENTIAL STRUCTURE			
BLDG A	RESIDENCE	4,500 s.f.	14' ±

EXISTING RESIDENTIAL ACCESSORY STRUCTURES			
BLDG C	STORAGE	189 s.f.	10' ±
BLDG E	GARAGE	1,800 s.f.	16' ±
BLDG F	STORAGE	1,200 s.f.	12' ±

EXISTING CONDITIONAL USE STRUCTURES (LANDSCAPE COMPANY)  
 \*APPROVED IN CASE NUMBER BA 92-31E#V

BLDG B	STORAGE	930 s.f.	19' ±
BLDG D	OFFICE	1,200 s.f.	13' ±
BLDG G	STORAGE	3,390 s.f.	21' ±

NOTE: ALL BUILDINGS ON THE SITE ARE EXISTING. NO ADDITIONAL STRUCTURES ARE PROPOSED PER THESE PLANS.

**PETITIONER:**  
 MARTY A. HOWARD  
 8045 HUNTERBROOKE LANE  
 FULTON, MARYLAND 20754

**COUNSEL:**  
 THE LAW OFFICES OF SHIPLEY & HORNE, P.A.  
 BRADLEY FARRAR, ESQ.  
 1101 MERCANTILE LANE, SUITE 240  
 LARGO, MARYLAND 20774  
 TEL: (301) 925-1800

**OWNER:**  
 MARTY A. HOWARD  
 8045 HUNTERBROOKE LANE  
 FULTON, MARYLAND 20754

NOTE: SEE PREVIOUS CASE NUMBER BA 92-31E#V. SITE DISTANCE AND SDP REQUIREMENT OF THIS CASE WAS WAIVED PER WAIVER PETITION WP 93-47.

**GLW GUTSCHICK LITTLE & WEBER, P.A.**

CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS, LANDSCAPE ARCHITECTS  
 3909 NATIONAL DRIVE - SUITE 250 - BURTONSVILLE OFFICE PARK  
 BURTONSVILLE, MARYLAND 20866  
 TEL: 301-421-4024 BAL: 410-880-1820 DC/VA: 301-989-2524 FAX: 301-421-4186

PREPARED FOR:  
 MARTY A. HOWARD  
 8045 HUNTERBROOKE LANE  
 FULTON, MD 20759

SCALE  
 1" = 50'  
 DATE  
 SEPT., 2016

ZONING  
 RR-DEO  
 TAX MAP - GRID  
 46-01

CONDITIONAL USE EXHIBIT  
**8045 HUNTERBROOKE LANE**  
**PARCEL 344**

RR-DEO

G. L. W. FILE No.  
**16056**  
 SHEET  
**02 OF 02**