



# HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Courthouse Drive

Ellicott City, Maryland 21043

410-313-2350

Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

**SUBJECT: NONCONFORMING USE APPLICATION  
Robert & Leslie Long**

**NCU 16-005**

*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  
Division of Public Service and Zoning Administration

*Date:* August 4, 2016

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 **August 23, 2016**. Please submit any advisory comments or applicable requirements your agency has on the application by **August 19, 2016**.

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

Attachment

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Valdis Lazdins, Director

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May 6, 2016

Robert P. Long, Jr.  
Leslie P. Long  
2701 Woodbine Road  
Woodbine, MD 21797

RE: Zoning Violation CE-14-117; 2701 Woodbine Road



Dear Mr. Long:

This letter is to follow up on the status of your Zoning Violation Case (CE-14-117). As you are aware, the Board of Appeals Hearing Examiner's Decision & Order for BA-719-D was issued on March 17, 2016 dismissing the appeal.

At our meeting on October 6, 2015 the Department of Planning & Zoning (DPZ) requested that you apply for a Non-Conforming Use Confirmation for the two additional dwellings on your property. DPZ offered to waive the administrative fees associated with this application. DPZ will continue to extend this offer provided that you apply for the Non-Conforming Use Confirmation within the next 30 days.

If you choose not to apply for the Non-Conforming Use Confirmation by June 6, 2016, the Department of Planning & Zoning will proceed with the requisite enforcement action(s).

I have enclosed the Non-Conforming Use application for your convenience and am happy to assist with any questions you may have.

Sincerely,

Amy Gowan  
Deputy Director, Department of Planning and Zoning

Cc:

Diane Wilson, Chief of Staff  
Melissa E. Goldmeier, Assistant County Solicitor

2448



5. Petitioner's Interest in Subject Property  
[X] Owner  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 documentation included with this petition demonstrating the continuous and uninterrupted use of the site from the specified date: **Affidavit of Robert P. Long; SDAT Record for Property.**
- (b) Provide the dates of any period of interrupted use which has occurred since the establishment of the nonconforming use: **None during the Petitioner's period of ownership since 1998.**
- (c) Describe the documentation included with this petition substantiating the existence of the subject use on the date that the use became nonconforming: **Affidavit of Robert Long.**
- (d) Does the nonconforming use involve a structure?  
( ) No. (X) Yes. If Yes, describe: **Two farm tenant homes constructed and used on the farm circa 1800-1810. Each residence contains approximately 900 square feet of space and has a gravel parking area for 2-3 vehicles.**
- (e) Any other factors which the Petitioner desires to have considered? **See Attached Answer.**

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 h 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: RC
- (d) Scale of plan
- (e) Existing and proposed uses, structures, natural features and landscaping: Agriculture.
- (f) Location and surface material of existing and proposed parking spaces, driveways, and points of access; number of existing and proposed parking spaces: Gravel parking 2-3 spaces per dwelling.
- (g) Floor area and height of structures, setback distances from property lines, and other numerical values necessary for the examination of the petition. Approximately 900 square feet of space each; one single story cape cod; one two story colonial; 700' from closest property line; 1800' from closest road (Route 94).
- (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.

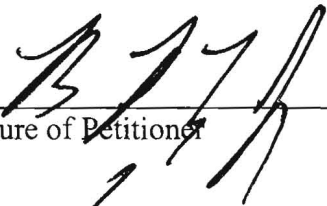
8. Additional Material, Fees, Posting, and Advertising:

- 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 materials 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

6/3/16  
Date

  
\_\_\_\_\_  
Signature of Attorney *Steven Della*

6/2/16  
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](http://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

## RESPONSE TO QUESTION 6 E

The subject property is one of the last larger working farms in Howard County. In fact, the two accessory residences have been in use since they were constructed on the farm circa 1800-1810. They have been historically named the "Caretakers House" and the "Shepard's House." These two (2) structures were in existence and being used in connection with the farm before Howard County was created in 1851. In fact, according to the attached history of the Howard County Department of Planning and Zoning, the first Howard County Zoning Code was not adopted until 1954. The existence and use of the residences pre-date land use regulation in Howard County.

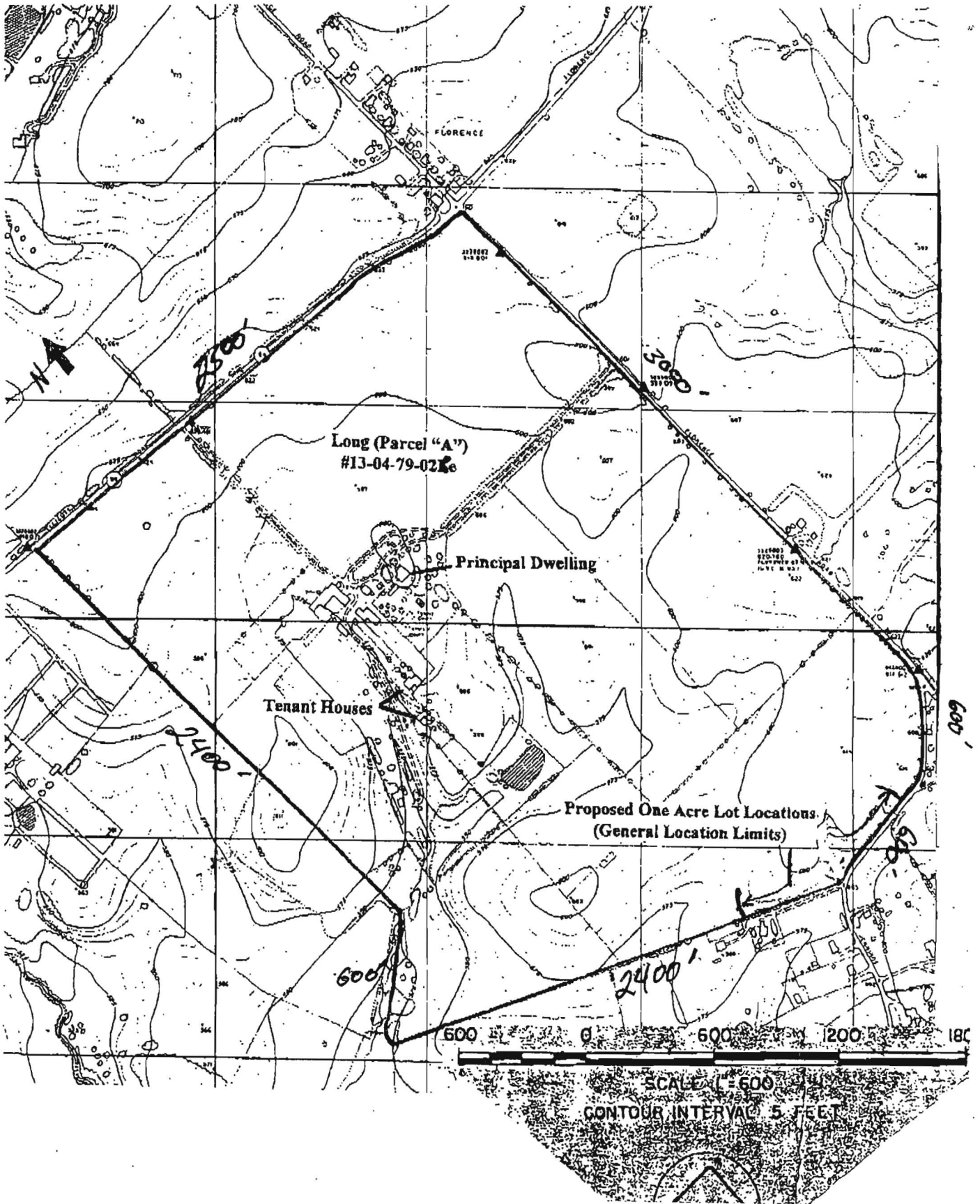
As set forth in the Affidavit of Raymond A. Becraft, Jr., who has lived his whole life on a farm across the street, the tenant homes were primarily used for farm workers until the early 1980s and have been used as rentals ever since as a result of the development of sophisticated farm equipment. Petitioners acquired the farm in May of 1998. Since that date, Petitioners have continued to rent the structures to provide revenue to support the agricultural operations. Some of the renters over the years have rented stalls and/or boarded horses on the farm—and some have not. Presently, one renter boards horses on the farm and the other has boarded horses in the past and hopes to board in the future. All renters are required to mow the lawn, maintain the rented property, and perform painting and repairs when needed. Renters who also board are required to maintain the stalls and barn, feed and maintain horses, and repair fences and other damage caused by their horses.

Since 2005, the Petitioners have maintained residential rental licenses issued by Howard County for the structures. Such application process requires County inspections and approvals. Petitioners have enjoyed the quiet and peaceful use of the property and accessory structures until the contested citations issued by Howard County Zoning Inspector Tamara Frank on December 2, 2014.

Section 104.0 of the Zoning Ordinance states that the purpose of the "Rural Conservation District" is "...to conserve farmland and to encourage agriculture activities, thereby helping to ensure that commercial agriculture will continue as a long term use and a *viable economic activity* within the County." (Emphasis added). The RC Zoning Classification permits as an accessory use "[f]arm tenant houses and similar uses customarily accessory to agricultural uses...." There are numerous farms located throughout Howard County that have residential structures that were historically built as farm tenant homes. Over the years, agricultural operations have changed. Jobs that were once performed by workers are now performed by expensive machinery. As a result, the nature of the tenants who customarily reside in these historic structures have changed as well. The rental of the farm tenant homes to persons who are not exclusively farm workers is now commonplace in the industry. What was customary 200 years ago is not customary today. The rental of historic farm tenant homes to non-traditional farm workers is entirely consistent with the purpose of the Zoning Ordinance to provide a means to make continued long-term agricultural uses of land an economically viable activity. Thus, to

the extent the Department of Planning and Zoning considers such practice as a non-conforming use, such use has existed for at least the past 35 years and possibly much longer. Alternatively, Petitioners believe that such use is "customarily accessory to agricultural uses" within this meaning of the Zoning Code.

### Topographic Map



NONCONFORMING USE CONFIRMATION PETITION

AFFIDAVIT OF ROBERT P. LONG

I, Robert P. Long, am over 18 years of age and am competent to testify as to the matters set forth herein. I further state under oath as follows:

1. I am an owner of Sunnyside Farm located at 2701 Woodbine Road, Woodbine, Maryland 21797.

2. The Property is one of the last larger working farms in Howard County.

3. The two accessory residences were constructed on the farm circa 1800-1810.

4. These structures were historically named the "Caretakers House" and the "Shepard's House."

5. These two (2) structures were in existence and being used in connection with the farm before Howard County was created in 1851. In fact, based on the attached history of the Howard County Department of Planning and Zoning, the first Howard County Zoning Code was not adopted until 1954. The existence and use of the residences pre-date land use regulation in Howard County.

6. The Petitioners acquired the farm in May of 1998.

7. Since that date, Petitioners have continued to rent the structures to provide revenue to support the agricultural operations.

8. Some of the renters over the years have rented stalls and/or boarded horses on the farm—and some have not. Presently, one renter boards horses on the farm and the other has boarded horses in the past and hopes to board in the future.

9. All renters are required to mow the lawn, maintain the rented property, and perform painting and repairs when needed.

10. Renters who also board are required to maintain the stalls and barn, feed and maintain horses, and repair fences and other damage caused by their horses.

11. Since 2005, the Petitioners have maintained residential rental licenses issued by Howard County for the structures.

12. Such application process requires County inspections and approvals.

13. Petitioners have enjoyed the quiet and peaceful use of the property and accessory structures until the contested citations issued by Howard County Zoning Inspector Tamara Frank on December 2, 2014.

14. There are numerous farms located throughout Howard County that have residential structures that were historically built as farm tenant homes.

15. Over the years, agricultural operations have changed. Jobs that were once performed by workers are now performed by expensive machinery. As a result, the nature of the tenants who customarily reside in these historic structures have changed as well.

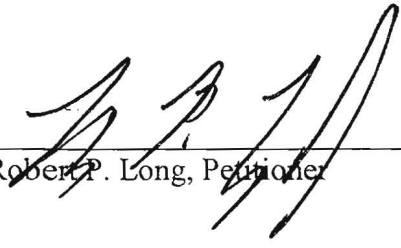
16. The rental of the farm tenant homes to persons who are not exclusively farm workers is now commonplace in the industry. What was customary 200 years ago is not customary today.

17. The rental of historic farm tenant homes to non-traditional farm workers is entirely consistent with the purpose of the Zoning Ordinance to provide a means to make continued long-term agricultural uses of land an economically viable activity.

18. Thus, to the extent the Department of Planning and Zoning considers such practice as a non-conforming use, such use has existed since the early 1980s and possibly longer.

I solemnly affirm under the penalties of perjury that the contents of the foregoing paper are true based upon personal knowledge.

Dated: June 3, 2016

  
\_\_\_\_\_  
Robert P. Long, Petitioner

NONCONFORMING USE CONFIRMATION PETITION

AFFIDAVIT OF RAYMOND A. BECRAFT, JR.

I, Raymond A. Becraft, Jr., am over 18 years of age and am competent to testify as to the matters set forth herein. I further state under oath as follows:

1. I own an approximate sixty (60) acre farm located at 3075 Florence Road, Woodbine, Maryland 21797.
2. My farm is located directly across the street from Sunnyside Farm located at 2701 Woodbine Road, Woodbine, Maryland 21797.
3. I am over 80 years old and have lived on the farm my whole life. In fact, I was born on the farm.
4. The two tenant homes on Sunnyside Farm have been there my whole life.
5. Early on, the tenant homes were used primarily for farm workers.
6. With the development of sophisticated farm equipment, the tenant homes have been used as rental units since the early 1980s.

I solemnly affirm under the penalties of perjury that the contents of the foregoing paper are true based upon personal knowledge.

Dated: June 3, 2016

  
Raymond A. Becraft, Jr.

HO-115  
Sunnyside  
Florence  
Private

circa 1800

Sunnyside faces north on the southeast corner of Florence Road and Route 94. It is a truly eclectic building, blending elements of the Greek Revival Style in its pedimented wooden lintels, flat pilasters and flat roofed, doric columned, open porch with the Roman Revival Style, which filtered down to American mid-nineteenth century domestic architecture in the form of small roman arched attic windows inset into central intersecting, front gables, as well as the attic side elevations. Such a window was placed on the front facade of the mid-nineteenth century central section, which is now hidden, with this stylistic detail incorporated into the new front facade, in its intersecting central gable, and in two roman arched attic windows on both the east and west elevations. In addition, the shingle style is represented in the gothic cut shingles of the third floor addition to the two story high, mid-nineteenth century central section of the house and in the gothic cut shingles of the third floor of the three story high, late nineteenth century, front section of the house. All of this extends from the north wall of the original log structure, constructed circa 1800.

The original log house is a two bay wide, one room deep, two story high, gabled roof (running north-south) log (now covered aluminum siding) house, resting on a stone (covered with cement) foundation, with square, brick chimney inset into its south wall.

The log building was constructed by Joshua Warfield, son of captain Benjamin Warfield of Cherry Grove, while the mid section, circa 1830, was built by Albert Gallatin Warfield and the 1890 front section of the house, by his son, Joshua Warfield.

MARYLAND HISTORICAL TRUST

MAGI # 140115304

INVENTORY FORM FOR STATE HISTORIC SITES SURVEY

**1 NAME**

HISTORIC

AND/OR COMMON

Sunnyside

**2 LOCATION**

STREET & NUMBER

Florence Rd and Rt 94 (Ellicott Road)

CITY, TOWN

Woodbine

\_\_\_ VICINITY OF

CONGRESSIONAL DISTRICT

6th

STATE

Maryland 21797

COUNTY

Howard

**3 CLASSIFICATION**

**CATEGORY**

- DISTRICT
- BUILDING(S)
- STRUCTURE
- SITE
- OBJECT

**OWNERSHIP**

- PUBLIC
- PRIVATE
- BOTH

**PUBLIC ACQUISITION**

- IN PROCESS
- BEING CONSIDERED

**STATUS**

- OCCUPIED
- UNOCCUPIED
- WORK IN PROGRESS

**ACCESSIBLE**

- YES: RESTRICTED
- YES: UNRESTRICTED
- NO

**PRESENT USE**

- AGRICULTURE
- COMMERICAL
- EDUCATIONAL
- ENTERTAINMENT
- GOVERNMENT
- INDUSTRIAL
- MILITARY
- MUSEUM
- PARK
- PRIVATE RESIDENCE
- RELIGIOUS
- SCIENTIFIC
- TRANSPORTATION
- OTHER

**4 OWNER OF PROPERTY**

NAME

Albert G. Warfield, III

Work: 992-2108

Telephone #: Home: 442-2833

STREET & NUMBER

Florence Rd and Rt 94

CITY, TOWN

Woodbine, Maryland 21797 \_\_\_ VICINITY OF

STATE, zip code

**5 LOCATION OF LEGAL DESCRIPTION**

COURTHOUSE,  
REGISTRY OF DEEDS, ETC.

Tax Map 13 p. 17  
Hall of Records

Liber #: 816

Folio #: 466

STREET & NUMBER

Howard County Court House

CITY, TOWN

Ellicott City

STATE

Maryland

**6 REPRESENTATION IN EXISTING SURVEYS**

TITLE

Howard County Historic Sites Inventory

DATE

1978-1979

\_\_\_ FEDERAL  STATE \_\_\_ COUNTY \_\_\_ LOCAL

DEPOSITORY FOR  
SURVEY RECORDS

Maryland Historical Trust

CITY, TOWN

21 State Circle, Annapolis

STATE

Maryland