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Penny E. Borenstein, M.D., M.P.H., Health Officer

December 20, 2004

TO: George Beisser
Chief, Division of Public Service & Zoning Administration

FROM: Kacie Noonan, Jr., R.S.
Well and Septic Program
Development Coordination Section

RE: File Number: BA-04-050V
Title: 15751 Bushy Park Road

The following comments apply to the Board of Appeals case requesting a reduction in lot sizes from 3 acres to 2.3 and 2.7 acres. The Health Department objects to the size decrease in lot size until it has been proven that each lot has 10,000 square feet of septic area available for each lot.

KN

File copy

GENERAL REQUIREMENTS:

The Petitioner shall note that all requests for variances must meet the following requirements of section 130.B.2.a.(1) through (5) of the Howard County Zoning Regulations in order to be approved:

(1) That there are unique physical conditions, including irregularity, narrowness or shallowness of lot or shape, exceptional topography or other existing features peculiar to the particular lot; and that as a result of such unique physical conditions, practical difficulties or unnecessary hardships arise in complying strictly with the bulk provisions of these regulations.

2. That the variance, if granted, will not alter the essential character of the neighborhood or district in which the lot is located; will not substantially impair the appropriate use or development of adjacent property; and will not be detrimental to the public welfare.

3. That such practical difficulties or hardships have not been created by the owner provided, however, that where all other required findings are made, the purchase of a lot subject to the restrictions sought to be varied shall not itself constitute a self-created hardship.

4. That within the intent and purpose of these regulations, the variance, if granted, is the minimum variance necessary to afford relief.

5. That no variance be granted to the minimum criteria established in Section 131 for special exception uses, except where specifically provided therein or in an historic district. Nothing herein shall be construed to prevent the granting of variances in any zoning district other than to the minimum criteria established in Section 131 except as provided therein.

6. OTHER DATA TO ACCOMPANY PETITION:

The Petitioner must also submit with the petition an area location map (tax map) of the subject property, indicating the street address of the site, the zoning district of the site and the zoning district of all adjacent properties.

7. VARIANCE REQUEST:

The undersigned hereby petition the Board of Appeals for a variance from the requirement(s) of section 104.E.1 of the Zoning Regulations to: (describe) Variance to 3-acre minimum lot size for non-cluster subdivisions in RC District contained in Sections 104.D and 104.E.1.b. of the Zoning Regulations, and/or a variance to allow a cluster subdivision of a parcel less than 6 acres under Section 104.D.2 and a variance to reduce the rear lot line setback under Section 104.E.4.b.

A) Describe why the Zoning Regulations in question would result in practical difficulties or unnecessary hardships in complying strictly with the bulk requirements:

() narrowness, () shallowness, (x) shape, () topography, (x) other; explain: Property has unique physical characteristics in that it contains two individual dwelling units.

B) If exceptional narrowness, shallowness or shape of the property is claimed, give the date of the recording of the plat of present subdivision, if any: _____; or if property is not subdivided, give the date on which a deed conveying the identically bounded tract was first recorded: _____

C) The intended use of the property, in the event the petition is granted: Single family residences

D) Any other factors which the Petitioner desires to have considered: Grant of variances would have no adverse impact on the neighborhood. There will be no visual or actual difference in its use.

E) Explain why the requested variance is the minimum necessary to afford relief: The property is close to 6 acres and contains 2 residences.

F) Is the property connected to: public water?: Y___ N x; public sewer?: Y___ N x

G) If the requested variance is granted, would it impact the water and/or septic/sewer on the site? Y___ N x

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.


The undersigned agrees to pay all costs in accordance with the current schedule of fees.

The undersigned also 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. 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 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.

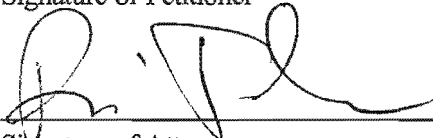
10. SIGNATURES:

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



Signature of Attorney

For DPZ office use only: (Filing fee is \$300 plus \$15.00 per poster.)

Hearing fee: \$ _____

Poster fee: \$ _____

TOTAL: \$ _____

Receipt No. _____

(Make checks payable to "Director of Finance")

PLEASE READ CAREFULLY
DATA TO ACCOMPANY PETITION:

5. 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 1/2 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 and mailing address of the petitioner.
- ☒ (m) Name and mailing address 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 affected 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.

ZB or BA CASE # _____

PETITION John Botts

ADDRESS 15751 Bushy Park Road, Woodbine, Maryland 21797

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

THE UNDERSIGNED DOES HEREBY DECLARE 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 WITHIN APPLICATION OR PETITION IN ZB OR BA CASE # _____ FOR A ZONING CHANGE AS REQUESTED.

I WE, DO SOLEMNLY DECLARE AND AFFIRM UNDER THE PENALTIES OR PERJURY THAT THE CONTENTS OF THE AFOREGOING AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY, OUR, KNOWLEDGE, INFORMATION AND BELIEF.

Witness

Signature

John A. Botts 10/19/04
Date

Witness

Signature

Date

Witness

Signature

Date

H) If the requested variance is granted, would it increase the intensity of uses on the site?
Y___ N^x___; if yes, explain: _____

I) If the requested variance is granted, would it increase traffic to or from the site? Y___ N^x___;
if yes, explain: _____

J) Describe in detail (i.e. width, type of paving, etc.) all means of vehicular access onto the site: _____
Single paved driveway.

K) Describe the topography of the site: see variance plan

L) Will the existing or proposed structure be visible from adjacent properties? Y^x N___; if yes,
describe any proposed buffering or landscaping: The property contains mature trees and landscaping.

M) Describe any existing buffering or landscaping: Mature trees are located to the sides, front and rear.

8. **PRIOR PETITIONS:** Has any petition for the same, or substantially the same, variance 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.

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:

23 copies if the subject property adjoins a State road.

19 copies if the subject property adjoins a County road.

**RESIDENTIAL DISTRICT VARIANCE PETITION
TO THE HOWARD COUNTY BOARD OF APPEALS**

For DPZ office use only:
CASE NO. PA 04-050V
DATE FILED _____
DATE ACCEPTED FOR
SCHEDULING _____

1. PETITIONER'S NAME John Botts

TRADING AS (IF APPLICABLE) _____

ADDRESS 15751 Bushy Park Road, Woodbine, Maryland 21797

PHONE NO. (W) (703) 980-3392 (H) (410) 442-7663

2. COUNSEL FOR PETITIONER Richard B. Talkin

COUNSEL'S ADDRESS Richard B. Talkin, P.A., 5100 Dorsey Hall Drive, Ellicott City, MD 21042

COUNSEL'S PHONE NO. (410) 964-0300

3. PROPERTY IDENTIFICATION:

ADDRESS OF SUBJECT PROPERTY 15751 Bushy Park Road, Woodbine, Maryland 21797

TOTAL ACREAGE OF PROPERTY Approx. 5.634 acres

PROPERTY LOCATION:

ELECTION DISTRICT: Fourth ZONING DISTRICT: RC-DEO

TAX MAP # 14 BLOCK # 1 PARCEL/LOT # 148

SUBDIVISION NAME (if applicable): _____

4. PETITIONER'S INTEREST IN SUBJECT PROPERTY:

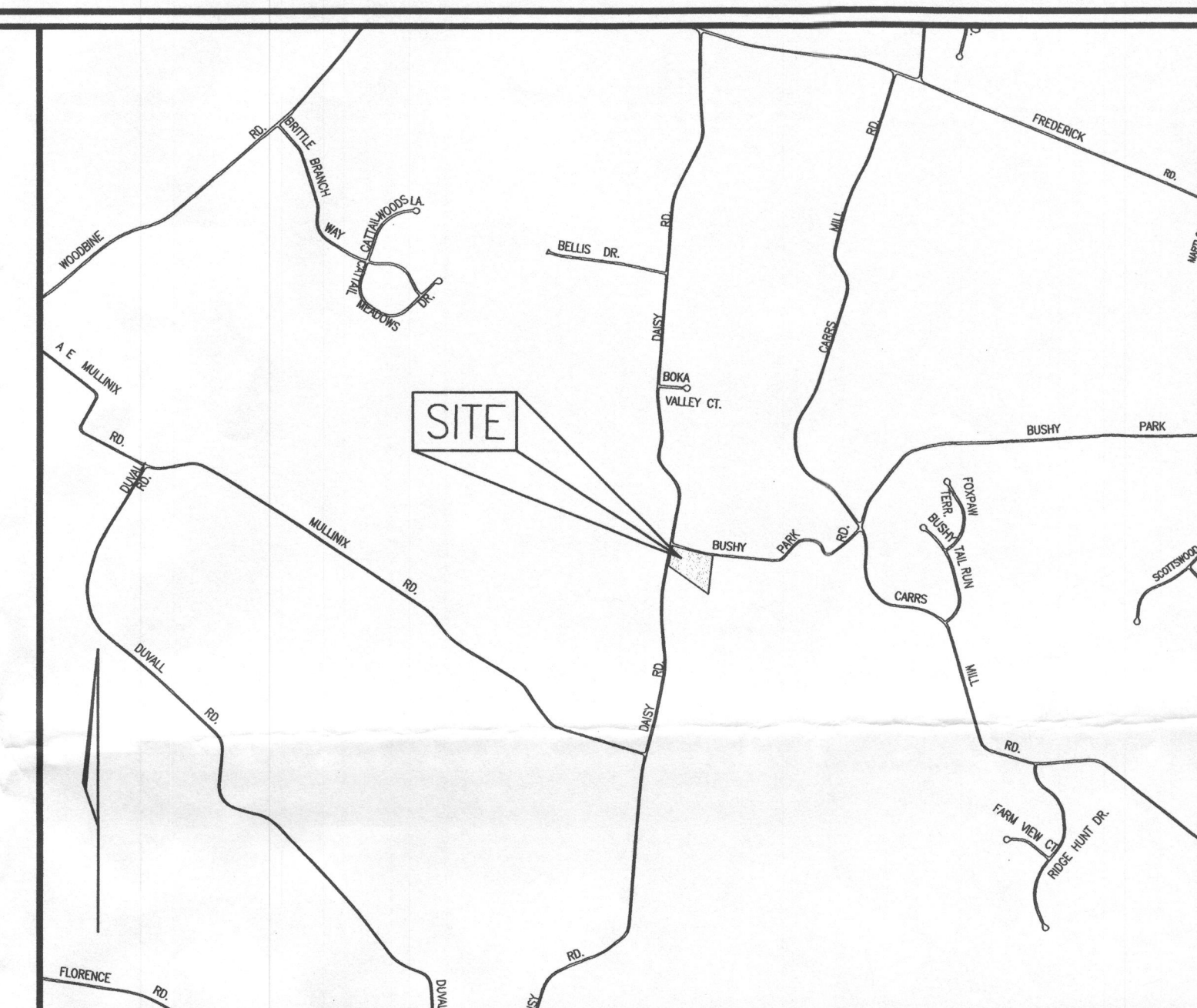
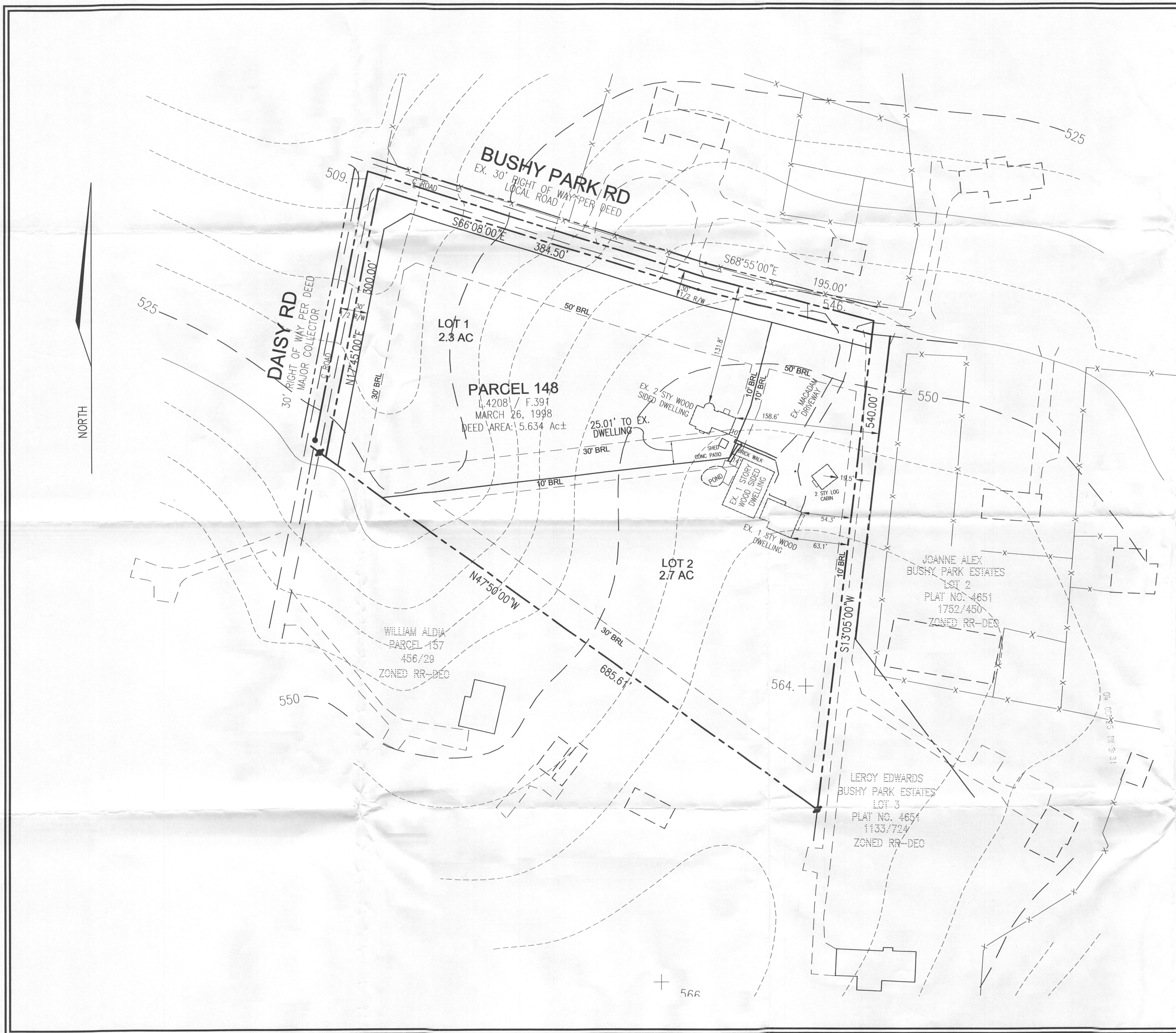
☒ OWNER (including joint ownership)

☐ 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.

NOTE: Completed petition forms must be submitted before the first day of the month in order to be heard on the last Tuesday of the Month. Incomplete petitions may result in postponement.

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



VICINITY MAP
1"=2000'

VARIANCES REQUESTED:

1. HOWARD COUNTY ZONING REGULATIONS SECTION 104.E.1(b):
VARIANCE TO REDUCE THE MINIMUM LOT SIZE REQUIREMENT FROM 3.0 ACRES TO 2.7 ACRES AND 2.3 ACRES TO ACCOMMODATE EXISTING STRUCTURES
2. HOWARD COUNTY ZONING REGULATIONS SECTION 104.E.4.A.(4)(b):
VARIANCE TO REDUCE THE REAR SETBACK FROM 30' TO 25' TO ACCOMMODATE THE EXISTING HOUSE.

NOTES:

1. SITE AREA: 5.634 AC.
2. EXISTING ZONING: RC-DEO
3. DEED REFERENCE: L. 4208/F. 391
4. THE PROJECT BOUNDARY IS BASED ON A DEED PLOT.
5. TOPOGRAPHY SHOWN HEREON IS BASED ON A HOWARD COUNTY AERIAL MAPS.
6. STRUCTURES AND FEATURES HAVE BEEN LOCATED BY A FIELD SURVEY PREPARED BY ROBERT H. VOGEL ENGINEERING, INC.

ATTORNEY
RICHARD B. TALKIN, P.A.
5100 DORSEY HALL DRIVE
ELICOTT CITY, MARYLAND 21042
(410) 864-0300

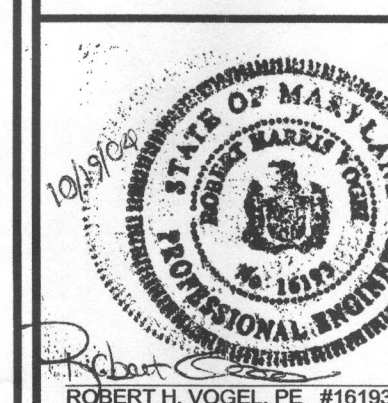
OWNER
JOHN A. BOTTS
ANN MUSE MILLARD
15751 BUSHY PARK ROAD
WOODBINE, MARYLAND 21797
(410) 480-9105

**EXHIBIT TO ACCOMPANY VARIANCE PETITION
15751 BUSHY PARK ROAD
LOTS 1 AND 2**

TAX MAP 14
4TH ELECTION DISTRICT

PARCEL 148
HOWARD COUNTY, MARYLAND

**ROBERT H. VOGEL
ENGINEERING, INC.**
ENGINEERS • SURVEYORS • PLANNERS
8407 MAIN STREET
ELICOTT CITY, MD 21043
TEL: 410.461.7666
FAX: 410.461.8961



DESIGN BY: RHV
DRAWN BY: JCO
CHECKED BY: RHV
DATE: OCT. 15, 2004
SCALE: 1"=50'
W.O. NO.: 04-60.00