



DPZ Office use only:

CASE NO. BA-23-008 N

DATE FILED 5/5/23

NON-CONFORMING USE PETITION TO THE HOWARD COUNTY HEARING AUTHORITY

1. **TYPE OF NONCONFORMING USE** Petitioner is seeking a confirmation and expansion of a non-conforming use for a commercial self-storage facility

2. **PETITIONER'S NAME** Life Storage

TRADING AS (IF APPLICABLE) _____

ADDRESS 6467 Main Street, Williamsville, NY 14221

PHONE NO. (W) 716-650-6056 (H) _____

EMAIL _____

3. **COUNSEL FOR PETITIONER** Thomas G. Coale

COUNSEL'S ADDRESS 54 State Circle, Annapolis, MD 21401

COUNSEL'S PHONE NO. (443) 630-0507

EMAIL tom@pwrjmaryland.com

4. **PROPERTY IDENTIFICATION**

ADDRESS OF SUBJECT PROPERTY 8255 US Route 1 (Old Washington Blvd), Jessup, MD 20794

TOTAL ACREAGE OF PROPERTY 14.24

PROPERTY LOCATION _____

ELECTION DISTRICT 6th ZONING DISTRICT CE-CLI

TAX MAP # 43 BLOCK# 20 PARCEL/LOT # 231

SUBDIVISION NAME (if applicable) _____



5. PETITIONER'S INTEREST IN SUBJECT PROPERTY

- OWNER (including joint ownership)
 - OTHER (describe and give name and address of owner)
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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 magnitude and the extent of the nonconforming use: Commercial Storage use occupies approximate 3 acres of the 14.2 acre parcel. The existing use involves five (5) structures totaling 51,003 SF. Petitioner is proposing an NCU expansion of one two-story 23,302 SF proposed building.
 - (b) Identify the date that the subject use became nonconforming to the use provisions of the Zoning Regulations: The property became a nonconforming use in 2004 with the adoption of a Comprehensive Zoning Plan that changed the property's zoning from M-2 to CE-CLI. All existing uses on site were included on SDP 87-153 and have been operated in a continuous fashion since first being established on site.
 - (c) Describe the documentation included with this petition demonstrating the continuous and uninterrupted use of the site from the specified date: Petitioner has included a Zoning Verification Letter, dated August 2, 2019, from the Howard County Department of Planning and Zoning describing the property as a "legal non-conforming use". Petitioner has also included aerial photographs of the site from 2004 and 2022 demonstrating continuous use of the property for Commercial Storage.
 - (d) Describe the documentation included with this petition substantiating the existence of the subject use on the date that the use became nonconforming: See Petitioner's Response to Question 6(c)
 - (e) Does the nonconforming use involve a structure? No Yes. If yes, please describe See Petitioner's Response to Question 6(a)
 - (f) Any other factors which the Petitioner desires to have considered? Further grounds will be set forth at the hearing on this matter.
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7. EXTENSION OR ENLARGEMENT OF THE NONCONFORMING USE (IF APPLICABLE)

- (a) Will the use change in any way? No Yes
- (b) Describe the percentage which the expansion will exceed either the existing floor area or gross acreage: 45.7%
- (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: None. The proposed building is internal to the lot and 850.76 feet from the rear lot line.

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**

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 8½ 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

8. 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.

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.

Life Storage
Petitioners Name (please print)

Jeff Dietz
Petitioner's Signature

05/02/23
Date

Thomas G. Coale
Counsel's Name (please print)

[Signature]
Counsel's Signature

5/4/23
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. _____

County Website: www.howardcountymd.gov

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

Revised: 07/12