

Oswald, Hank

From: Sieglein, Toni
Sent: Tuesday, September 23, 2014 10:37 AM
To: Oswald, Hank
Cc: Lalush, Bob
Subject: RE: NCU 14-004 (15912 Frederick Road) Health Dept Comment

Thanks Mr. Oswald,

I'm forwarding your response to Bob Lalush who is the reviewer for this case.

Toni

From: Oswald, Hank
Sent: Tuesday, September 23, 2014 10:35 AM
To: Sieglein, Toni
Subject: NCU 14-004 (15912 Frederick Road) Health Dept Comment

Mr. Sieglein:

The Health Department does not have record of the well or septic system for 15912 Frederick Road. With that said, the existing shipping container on the property should not be located on top of the well or septic system components (i.e. septic tank, dry well and/or trenches). It should be located at least 10 feet away from these systems.

Should you have any questions or concerns regarding this comment, please contact me.

Respectfully,

Hank

Hank Oswald, L.E.H.S.
Howard County Health Department
Well & Septic Program
8930 Stanford BLVD
Columbia, MD 21045
410-313-1786
410-313-2648 (Fax)

15912

P 13262 A Repair

DATE 11/20/67

Location St. 144

APPLICATION

- Hold ()
- Approved ()
- Rejected ()

right to Bishop Methodist
Lot Church

Applicant _____

INSTALLATION

Owner James Clark

- Hold ()
- Approved (X)

Permittee James Trickett

Approved
Date 11/24/67

Windmills Unlimited
(Tarrico)



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

Marsha S. McLaughlin, Director

www.howardcountymd.gov

FAX 410-313-3391

TDD 410-313-2323

**SUBJECT: NONCONFORMING USE APPLICATION
NCU 14-004 (Stephen & Laura "Nuit" Hansgen)**

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: September 3, 2014

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

A public hearing on the application is scheduled for **September 23, 2014**. Please submit any advisory comments or applicable requirements your agency has on the application by **September 15, 2014**.

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

Attachment

JRL

T:\pubserv\doc\ncumemo.doc

-ck file
-S.K. VISIT
P13262



Department of Planning and Zoning

DPZ Office Use only:
Case No. NCU 14-004
Date Filed 8/17/14

Nonconforming Use Confirmation Petition

1. Nonconforming Use Request

Describe the magnitude and the extent of the nonconforming use
We would like permission for one shipping container to remain on our property.

Give the date that the subject use became nonconforming to the use provisions of the Zoning Regulations

2. Petitioner's Name Stephen and Laura "Nuit" Hansgen

Trading as (If Applicable)

Address 15912 Frederick Road (PO Box 339) Lisbon MD 21765

Phone No. (W) (H) 301-613-9316 (Nuit's Cell)

Email Address hansgen@mac.com

3. Counsel for Petitioner TBD

Counsel's Address

Counsel's Phone No.

Email Address

4. Property Identification

Address of Subject Property 15912 Frederick Road, Lisbon MD 21765

Total Acreage of Property .435 acres

Property Location

Election District 9A Zoning District

Tax Map # 007 Block # 0012 Parcel/Lot # 0148

Subdivision Name (if applicable) n/a

5. Petitioner's Interest in Subject Property

[X] Owner [] 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.

6. Confirmation of Nonconforming Use

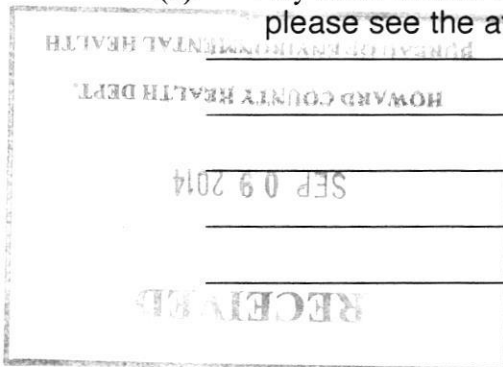
(a) Describe the documentation included with this petition demonstrating the continuous and uninterrupted use of the site from the specified date _____
The shipping container was in its current location prior to my purchase of _____
the house in June 2004 (it conveyed with the property.) _____

(b) Provide the dates of any period of interrupted use which has occurred since the establishment of the nonconforming use no interruptions _____

(c) Describe the documentation included with this petition substantiating the existence of the subject use on the date that the use became nonconforming _____
please see the attached. _____

(d) Does the nonconforming use involve a structure?
() No. (?) Yes. If Yes, describe if the container is considered a structure,
then yes. _____

(e) Any other factors which the Petitioner desires to have considered? _____
please see the attached. _____



PLEASE READ CAREFULLY
DATA TO ACCOMPANY PETITION

7. Nonconforming Use Plan

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

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

8. Additional Material, Fees, Posting, and Advertising:

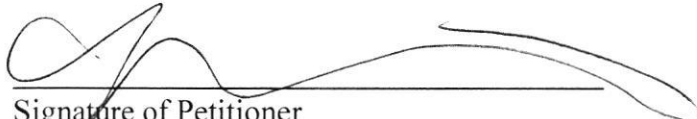
- A) **The original and six (6) copies of the petitions**, plans and supplemental pages must be submitted. If desired, supplemental pages may be attached to the petition.
- B) The undersigned agrees to furnish such additional plats, plans, reports or other material as may be required by the Department of Planning and Zoning in connection with the filing of this petition.
- C) The undersigned also 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 fifteen (15) days immediately prior to the hearing and to maintain the property posters as required until 15 days immediately after the hearing and submit an affidavit of posting at, or before the time of the hearing.

9. Signatures

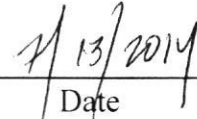
The undersigned hereby affirms that all of the statements and information contained in, or

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



Date

Signature of Attorney

Date

For DPZ office use only:

Filing fees are \$250.00 plus \$25.00 per poster)

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

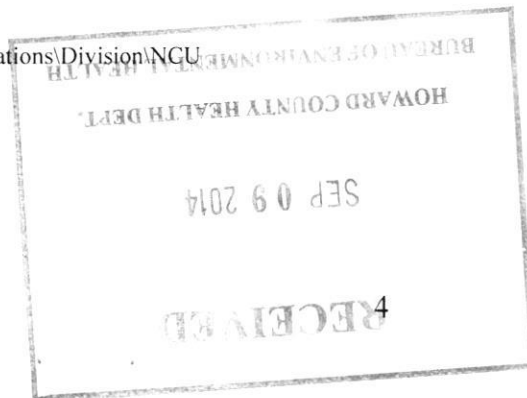
(Make checks payable to "Director of Finance")

County Website: www.howardcountymd.gov

NOTE: No appointment is needed to submit this application and payment of fees is not due until a hearing date is set and you are notified.

Revised: 10/13

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There are a variety of uses throughout Lisbon as well—some cargo containers and trailers are clearly used for storage, while others, like at Mike’s Landscaping, are adapted for other uses. We currently use our container as studio workspace and materials storage for our arts- and technology-based businesses. We plan to improve the aesthetics and security of the property with the addition of fencing and installation of large, custom-built landscaping units that provide screening; these units will also serve to meet the requirements of section 128.D., by blocking view from the street or from adjacent properties. Further, we are happy to paint the container to help it fit more with the aesthetics of our property.

Assumptions:

Per **128. A.6. Bulk Regulations Specific to Lisbon and Elkrige**, structures or land uses are not required to meet the minimum setback requirements of B1 or B2 zoned properties elsewhere in the county. Our property falls within the allotted distance from the center of MD94, and no changes to the property boundaries are being requested.

Per **128.A.14. Regulations for Accessory Uses and Outdoor Accessory Storage on Residential Lots or Parcels less than one acre**, “on any individual parcel less than one acre, outdoor accessory storage areas may not total more than two areas and may not cumulatively occupy more [...] than a square footage equivalent of 200 square feet [...].” The total enclosed square footage of the container is approximately 300 sq. ft., and there is an existing accessory building (detached garage), which may add additional square footage. We believe we would need an exception to the size requirements of this section.

Per **128. D. a. Temporary, Seasonal and Other Uses** stipulates that in all zoning districts, a storage or refuse container not directly associated with construction activity for which a permit is required may be used on a temporary basis provided it complies with all applicable setbacks and bulk regulations for the zoning district in which it is located. Such a container may not exceed a maximum size of 8 feet in width by 16 feet in length by 8 feet in height and may not remain on the site for more than 60 days. No more than one storage container and one refuse container may be located on the property at any time.

and

128. D. b. requires that such storage areas must be screened by “a fence, wall, landscaping, landscaped berm, or other suitable treatment, must not be visible at ground level from any adjacent properties or public street rights-of-way, and must be confined to the rear yard. [...]

Addendum to Application for Non-conforming Use
15912 Frederick Road, Lisbon Maryland 21765

Two containers conveyed with our property in when we purchased it in 2004; the previous owner had them in place for several years, during which her business was regularly inspected by the County with no issue. Our neighbors—a mix of private residences and commercial properties— have never complained, either to us or to the previous owner of the property. At the request of Howard County, one container was removed. Through this application, we are requesting a non-conforming use exception from Howard County to allow the existing storage container to remain on our property.

We do not believe this exception has, or will, adversely impact our local community or vicinal properties in any way. Given its mixed use of commercial, residential and public properties, a range of work and storage solutions are part of the landscape of Lisbon. Many properties (used for residential, commercial and mixed uses) throughout Lisbon have multiple accessory outbuildings and storage areas, both permanent and temporary.

Shipping containers are common throughout Lisbon. Within the main area of Lisbon—west from the circle at MD94 to just beyond the BP station to the east, and North and South Alleys, there are (at minimum) 8 cargo units, including tractor-trailer boxes, which are clearly visible from the street. These include but are not limited to

- One Red 40' cargo Container at the terminus of the driveway of 16020 Frederick Road
- One cargo trailer to the side behind the "old hotel"
- Two Grey 40' cargo Containers, modified with paint, doors and ventilation, at Mike's Landscaping.
- A Green/Grey painted 40' cargo Container at Lisbon Self-Storage.
- Two 20' shipping containers along the West side of Lisbon Elementary School.

Most of these storage containers and trailers from tractor-trailers have been in continuous use and/or at their present location for many years. Satellite images (see attached) show most of these have been in place since at least 2012.

In many cases, the aesthetic impacts of these accessory spaces have been only minimally considered. With regard to containers in general, some have been painted in colors to be less obvious, while others are not. Most storage trailers remain on wheels, although they have not been moved in some time.

There is only one storage container on our property at this time. The container can be successfully screened from view per the requirements of this section; we can have the screening in place within 30 days (possibly sooner if required) from approval of the non-conforming use. Therefore, our use would require exception only in that it would be larger than the current allowance, and it would not be subject to the time limit.

In the future, we intend to apply for the appropriate permits to allow us to convert the container into a more permanent, flexible studio space using green architecture principles. This intention has *not* been integrated into this application but we plan to pursue this as soon as our non-conforming use has been granted.

Location



Example: Landscape screening



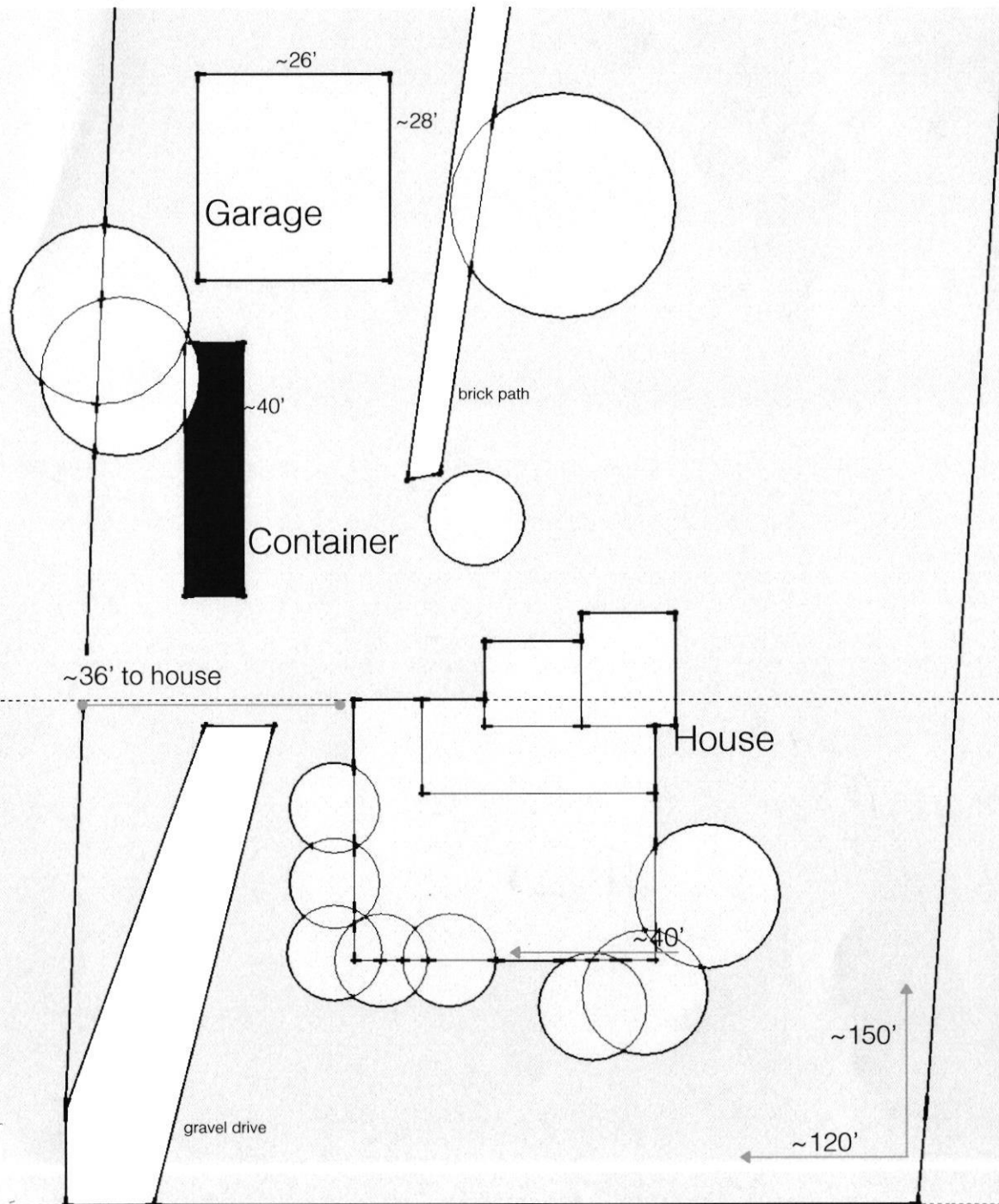
Custom, movable planters with screening material, similar to this image, can meet the requirements for screening (128.D.b). Height, materials and other elements will be selected to meet other Howard County codes, as applicable. *Shown as a visual example only.*

Community Impact: Existing Cargo Storage in Lisbon



The circles mark Shipping Containers/Trailers visible from the street throughout Lisbon. (Our property in green.) Two additional containers at the public school are not visible in this image. Unless noted, all are visible in satellite imagery from 2012 or prior.

Diagram: Current site



15912 Frederick Road

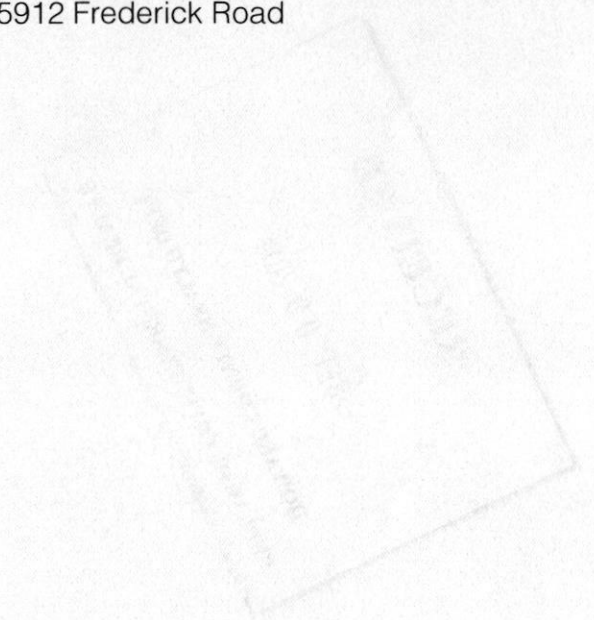
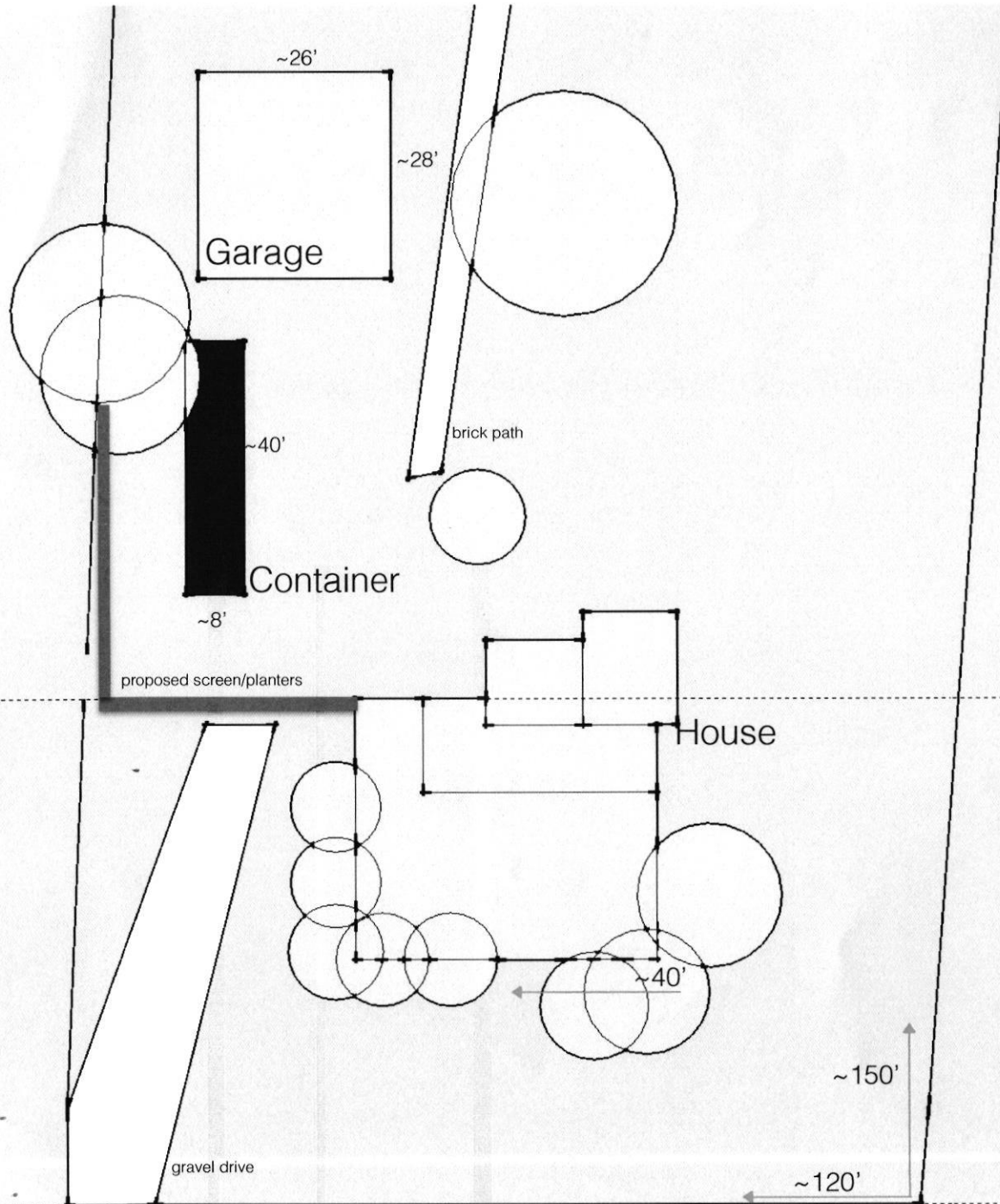


Diagram: Proposed screening



Current site



Boards (foreground) mark the general bounds/outline of the proposed screen. Final design will determine the front-to-back placement — along property line (to the left) or along line of the container (center board.)