### ADJOINING PROPERTY OWNERS FOR 6157 PINE AVENUE

Wayne Sinquefield 6158 Pine Avenue Elkridge, MD 21075-5605 (38.002)

DC & RB Inc. A Body Corporate P.O. Box 8595 Elkridge, MD 21075-8595 (38.002)

## **Requested Zoning**

#### Search Street:

PINE AVE Next

#### **Property Information:**

Amendment No.: 38.002 Current Zoning: CE-CLI Requested Zoning: M-1

Tax Account ID.: 1401157892

Map; 38 Grid: 8 Parcel: 790 Lot:

Acres: 0.947

Address: 6157 PINE AVE

City/State/Zip: ELKRIDGE, MD 21075

#### Owner:

Name: DC & RB INC

Email: Phone:

Mailing Address: PO BOX 8595

City/State/Zip: ELKRIDGE, MD 21075

#### Representative:

Name: Ronald Miles Email: milesrs@aol.com Phone: 4106271677

Mailing Address: 6056 Hunt Club Road City/State/Zip: Elkridge, Maryland 21075

#### Decision:

Planning Board Decision: Planning Board Vote: Council Decision: Council Vote:

10/11/2012

DEC \_ 1 5015

## DIVIDE SERVICE & ZONING Name Amendment **Request Form**

**Howard County** 

Comprehensive Zoning Pall

Department of Planning and Zoning

[Handwritten/Typed Version] Before filling out this form, please read the Instructions section at the end of the form.

### A. Property Information (Please print or type)

1	Address / Street (Only)	6157	PINE AVE.		 :
2	Tax Map Number	38	Grid	0008	
3	Parcel(s)	0790			 :
4	Lot(s)	N/A			 i
5	Tax Account Data:	District	Ol Account #	157892	 :

The second secon			entertain transporter (* 1			
6 Acres		947	Square feet	4	1.25	1
Size of Property.	"		(SELECTION )		-	

The Property is currently zoned: I request that the Property be rezoned to:

#### **B.** Owner Information

8	Owner Name	DC & RB INC.
9	Mailing street address or Post Office Box	P.O. Box 8595
	City, State	ELKRIDGE, MD.
}	ZIP Code	21075
	Telephone (Main)	410.627.1677
:	Telephone (Secondary)	
10	E-Mail	milesrs @ aol. com

DIV. OF PUBLIC SERVICE & ZONING

### C. Representative Information

11	Name	RONALD MILES
	Mailing street address or Post Office Box	6056 HUNT CLUB RD.
	City, State	ELKRIDGE, MD
	ZIP	21075
	Telephone (Main)	410-627-1677
· · · · · · · · · · · · · · · · · · ·	Telephone (Secondary)	
	E-Mall	milesrs @aol. com
· 12	Association with Owner	PART - OWNER

#### D. Alternate Contact [If Any]

υ.	Alfelliate college (11 141)	
:	Name	DENNIS MILES
	Telephone	443.889.2262
	E-Mail	
	- 最后的是是一个。 - 1990年第一日日本中的日本中的日本中的日本中的日本中的日本中的日本中的日本中的日本中的日本中	•

## E. Explanation of the Basis / Justification for the Requested Rezoning

Ε, Ι	Explanation of the 2000 /
13	THIS PROPERTY WAS PURCHASED IN NOV. 1996 WITH THE M MI
:	TANJUE ALL PROFERETY SURROUNDING THIS PROFERETY
1	Commenced Invaking Co. Invak Copyra Inchiny for
: : :	PROPERSED. PRIPERTY HAS BEEN FOR SINE WEN G YEARS.
; :	CAN NIT SILL BECAUSE OF NEW ZONING AND REDUCATIONS,
· · · · · · · · · · · · · · · · · · ·	RESTAICTIONS.

<b>F.</b> 1	List of Attachments/Exhibits					
14		•			•	
						:
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					•	;
	:					:
						;
						:
		•				
G.	Signatures					
15	Owner _	Owner (2)	-	MILES	 •	
	Date 12-5-12		DENNIS	,,		:
	Date	Date		•		į
	12-5-12		12-4-12			:
	1	tach a consusta	cianatura naga			.!
	Additional owner signatures? $X$ the box to the left and at	tacii a separate	signature page.			
16	Representative		•		•	:
	Signature					
	Date				•	:

DPZ Use Only	Amendment No. 38,002
Notes	





## **Howard County Council**

George Howard Building 3490 Court House Drive Ellicott City, Maryland 21043-4392 COUNCILMEMBERS

Jennifer Terrasa, Chairperson District 3 Mary Kay Sigaty, Vice Chairperson District 4 Courtney Watson District 1 Calvin Ball District 2 Greg Fox District 5

March 11, 2013

DC & RB Inc. P.O. Box 8595 Elkridge, MD 21075

Dear Sir or Madam:

You are receiving this letter because you filed a Zoning Map Amendment Request Form/Howard County Comprehensive Zoning Plan or a Zoning Regulation Amendment Request Form/Howard County Comprehensive Plan.

Please be advised that on March 7, 2013, the Howard County Ethics Commission determined that the Zoning Map Request Form needs to be accompanied by certain affidavits and disclosures. The Commission also determined that the Zoning Regulation Amendment Form needs to be accompanied by certain affidavits and disclosures when the Form proposes to "increase the density of the land of the applicant."

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Very truly yours,

Stephen M. LeGendre

Hepher or Latender

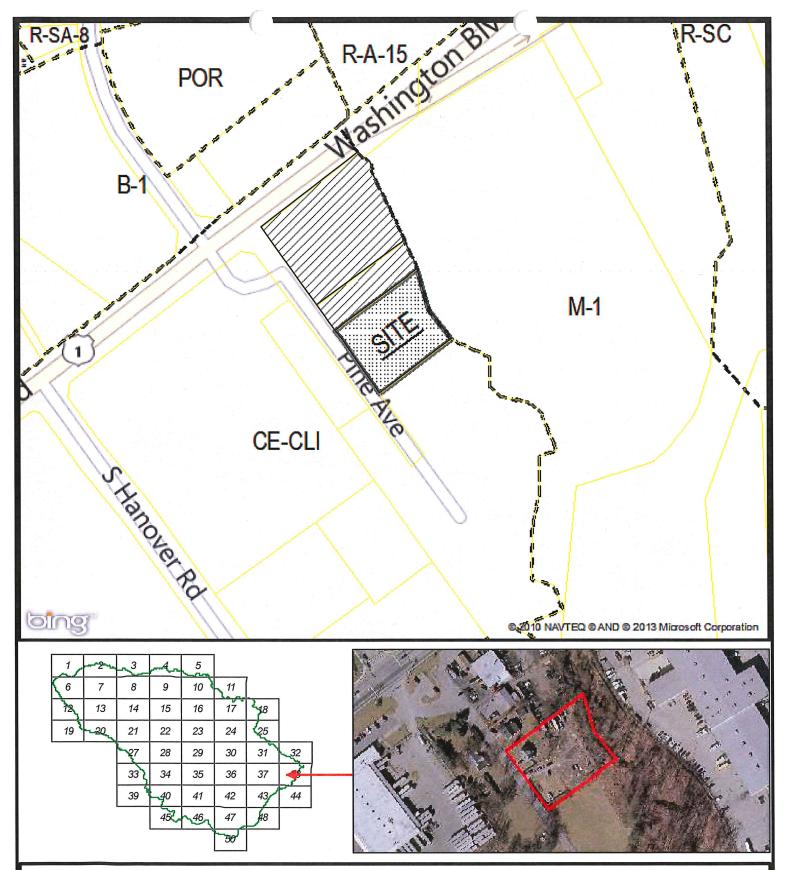
(410) 313-2001

Administrator

fax: (410) 313-3297

http://cc.howardcountymd.gov

tty: (410) 313-6401



Zoning Map General Plan Amendment:

38.002

Tax ID: 1401157892

Current Zoning: CE-CLI

Council District:

4

Tax Map:

38

Grid:

Parcel:

**790** 

Lot: N/A

Address: 6157 PINE AVE

#### ADJOINING PROPERTY OWNERS FOR 6475 WASHINGTON BOULEVARD

James Alban III P.O. Box 9595 Baltimore, MD 21237-0595 (38.009) (38.008)

DC & RB Inc. A Body Corporate P.O. Box 8595 Elkridge, MD 21075-8595 (38.002) (38.009) (38.008)

Wayne Sinquefield 6158 Pine Avenue Elkridge, MD 21075-5605 (38.002) (38.009) (38.008)

Bevard Farm Corporation Papavasilis Nickoloas a Et Al P.O. Box 417 Ellicott City, MD 21041-0417 (38.008)

Pjax Inc. 2850 kramer Road Gibsonia, PA 15044-9670 (38.008) H

### Requested Zoning

#### Search Street:

WASHINGTON BLVD

Next

#### **Property Information:**

Amendment No.: 38.008 Current Zoning: CE-CLI Requested Zoning: M-1

Tax Account ID.: 1401173839

Map: 38
Grid: 8
Parcel: 303
Lot:
Acres: 1.65

Address: 6475 WASHINGTON BLVD City/State/Zip: ELKRIDGE, MD 21075

#### Owner:

Name: PhilEnterprises, LLC. Filipe Dias Email: filipe.bat.dias@hotmail.com

Phone: 301-674-5122 Mailing Address: P.O. Box 303 City/State/Zip: Laurel, MD 20725

#### Representative:

Name: Michael Zeller

Email: michaelvzeller@gmail.com

Phone: 410-713-1593

Mailing Address: 6410 Waterloo road City/State/Zip: Columbia, MD 21045

#### Decision:

Planning Board Decision:
Planning Board Vote:
Council Decision:
Council Vote:

12/20/2012

RECEIVED

DEC 1 4 2012

## Zoning Map Amendment

DIV. OF PUBLIC SERVICE & ZONING REQUEST OF M

# **Howard County Comprehensive Zoning Plan**

Department of Planning and Zoning

[Word 2007 Version]
Before filling out this form, please read the
Instructions section at the end of the form.

#### A. Property Information

1	Address / Street (Only)		6475	WASH	INGTON BO	ULEVAR	.D د	
2	Tax Map Number		#38		Grid		8000	<u></u>
3	Parcel(s)	0303				·		
4		"N/A"						
5	Tax Account Data:	District		01	Account	#	17383	9
6	Size of Property:	A	cres	1.	.659	Square	feet	

7 The Property is currently zoned:

"CE-CLI" V

I request that the Property be rezoned to:

and the second of the second o

"M1"

#### **B.** Owner Information

Owner Name	PHIL ENTERPRISES, LLC. FILIPE DIAS	
Mailing street address or Post Office Box	P.O. BOX 303	completely the second
City, State	LAUREL, MARYLAND	SOAT
ZIP Code	20725	mc. E
Telephone (Main)	301-674-5122 FILIPE DIAS	NOV
Telephone (Secondary)	301-604-0202 FILIPE DIAS	•
Fax	301-604-0027	(see e
E-Mail	FILIPE.BAT.DIAS@HOTMAIL.COM	
	Mailing street address or Post Office Box City, State ZIP Code Telephone (Main) Telephone (Secondary) Fax	Mailing street address or Post Office Box City, State LAUREL, MARYLAND ZIP Code 20725 Telephone (Main) 301-674-5122 FILIPE DIAS Telephone (Secondary) 301-604-0202 FILIPE DIAS Fax 301-604-0027

SDAT is incorrect mr. Dias prehased NOV 30, 2012 (see email)

#### C. Representative Information

11	Name	MICHAEL ZELLER
	Mailing street address or Post Office Box	6410 WATERLOO ROAD
	City, State	COLUMBIA, MARYLAND
	ZIP	21045
	Telephone (Main)	410-713-1593

Pec. #

C. Representative Informa	ition		
Telephone (Secondary)	301-604-0202 MICHAEL ZELL	.ER	
Fax	301-604-0027		
E-Mail	MICHAELVZELLER@GMAIL.CO		
12 Association with Owner	DESIGNATED REPRESENTATI	IVE	
D. Alternate Contact [If Ar	1 <b>y</b> ]		
Name	:		
Telephone	· · · · ·		
E-Mail			
•	s / Justification for the Requ		tioned property. Our intent for the zoning
(tenants) the flexibility to grozoning is very narrow and lir and they are committed as we give us confidence and securi are already operating these becontributor to creating jobs, businesses are in the automousage and that such approva small area of the Site, it appearance of Michael Zeller-Aspinvestors, we are committed by siving them the rights to form	ow and adapt to meet demands as firmits their growth potential. We had do are to invest in making the propertity to making these investments as opposinesses; we just need the security topportunities and generating revenutive industry. Recently we successfull I stated that "Although the Nonconforark Motors, LLC, Petitioner, NCU Cointo the successful development of the further development of the	ne and market conditions in the liscussion with the tenants of a viable showcase for the posed to a non-conforming to make them better. We are for the community and only petitioned on behalf of comming Use Confirmation could be made for the enclase No. 10-004 (see attactive property, thus making saft the same time that we limited that the limited that we limited that the limited that	hange will allow our current businesses in the community change. The current is about the possibility of this zoning change is community. The zoning change would go use status which we currently hold. We are looking long term in being a major our county. As your are aware our primary one of our tenants for the Non-Conformity request was only made for the relatively tire Property." This references "In the hed copy). However please note, as property ure that our current tenants are protected ave the opportunities and rights to develop ich would be protected by the granting of
F. List of Attachments/Ex	hibits		
14 . "IN THE MATTE	R OF MICHAEL ZELLER-ASPAR	K MOTORS, LLC, PETI	TIONER"
G. Signatures			
15 Owner FILIPE DIAS	· ·	Owner (2)	
Date 12/14/2012		Date	
Date 12/14/2012 ( Additional owner signature)	ares? X the box to the left and a		ure nage.
Additional owner signatu	nest A the pox to the left and t	accuon a sopmare engine	
16 Representative Signature Date	12/14/2012		
-	. ,		
DPZ Use Only		Amendment No.	38.008
Notes	Q1+ 12/18	//2	

1

2

IN THE MATTER OF \*
MICHAEL ZELLER - \*
ASPARK MOTORS, LLC, \*
PETITIONER \*

BEFORE THE DIRECTOR OF DEPARTMENT OF PLANNING & ZONING NCU CASE NO. 10-004 (6475 WASHINGTON BOULEVARD)

#### **DECISION AND ORDER**

On January 4, 2011, the Designee for the Director of the Department of Planning and Zoning conducted a public hearing to consider the petition of Michael Zeller - Aspark Motors, LLC, for confirmation of a nonconforming use for a motor vehicle sales and service facility, as authorized under Section 100.H. and Section 129.D. of the Zoning Regulations. The notice of the hearing was posted on the subject property in accordance with all applicable regulations. The Petitioner was present. Also present representing the Petitioner was Ronnie Miles. There was no testimony in opposition to the petition.

Prior to the introduction of testimony, the following items were incorporated into the record:

- 1. The Howard County Zoning Regulations.
- 2. The Subdivision and Land Development Regulations.
- 3. The Administrative Procedures Act of the Howard County Code.
- 4. The 1948, 1954, 1961, 1977, 1985 and 1993 Howard County Zoning Regulations.
- 5. The Land Use map records of the Department of Planning and Zoning.
- 6. The aerial photograph records of the Department of Planning and Zoning.

During the hearing the following items were introduced as exhibits:

- 1. Petition and Nonconforming Use Plan submitted by Petitioner.
- 2. Documentation submitted by the Petitioner. A Table of Contents for Exhibits and Documentation which describes Exhibit A through Exhibit V was submitted with the petition.
- 3. Aerial photograph of the subject site submitted by the Department of Planning and Zoning.

Testimony in favor of the petition was presented by Michael Zeller. Mr. Zeller stated that the site has been owned since the 1960s by the Miles. He explained that the site was zoned M-1 prior to the 2004 Comprehensive Zoning Plan and was being used for the current business. Mr. Zeller confirmed that in addition to vehicle sales, some types of vehicle servicing activities also take place in association with the

feet to the southeast of this large building is a three-bay garage that is approximately 30 feet by 48 feet. At the northwest corner of the large building is a smaller building approximately 20 feet by 30 feet. Although not depicted on the plan, the most recent aerial photograph shows two or three smaller accessory buildings on the site. The area of the Property to the south of the Site is a vehicle storage area, apparently used by a towing service business according to Exhibit T, and the other buildings and areas on the Property are used for vehicle various vehicle service activities and for vehicle parking, storage, and circulation.

- 5. To the northwest of the Property, across US 1, is Parcel 953 which is zoned B-1. This property is improved with a small retail center development. The adjoining property to the northeast is Parcel 221 which is zoned M-1 and is the site of the large Alban Power Systems facility. Parcel 769 adjoins the southeast rear of the Property and is also zoned CE-CLI. The southwest half of Parcel 769 is improved by a house, although it is unknown if it is being used as a dwelling, but the remainder of the parcel to the northeast appears to be used as a motor vehicle storage lot. To the southwest of the Property is Parcel 813, which is zoned CE-CLI and is the site of a truck terminal
- The Site was zoned M-1 by the 1961 Comprehensive Zoning Plan and this M-1 zoning was retained for the Site and the Property in the 1977, 1985 and 1993 Comprehensive Zoning Plans.

  The Site, and the rest of the Property, was rezoned to CE-CLI by the 2004 CZP.
- 7. A March 6, 1975 letter about the Property submitted as Exhibit D indicates that the Property was formerly used as a "Milk Bar and Sandwich Shop" and was then used as a used car lot, and confirmed that at the time of the 1975 letter, was still being used as a used car lot and garage. These statements coincide with the Land Use Map of 1961 which coded the Property as C-2, or "Eating Establishment" and appear to coincide with the Land Use Map of 1981 which coded the Property as 21-12, or "Motor Vehicle Sales, Repair and Services". The 21-12 code for the Property continued on the 1982, 1996, and 2003 Land Use Maps.
- 8. Exhibit C and C-1, a 1964 letter from the State Roads Commission about the Property, confirms that the entire Property was in use at that time for motor vehicle sales and servicing.
- 9. The January 8, 1981 Technical Staff Report for BA 80-35V, which concerned the Parcel 221,
  Alban Tractor property that adjoins the northeast side of the Property, states "To the west is a

stream and the lot of a used auto and auto storage business."

- 10. Exhibit F, an approved 1992 MVA application for a Vehicle Dealer's License for Nick's Auto Sales Inc. on the Property, and Exhibit G, a 1992 commercial lease for the Property with Nick's Auto Sales as the Lessee, confirm that the Property was being used for that purpose at that time.
- 11. Exhibit H, which lists the Personal Property Tax records listing for the Property from 1993 to 2005 shows each year as having Nick's Auto Sales Inc. as the "owner".
- 12. The remainder of the extensive documentation all substantiate the existence of a motor vehicle sales and service use on the Property prior to the 2004 CZP when it was zoned M-1, and that this same type of use continued after the 2004 CZP up to the present, and all applicable aerial photograph information supports this as well. Although the Nonconforming Use Confirmation request was only made for the relatively small area of the Site, it appears clear that the same confirmation could be made for the entire Property.

#### CONCLUSIONS OF LAW

Section 129.D.1 of the Zoning Regulations permits the Director of Planning and Zoning to confirm the existence of a nonconforming use upon review of a perition filed by the property owner which contains the following items:

- a. A statement and plans or other illustrations fully describing the magnitude and extent of the nonconforming use.
- b. A statement identifying the date the use became nonconforming to the use provisions of the Zoning Regulations.
- c. Documentation substantiating the existence of the use on the date it became nonconforming and clearly demonstrating the continued and uninterrupted use or operation thereof from the specified date to the time of filing the application. The burden shall be on the property owner to establish the existence of the nonconforming use.

Based upon the foregoing Findings of Fact, the Drector makes the following Conclusions of Law:

1. The Petitioner has provided statements and plans describing the alleged nonconforming use as a motor vehicle sales use taking place within the boundaries of the Site. The testimony from the



## **Howard County Council**

George Howard Building 3495 Court House Drive Ellicott City, Maryland 21043-4392 COUNCILMEMBERS

Jennifer Terrasa, Chairperson
District 3
Mary Kay Sigaty, Vice Chairperson
District 4
Courtney Watson
District 1
Calvin Ball
District 2
Greg Fox
District 5

March 11, 2013

Phil Enterprises, LLC Filipe Dias P.O. Box 303 Laurel, MD 20725

Dear Sir or Madam:

You are receiving this letter because you filed a Zoning Map Amendment Request Form/Howard County Comprehensive Zoning Plan or a Zoning Regulation Amendment Request Form/Howard County Comprehensive Plan.

Please be advised that on March 7, 2013, the Howard County Ethics Commission determined that the Zoning Map Request Form needs to be accompanied by certain affidavits and disclosures. The Commission also determined that the Zoning Regulation Amendment Form needs to be accompanied by certain affidavits and disclosures when the Form proposes to "increase the density of the land of the applicant."

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Accordingly, I am enclosing for your use the approved affidavit packet. Completed forms may be mailed to the Administrative Assistant to the Zoning Board at 3430 Court House Drive, Ellicott City, MD 21043.

Very truly yours,

Stephen M. LeGendre

gryhan W. Fobondre

Administrator

fax: (410) 313-3297 http://cc.howardcountymd.gov tty: (410) 313-6401

### ADJOINING PROPERTY OWNERS FOR 6151 PINE AVENUE

James Alban III P.O. Box 9595 Baltimore, MD 21237-0595 (38.009)

DC & RB inc. A Body Corporate P.O. Box 8595 Elkridge, MD 21075-8595 (38.002) (38.009)

Wayne Sinquefield 6158 Pine Avenue Elkridge, MD 21075-5605 (38.002) (38.009) Requested Zoning

#### Search Street:

PINE AVE

Next

#### **Property Information:**

Amendment No.: 38.009 Current Zoning: CE-CLI Requested Zoning: M-1

Tax Account ID.: 1401173804

Map: 38
Grid: 8
Parcel: 769
Lot:
Acres: 0.48

Address: 6151 PINE AVE

City/State/Zip: ELKRIDGE, MD 21075

#### Owner:

Name: Phil Enterprises, LLC

Email: filipe.bat.dias@hotmail.com

Phone: 301-674-5122 Mailing Address: P.O. Box 303 City/State/Zip: Laurel, MD 20725

#### Representative:

Name: Michael Zeller

Email: michaelvzeller@gmail.com

Phone: 410-713-1593

Mailing Address: 6410 Waterloo Road City/State/Zip: Columbia, MD 21045

#### Decision:

Planning Board Decision:
Planning Board Vote:
Council Decision:
Council Vote:

### RECEIVED

DEC 1 4 2012

## **Zoning Map Amendment**

REGULESEVE TOWNS

## Howard County Comprehensive Zoning Plan

Department of Planning and Zoning

[Word 2007 Version]
Before filling out this form, please read the
Instructions section at the end of the form.

#### A. Property Information

1	Address / Street (Only)		6151	PINE A	AVENUE			_
2	Tax Map Number		#38		Grid		8000	
3	Parcel(s)	0769					V	
4	Lot(s)	"N/A"						
5	Tax Account Data:	District		01	Account a	#	17380	4
6	Size of Property:	Ad	cres			Square	e feet	21,039

7 The Property is currently zoned:

"CE-CLI"

I request that the Property be rezoned to:

"M1"

#### **B.** Owner Information

8	Owner Name	PHIL ENTERPRISES, LLC.	SDAT gres:
9	Mailing street address or Post Office Box	P.O. BOX 303	DC+RBIAL.
	City, State	LAUREL, MARYLAND	P.O. Box 8595 FIKUACI MD
	ZIP Code	20725	Elkridge, MD 21075
	Telephone (Main)	301-674-5122 FILIPE DIAS	Mr. Diàs prchased
	Telephone (Secondary)	301-604-0202 FILIPE DIAS	Mr. Diàs prehased on NOV30, 2012
	Fax	301-604-0027	(see email)
10	E-Mail	FILIPE.BAT.DIAS@HOTMAIL.COM	(ore cirious)

#### C. Representative Information

	ur.	
11	Name	MICHAEL ZELLER
·	Mailing street address or Post Office Box	6410 WATERLOO ROAD
	City, State	COLUMBIA, MARYLAND
	ZIP	21045
	Telephone (Main)	410-713-1593

Rec#

C. Representative Information				
Telephone (Secondary) 301-604-0202 MICHAEL ZELLER				
Fax 301-604-0202				
E-Mail MICHAELVZELLER@GMAIL.COM				
12 Association with Owner DESIGNATED REPRESENTATIVE				
D. Alternate Contact [If Any]				
Name				
Telephone				
E-Mail				
E. Explanation of the Basis / Justification for the Request				
Owner respectfully requests the noted zoning change from CE/CLI to M1 for the fore mentioned property. This property is physically attached to 6475 Washington Boulevard and is inclusive in the deed of the owner of that property. We are requesting the same zoning change for that property. Changing the zoning on Pine Avenue plays a vital role in allowing the owner and the current businesses (tenants) to complete their intended plans of investment, expansion and growth (for 6475 Washington Boulevard) as requested in section 13 of the Zoning Map Amendment Request Form (see attached copy) that we submitted. Granting this zoning change will secure the future of these businesses.				
F. List of Attachments/Exhibits				
14 1. Zoning Map Admendment Request Form for 6475 Washington Boulevard				
•	'			
G. Signatures				
15 Owner Filipe Dias	Owner (2)			
Date 12/14/2012	Date			
Additional owner signatures? X the box to the left and attach a separate signature page.				
16 Representative Signature  Date 12/14/2012				
DPZ Use Only	Amendment No. 38.009			
Notes				
Ceff 12/18/12				

(



## **Howard County Council**

George Howard Building 3496 Court House Drive Ellicott City, Maryland 21043-4392

#### COUNCILMEMBERS

Jennifer Terrasa, Chairperson
District 3
Mary Kay Sigaty, Vice Chairperson
District 4
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March 11, 2013

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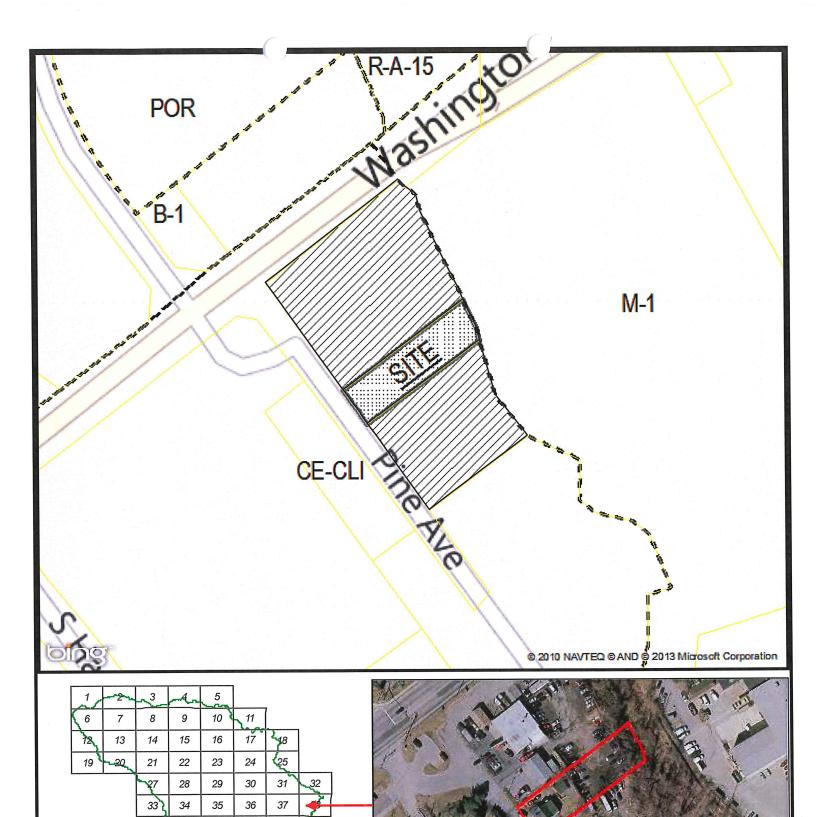
Very truly yours,

Stephen M. LeGendre

Hephen in Chendre

Administrator

fax: (410) 313-3297 http://cc.howardcountymd.gov tty: (410) 313-6401



Zoning Map General Plan Amendment:

Tax ID: 1401173804 38.009

Current Zoning: CE-CLI

**Council District:** 

Lot: N/A

**38** Grid: Tax Map: Address: 6151 PINE AVE

8 Parcel: **769**