



APPLICATION

FOR PERCOLATION TESTING AND SITE EVALUATION

TEST DATE(S) _____ TEST TIME _____

AP 544494

AGENCY REVIEW: _____

DATE 12-21-12

DO NOT WRITE ABOVE THIS LINE

I HEREBY APPLY FOR THE NECESSARY TESTING/EVALUATION PRIOR TO ISSUANCE OF SEWAGE DISPOSAL SYSTEM PERMIT(S) TO:

CHECK AS NEEDED:

- ☐ CONSTRUCT NEW SEPTIC SYSTEM(S)
- ☐ REPAIR/ADD TO AN EXISTING SEPTIC SYSTEM
- ☐ REPLACE AN EXISTING SEPTIC SYSTEM

CHECK AS NEEDED:

- ☐ NEW STRUCTURE(S)
- ☐ ADDITION TO AN EXISTING STRUCTURE
- ☐ REPLACE AN EXISTING STRUCTURE

CHECK ONE:

- ☐ CREATE NEW LOT(S)
- ☐ BUILD ON AN EXISTING LOT IN A SUBDIVISION
- ☐ BUILD ON AN EXISTING PARCEL OF RECORD

IS THE PROPERTY WITHIN 2500' OF ANY RESERVOIR?

- ☐ YES
- ☐ NO

THE TYPE OF STRUCTURE IS:

- ☐ RESIDENTIAL WITH _____ PROPOSED BEDROOMS IN THE COMPLETED STRUCTURE (NOTE UNKNOWN IF APPROPRIATE)
- ☐ COMMERCIAL (PROVIDE DETAIL OF NUMBERS AND TYPES OF EMPLOYEES/ CUSTOMERS ON ACCOMPANYING PLAN)
- ☐ INSTITUTIONAL/GOVERNMENT (PROVIDE DETAIL OF NUMBERS AND TYPES OF EMPLOYEES/USERS ON ACCOMPANYING PLAN)

PROPERTY OWNER(S) Christina Tolbero + David Schroen, Sr

DAYTIME PHONE (301) 807-8223 CELL (301) 807-8223 FAX _____

MAILING ADDRESS 12000 Scaggsville Rd Fulton MD 20759
STREET CITY/TOWN STATE ZIP

APPLICANT Chris Tolbero

DAYTIME PHONE (301) 807-8223 CELL 5922 FAX _____

MAILING ADDRESS 12000 Scaggsville Rd Fulton MD 20759
STREET CITY/TOWN STATE ZIP

APPLICANT'S ROLE: DEVELOPER BUILDER BUYER RELATIVE/FRIEND REALTOR CONSULTANT

PROPERTY LOCATION

SUBDIVISION/PROPERTY NAME _____ LOT NO. _____

PROPERTY ADDRESS 12000 Scaggsville Rd Fulton MD 20759
STREET TOWN/POST OFFICE

TAX MAP PAGE(S) 41 GRID 19 PARCEL(S) 173 PROPOSED LOT SIZE 1 Acre

AS APPLICANT, I UNDERSTAND THE FOLLOWING: THE SYSTEM INSTALLED SUBSEQUENT TO THIS APPLICATION IS ACCEPTABLE ONLY UNTIL PUBLIC SEWERAGE IS AVAILABLE. THIS APPLICATION IS COMPLETE WHEN ALL APPLICABLE FEES AND A SUITABLE SITE PLAN HAVE BEEN RECEIVED. I ACCEPT THE RESPONSIBILITY FOR COMPLIANCE WITH ALL M.O.S.H.A. AND "MISS UTILITY" REQUIREMENTS. APPROVAL IS BASED UPON SATISFACTORY REVIEW OF A PERC CERTIFICATION PLAN. TEST RESULTS WILL BE MAILED TO APPLICANT.

SIGNATURE OF APPLICANT

HOWARD COUNTY HEALTH DEPARTMENT, BUREAU OF ENVIRONMENTAL HEALTH, WELL AND SEPTIC PROGRAM
7178 COLUMBIA GATEWAY DRIVE COLUMBIA, MARYLAND 21046 (410) 313-2640 FAX (410) 313-2648
TDD (410) 313-2323 TOLL FREE 1-877-4MD-DHMH

A 544494

Percolation Information- 12000 Scaggsville Road

NOT TO SCALE

1

2sbk, Dk. Gray
Black SCL

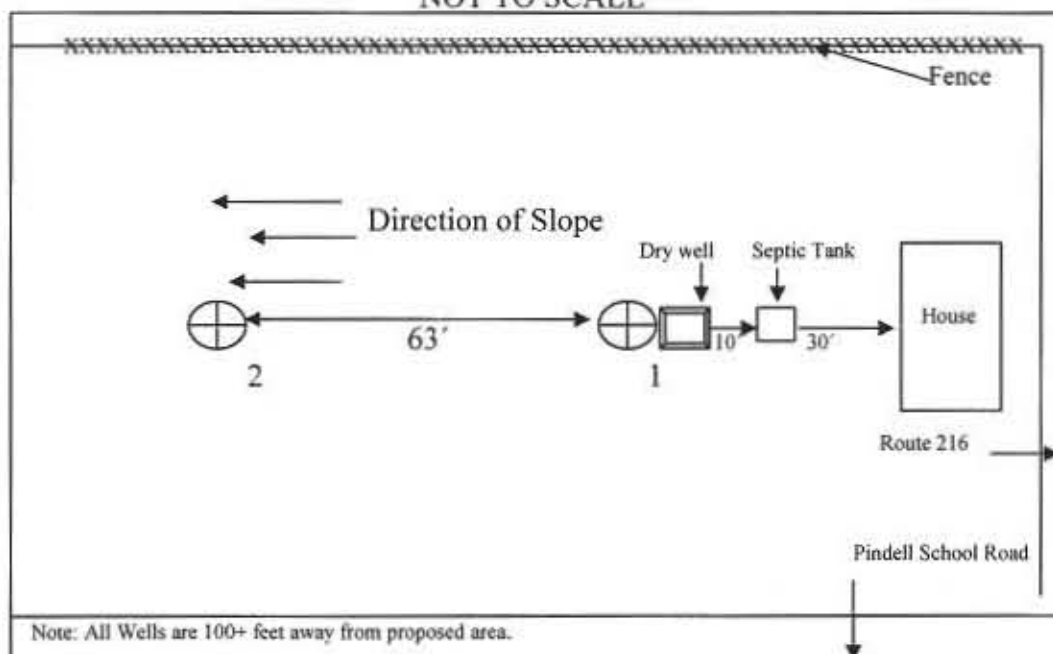
-----0.8'

Red-Yellow
Brown
CL

-----5'

Red-Brown
Yellow
FSL10-20% Small
Platy Schist @
10'
Many Mica

-----14'



#2

2sbk, Dk. Brn
Black SCL

-----0.5'

Red-Brown
SCL
GreyHorizon@ 4'
Mineral
Deposits

-----5'

Red-Brown
Yellow
FSL20-30%
Small Platy
Schist @ 10'
Many Mica

-----14'

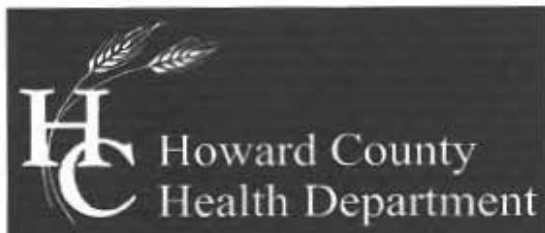
Date	Test	Depth	Start	Break 1" Drop	Break 2" Drop	Time of 2 nd Inch	P/F/ H
02-26-13	1	6 / 13	9:54	10:03	10:16	13 min.	Pass
02-26-13	2	6 / 14	10:44	10:48	10:52	4 min.	Pass

Remarks: Percolation testing needed for addition. Existing septic system and dry well will have to be abandoned. Existing water well must be abandoned.

Sanitarian D. Bernard Backhoe Kenny with Hatfields Others

Test Holes Used in 2 in SDA Avg. Perc Time 8.5 min. SQ.FT/BR

Trench Width Inlet Depth Max Bot. Depth Effective S/W



Bureau of Environmental Health

7178 Columbia Gateway Drive, Columbia, MD 21046-2147

Main: 410-313-2640 | Fax: 410-313-2648

TDD 410-313-2323 | Toll Free 1-866-313-6300

www.hchealth.org

Facebook: www.facebook.com/hocohealth

Twitter: HowardCoHealthDep

Maura J. Rossman, M.D., Acting Health Officer

Date: March 5, 2013

To: Mrs. Christina Toibero
12000 Scaggsville Road
Fulton, Maryland 20759

RE: **Percolation Testing Report
12000 Scaggsville Road**

Mrs. Toibero,

Percolation testing was conducted on the referenced property on February 26, 2013. The purpose for conducting these percolation tests was for an anticipated establishment of new sewage disposal area. The new disposal area will be used to redesign septic area to accommodate an addition.

A total of two (2) test holes evaluated and two (2) were found to be satisfactory with moderate percolation rates. Acceptable ranges for recommended inlet and trench bottom depth may be confirmed at the time of installation. There was no evidence of failure on the existing lot, however, the current absorption system is not adequately sized to accommodate your proposed addition. Additions where the existing system is not adequate and needs to be upgraded will require the "Best Available Technology". The existing tank and drywell will have to be abandoned by a licensed septic installer and the well will have to be brought up to current Howard County code. Field data collected is shown on the Percolation Test Worksheet enclosed with this letter.

All percolation tests conducted were standard tests, measuring rate of fall for a pre-wet period followed by measurement and recordation of the time required for the water level to drop 1 inch. Areas that may be included in a septic reserve are represented by test locations having satisfactory soil conditions. The area of the septic reserve must be at least 10,000 square feet, though Howard County Code [3.805.A.2.X] requires that the area be large enough to accommodate an initial drain field and two repair drain fields for the planned residence.

The next step in this process is to have your engineer/architect submit a Percolation Certification Plan to confirm the design of the septic reserve area. If you have any questions regarding this evaluation or requirements for the Percolation Certification Plan, please contact me at the above address or by telephone at (410) 313-2775.

Respectfully,

Dana Bernard
Dana Bernard, REHS/RS
Environmental Sanitarian II
Well and Septic Program

5 x 150
750

Enclosures (2)

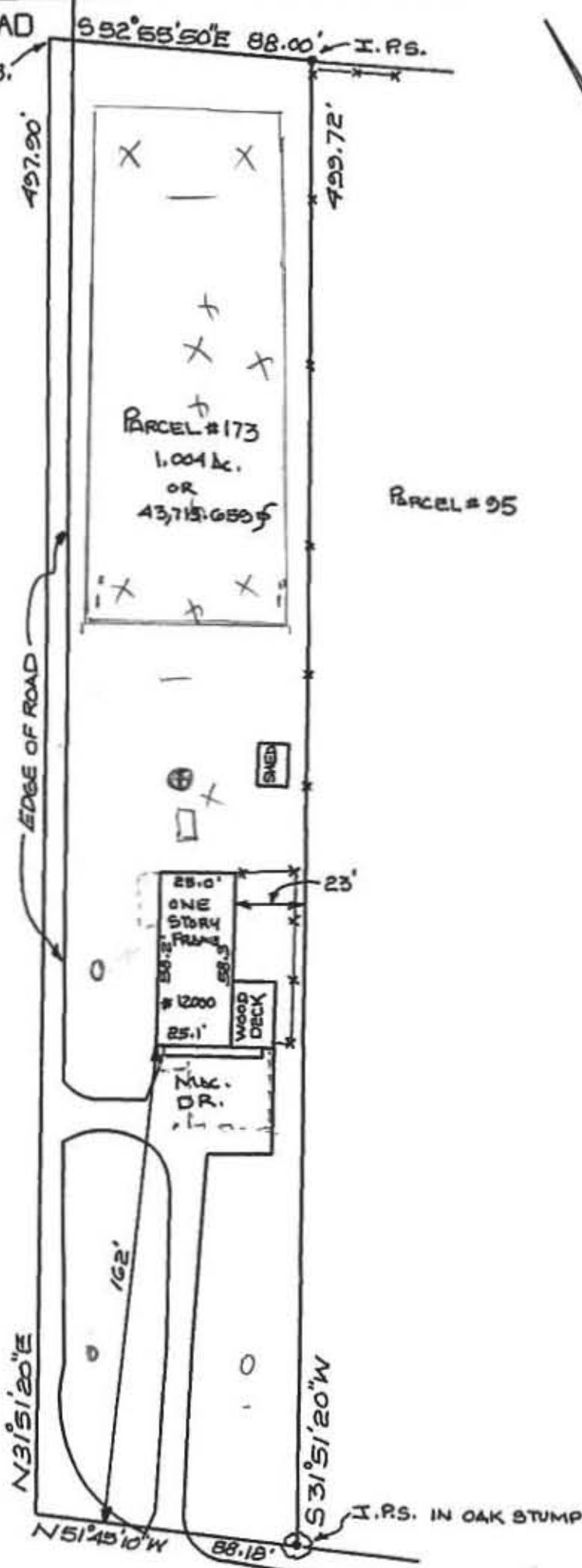
Cc: File

12000 OLD SCAGGSVILLE ROAD
 PARCEL # 173
 TAX MAP No. 41
 HOWARD COUNTY
 MARYLAND

- Well
- Septic Tank
- ⊗ Dry Well
- X Proposed Perc Tests

PINELL SCHOOL ROAD

EDGE OF ROAD



OLD SCAGGSVILLE ROAD
 BOUNDARY SURVEY

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE PROPERTY DELINEATED HEREON IS IN ACCORDANCE WITH THE PLAT OF SUBDIVISION AND DEED OF RECORD AND THAT THE IMPROVEMENTS SHOWN WERE LOCATED BY ACCEPTED FIELD PRACTICES. THIS BOUNDARY SURVEY IS FOR THE DETERMINING PROPERTY LINES, AND NO TITLE REPORT WAS FURNISHED TO THIS SURVEYOR, AND LOT CORNERS HAVE BEEN SET BY THIS SURVEY.



SURVEY ASSOCIATES #1

CONSULTING LAND SURVEYORS AND PLANNERS
 9890 LYON AVENUE
 LAUREL MARYLAND 20723

(301) 206-5470

FAX (301) 970-2514

SCALE 1" = 50'	DRG. BY GEL	CASE No.
LIBER 3826 FOLD 281	ELECTION DISTRICT 05	COUNTY HOWARD
		DATE 05/06/08



Bureau of Environmental Health
7178 Columbia Gateway Drive, Columbia, MD 21046-2147
Main: 410-313-2640 | Fax: 410-313-2648
TDD 410-313-2323 | Toll Free 1-866-313-6300
www.hchealth.org
Facebook: www.facebook.com/hocohealth
Twitter: HowardCoHealthDep

Maura J. Rossman, M.D., Health Officer

MEMORANDUM

TO: Cindy Hamilton
Division of Zoning Administration and Public Service

FROM: Jeff Williams *JW*
Program Supervisor, Well & Septic Program
Bureau of Environmental Health

DATE: April 29, 2013

RE: BA-13-009V

The Health Department has reviewed the above referenced petition and has the following comment:

- The Health Dept. will require a percolation certification plan to be submitted for review and signature prior to building permit approval for the proposed addition.

JRL

Department of Planning and Zoning
Howard County, Maryland
Recommendations/Comments

Date: April 5, 2013

Hearing Examiner 05/20/13

Planning Board _____ Board of Appeals _____ Zoning Board _____

Petition No. BA 13-009V Map No. _____ Block _____ Parcel _____ Lot _____

Petitioner: _____ Christina Toibero & David Schroen

Petitioner's Address: _____

Address of Property: _____

Return Comments by April 29, 2013 to Public Service and Zoning Administration

Owner: (if other than applicant) _____

Owner's Address: _____

Petition: _____ SEE APPLICATION

To: _____ MD Department of Education – Office of Child Care
3300 N. Ridge Road, Ste. 190, EC, MD 21043 (Louis Valenti)
_____ X Bureau of Environmental Health
_____ Development Engineering Division
_____ Department of Inspections, Licenses and Permits
_____ Department of Recreation and Parks
_____ Department of Fire and Rescue Services
_____ State Highway Administration
_____ Sgt. Karen Shinham, Howard County Police Dept.
_____ James Irvin, Department of Public Works
_____ Office on Aging, Terri Hansen (senior assisted living)
_____ Police Dept., Animal Control, Deborah Baracco, (kennels)
_____ Susan Fitzpatrick, Health Dept. (Nursing & Res. Care)
_____ Land Development - (Religious Facility & Age-Restricted
Adult Housing)
_____ Housing and Community Development
_____ Economic Development
_____ Route 1 Cases – DCCP – Dace Blaumanis
_____ Telecommunication Towers – Josh Levy (Comm. Dept.)

COMMENTS: see attached memo.

 SIGNATURE



DPZ Office use only:

CASE NO. BA 13-009 VDATE FILED 3/8/13

RESIDENTIAL DISTRICT VARIANCE PETITION TO THE HOWARD COUNTY HEARING EXAMINER

MAR 8 2013

1. VARIANCE REQUEST

SECTION _____ of the Zoning Regulations (describe) Request for a variance to 50' Setback allowing a 6' bump out to the front of the existing structure.

2. PETITIONER'S NAME Christina Toibero & David Schroen

TRADING AS (IF APPLICABLE) _____

ADDRESS 12000 (Old) Scaggsville Rd, Fulton, MD 20759PHONE NO. (W) 301-807-8223 (H) 301-617-0283EMAIL chris4winwin@gmail.com**3. COUNSEL FOR PETITIONER** _____

COUNSEL'S ADDRESS _____

COUNSEL'S PHONE NO. _____

EMAIL _____

4. PROPERTY IDENTIFICATIONADDRESS OF SUBJECT PROPERTY 12000 (Old) Scaggsville Rd, Fulton, MD 20759ELECTION DISTRICT 05 ZONING DISTRICT _____ ACREAGE 1 AcreTAX MAP # 0041 GRID # 0019 PARCEL # 0173 LOT # _____SUBDIVISION NAME (if applicable) 0000

PLAT NUMBER AND DATE _____ Liber 3826 Folio 281

5. 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.

**PLEASE READ CAREFULLY
DATA TO ACCOMPANY PETITION**

6. 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 ½ 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) Location of all building and use restriction lines
- ☒ (h) Same as (a) through (g) above, of any adjoining, confronting and vicinal properties as necessary for proper examination of the petition, or, if applicable, a copy of the subdivision plat for the community
- ☒ (i) Location of well and private sewerage easement area, if property is to be served by private water and sewer
- ☒ (j) Election District in which the subject property is located
- ☒ (k) Tax Map and parcel number on which the subject property is located
- ☒ (l) Name of local community in which the subject property is located or name of nearby community
- ☒ (m) Name, mailing address, telephone number (and e-mail address if any) of the petitioner
- ☐ (n) Name, mailing address, telephone number (and e-mail address if any) of attorney, if any
- ☒ (o) Name and mailing address of property owner
- ☒ (p) Floor area and height of structures, setback distances from property lines, and other numerical values necessary for the examination of the petition
- ☒ (q) Location of subject property in relation, by approximate dimension, to the center line of nearest intersection of two public roads
- ☒ (r) Ownership of affected roads
- ☒ (s) A detailed description of all exterior building materials for all proposed structures
- ☐ (t) Any other information as may be necessary for full and proper consideration of the petition

7. VARIANCE

A) Describe why the application of the Zoning Regulations in question to your particular property would result in practical difficulties or unnecessary hardships in complying strictly with the bulk requirements:

1. The physical character of the property is different from the character of the surrounding properties because of its ☒ narrowness, ☐ shallowness, ☐ shape, ☐ topography,

☐ other; explain: The two properties to the east of mine are of similar shape and size but do not have the road encumbrance that my property bares. The two properties to the west of mine do bare the road encumbrance but they are square lots, the two lots combined equal the same length

See ariel
image pg 16

2. The uniqueness of the property prevents me from making a reasonable use of the property because: The narrowness of the property creates several challenges. Short of fully gutting and re-laying out the interior floor plan, the only reasonable solution to expand the bedroom and bathroom area is to add the additional as proposed in the variance.

B) The intended use of the property, in the event the petition is granted: A granted petition will not alter the use of this property, it is and will continue to be a residential dwelling.

C) Any other factors which the Petitioner desires to have considered: Due to the narrowness of the lot, the location of the septic, and the internal layout of the home, adding 6' to the front corner of the home is the only practical solution to expand the bedroom and bathroom area of the home.

D) Explain why the requested variance is the minimum necessary to afford relief: Any bump out less than 6' becomes cost prohibitive and will not allow the necessary square feet to create a reasonably modest size full bathroom.

E) Is the property connected to: public water?: Y___ N ☒; public sewer?: Y___ N ☒

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

G) If the variance is granted, would it increase the intensity of uses on the site? Y___ N ☒ if yes, explain: The proposed addition requiring this variance is adding a modest 6' to the Master bedroom of this 1,500 sq foot home. It will also allow for a master 1/2 bath to be turned into a full bath. It will not any additional bedrooms to the home or change the use of the property.

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

I) Describe in detail all means of vehicular access onto the site (i.e. width, type of paving, etc.): _____
There are two driveway entrances to the property, one from Pindell School road and one from Route 216 Scaggsville Road. The variance being requested will not impact either of these entrances.

J) Describe the topography of the site: Relatively flat homesite.

K) Will the existing or proposed structure be visible from adjacent properties? YX N; if yes, describe any proposed buffering or landscaping: The flowerbed that will be removed will be re-installed after the addition is completed

L) Describe any existing buffering or landscaping: There is a small flower bed with small shrubs. The plant material will be preserved and replanted after the addition is completed.

8. PRIOR PETITIONS

Has any petition for the same variance, or substantially the same variance as contained herein, for the same property as the subject of this petition, been disapproved by the Hearing Examiner within twenty four (24) months of the date of this petition? () YES (X) 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:
- *If the subject property adjoins a State road- original and 19 copies (application & plans)*
 - *If the subject property adjoins a County road- original and 16 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 Hearing Examiner 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 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.
- e) The undersigned 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. PLANNING BOARD REVIEW

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

11. 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.

Christina Toibero

Petitioner's Name (please print)

Christina Toibero
Petitioner's Signature

2/26/13
1/26/2013
Date

Counsel's Name (please print)

Counsel's Signature

Date

For DPZ office use only: (Filing fee is \$300.00 plus \$20.00 per poster.)
(Make checks payable to "Director of Finance")

Hearing fee: \$ _____

Poster fee: \$ _____

TOTAL: \$ _____

Receipt No. _____

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

County Website: www.howardcountymd.gov

Revised: 10/07

T:\shared\PubSer\Applications\RcsVar

PETITIONER Christina Toibero

PROPERTY ADDRESS 12000 Scaggsville Road, Fulton, MD 20759

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 ATTACHED APPLICATION FOR A RESIDENTIAL DISTRICT VARIANCE AS REQUESTED FOR THE PROPERTY REFERENCED ABOVE.

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

Jessica Lauer
Witness

Christina M. Toibero 3/5/13
Signature Date

Jessica Lauer
Witness

[Signature] 3/5/13
Signature Date

Witness

Signature

Date

HOW A REQUEST FOR A VARIANCE IS EVALUATED

All requests for variances are evaluated based upon the following criteria of Section 130.B.2.a.(1) through (5) of the Howard County Zoning Regulations:

- (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.

To be approved, a variance request must comply with all of the criteria noted above. For a general explanation of what the criteria mean from a legal standpoint and how they are viewed by the Hearing Examiner, please read the attached Variances: The Exception to the Zoning Rule.

For an explanation of the official procedures that are followed in the processing, hearing and decision-making of a variance request, you may obtain a copy of the Rules of Procedure of the Hearing Examiner from the Department of Planning and Zoning.

Variances: The Exception to the Zoning Rule

by
Thomas P. Carbo

So, Mr. Joe Homeowner, you've finally decided to build that family room addition you've talked about. Your house just isn't big enough for your growing family. Since you can't afford to move, expansion is the only way to go.

You've decided that the best place for the addition is on the side of your house, because you put a deck on the back last year. Besides, who wants to use up more of that spacious back yard? You hire a contractor to draw up plans and he assures you that his work will meet all governmental requirements. Then, he tells you that you have one little problem – the planned family room will encroach into the side yard setback. Before he can get a building permit and start work, you'll have to get a zoning variance.

"A variance," you ask, "what's that?" "Don't worry," he replies, "you fill out some forms, submit them to the County, they have a little hearing, and you've got your variance." Piece of cake, right?

Sorry, Joe, but it's not that easy. It is a common misconception that variance approvals flow from local zoning authorities like water. This may be because, once upon a time, they practically did. Recent Maryland case law, however, has instructed that the free-flow of variances is contrary to the letter and intent of the zoning laws.

A variance is an exception to the area requirements of the local zoning laws, such as front, side, or rear yard setbacks, height restriction, building size, lot widths, or the like. A variance must be reviewed and approved by the local Board of Appeals after a public hearing.

Maryland's courts have directed that the authority to grant a variance should be exercised sparingly and only under exceptional circumstances. The reason for such stringency is rooted in the very purpose of the zoning laws. Zoning is the process whereby the local jurisdiction's comprehensive land use plan is put into effect. It divides an area into zones and defines, among other things, the permitted uses and area requirements of each zone. Zoning presumes that each district is peculiarly suitable for certain uses and, therefore, demands a high degree of uniformity within the zone. With respect to setback requirements, for example, zoning presumes that a certain amount of space between uses is necessary for the public benefit.

A variance on the other hand, allows that which is otherwise prohibited and is presumed to be detrimental to the public. Moreover, a variance erodes the uniformity of the zoning district. If variances were easily or lightly granted, the zoning ordinance would be emasculated and zoning would be rendered meaningless.

Consequently, variances must be regarded as the exception rather than the rule. An applicant for a variance bears the burden of overcoming the presumption that the proposed use is unsuitable. That is done, if at all, by fully satisfying the statute authorizing the variance.

Howard County's variance criteria are typical of most zoning ordinances. Generally, a variance applicant must show that (1) the applicant's property is disproportionately impacted by the zoning restriction to the applicant's detriment, and (2) the variance will not be detrimental to the use and enjoyment of adjoining or neighboring properties.

Many variance applications fail because they cannot meet the first of these tests. In order to show that a property is disproportionately impacted by the zoning regulations, the applicant must first prove that the lot is "unique" or "peculiar" – that is, the physical condition of the property, such as its size, narrowness, shallowness, topography, or environmental conditions, must be different from the nature of surrounding properties. Moreover, the uniqueness of the property must cause a "practical difficulty" in complying with the zoning restriction. In other words, the applicant must show that the peculiarity of the site prevents him from making a reasonable and permitted use of the property in compliance with the zoning regulations.

Zoning law includes several important caveats to the "disproportionate impact" test:

- The alleged hardship must relate to the land itself and not to the personal circumstances of the owner. Family or financial circumstances may not be taken into consideration.
- "Uniqueness" does not refer to the extent of the improvements upon the property – so that the location of a house restricting the buildable area on the land is not cause for a variance.
- Any claimed hardship cannot be "self-created." For example, an applicant (or a previous owner) may not erect an improvement within a setback and then claim that it would be a "practical difficulty" to remove the structure.
- The variance must be the minimum reasonably necessary to afford relief. This means that the encroachment must be minimized and the improvement must be of reasonable and customary size.

Joe Homeowner is not likely to get his variance. First, the fact that Joe has a growing family and "needs" a new family room is a personal consideration and not relevant to his variance request. Second, if he is not able to meet his burden of proving that his lot is different from others in the neighborhood – for example, that it is peculiarly narrow or small compared to others in his area – then the inquiry will end there. Even then, he must show that the peculiarity causes a practical difficulty in erecting a reasonable addition to his house. Because his lot has ample room to build in the rear, however, it is not likely that he can establish the necessary hardship or that his variance is the minimum necessary to afford relief. What's more, he won't be able to argue that the location of

12000 OLD SCAGGSVILLE ROAD
PARCEL # 173
TAX MAP No. 41
HOWARD COUNTY
MARYLAND

Petitioners / Owners
David Schroen &
Christina Toibero
12000 Scaggsville Rd
Fulton, MD 20759
301.617.0283
chris4winwin@gmail.com

Pindell School
Road (County
Road) has taken 6'
of an already
narrow
Parcel #173

Since the opening of the 4 Lane
MD route 32 the volume of
traffic on Pindell School road
has significantly diminished. It
is no longer used by commuters
as a through road as it was in
the past.

In early 2000's MD
SHA took corner of
property to develop a

PINDELL SCHOOL ROAD

EDGE OF ROAD

P.O.B. 552°55'50"E 88.00' I.P.S.

457.90'

459.72'

PARCEL #173
1.004 Ac.
OR
43,713.655 sq

PARCEL # 95

SHED

25.0'
ONE
STORY
FRAME
12000
25.1'

WOOD
DECK

M.K.
DR.

162'

N31°51'20"E

S31°51'20"W

I.P.S. IN OAK STUMP

415
PERMIT

SEWAGE DISPOSAL SYSTEM

MARYLAND STATE DEPARTMENT OF HEALTH

HOWARD COUNTY

ELLICOTT CITY

DISTRICT 5

DATE 4/23/69

INDEXED

Otto Jewell, Jr. IS PERMITTED TO INSTALL ALTER X

ADDRESS 10850 Green Mt. Cir., Apt. T-1 PHONE 373-9133

Columbia, Maryland

A SEWAGE DISPOSAL SYSTEM LOCATED AT _____

SUBDIVISION _____ ROAD ¹⁷⁰⁰⁰ Corner of Rt. 216 LOT _____

& Mindell School Rd.

PROPERTY OWNER same as above

ADDRESS _____

SPECIFICATIONS

DRAIN FIELD _____ DEPTH _____ FEET, BOTTOM AREA _____ SQ. FT.

SEEPAGE PITS _____ ABSORBENT SIDE-WALL AREA _____ SQ. FT.

SEPTIC TANK CAPACITY _____ GALLONS

FOR GARBAGE GRINDER, INCREASE DISPOSAL AREA 22% & TANK CAPACITY 80%.

OTHER. ~~REPAID~~ Long deep narrow ditch - 2 ft. wide - 50 ft. long - 10 ft.

deep filled with at least 4 ft. of stone. Two inspections necessary

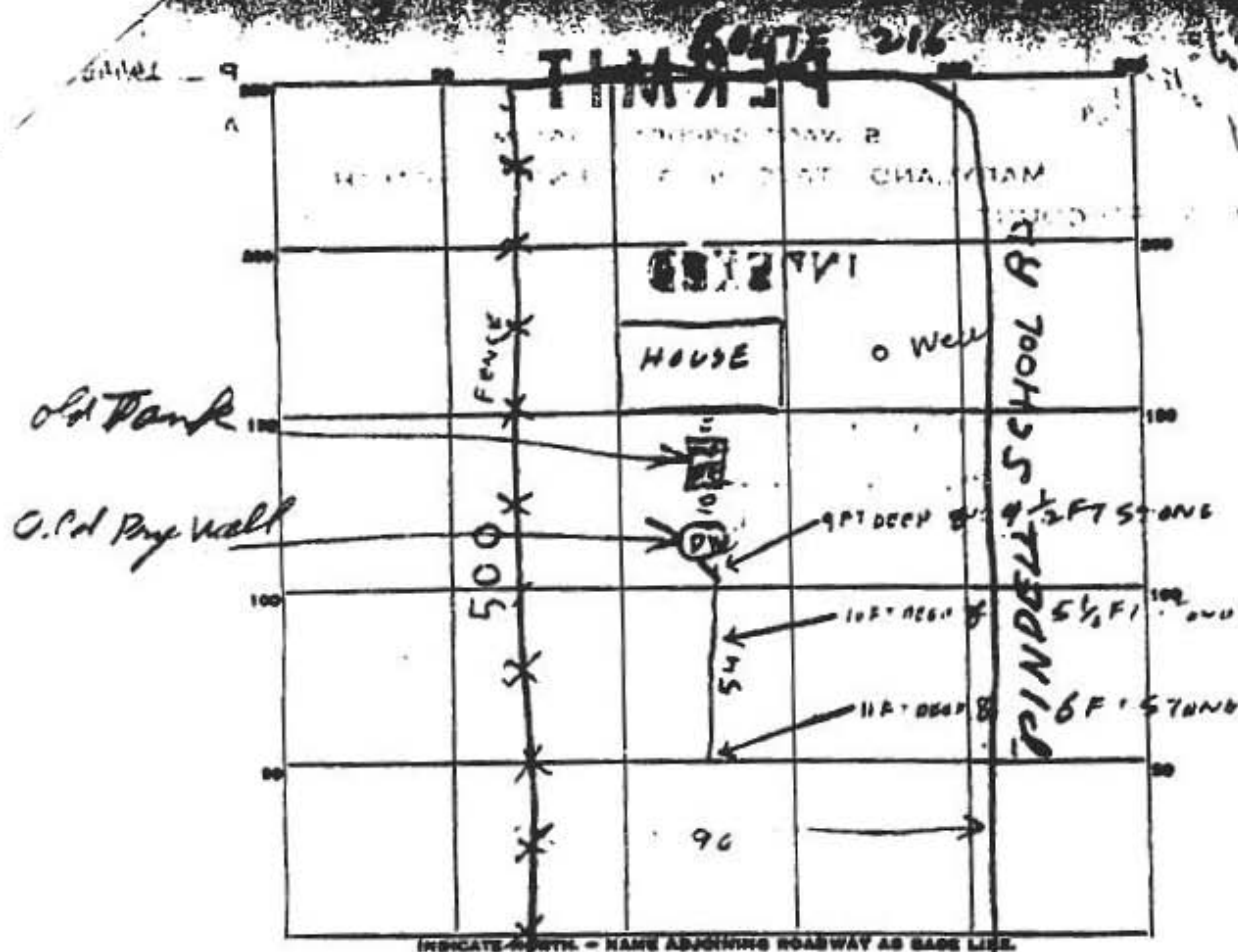
one when ditch is completed and another after ditch is filled with 4 ft.

of stone.

PLANS APPROVED BY Raymond Hedges DATE 4/23/69

FILL SEPTIC TANK AND DISTRIBUTION BOX WITH WATER BEFORE CALLING FOR AN INSPECTION. COVER NO WORK UNTIL INSPECTED AND APPROVED.

NEITHER THE HOWARD COUNTY COMMISSIONERS NOR THE HEALTH DEPARTMENT IS RESPONSIBLE FOR THE SUCCESSFUL OPERATION OF ANY SYSTEM.



PERMIT CARD _____

SEPTIC TANK, LEVEL old Tank 11/11/01

CLEANOUTS _____

DISTRIBUTION BOX, LEVEL _____

SEPTIC DITCH WELL FIELD, DEPTH 9-11 FT. TRENCH WIDTH 2 FT.

GRAVEL DEPTH 4 1/2-6 FT IN. TOTAL LENGTH 54 FT.

NUMBER OF TRENCHES _____ TOTAL BOTTOM AREA 108 SQ. FT.

TOTAL SIDEWALL AREA 540 SQ. FT.

SEEPAGE PITS, INSIDE DIAMETER _____ FT. DEPTH BELOW INLET _____ FT.

ABSORBENT AREA _____ SQ. FT.

REMARKS _____

DATE SYSTEM APPROVED 1/24/07

INSPECTOR Raymond J. Hines

Exhibit A
Legal Description

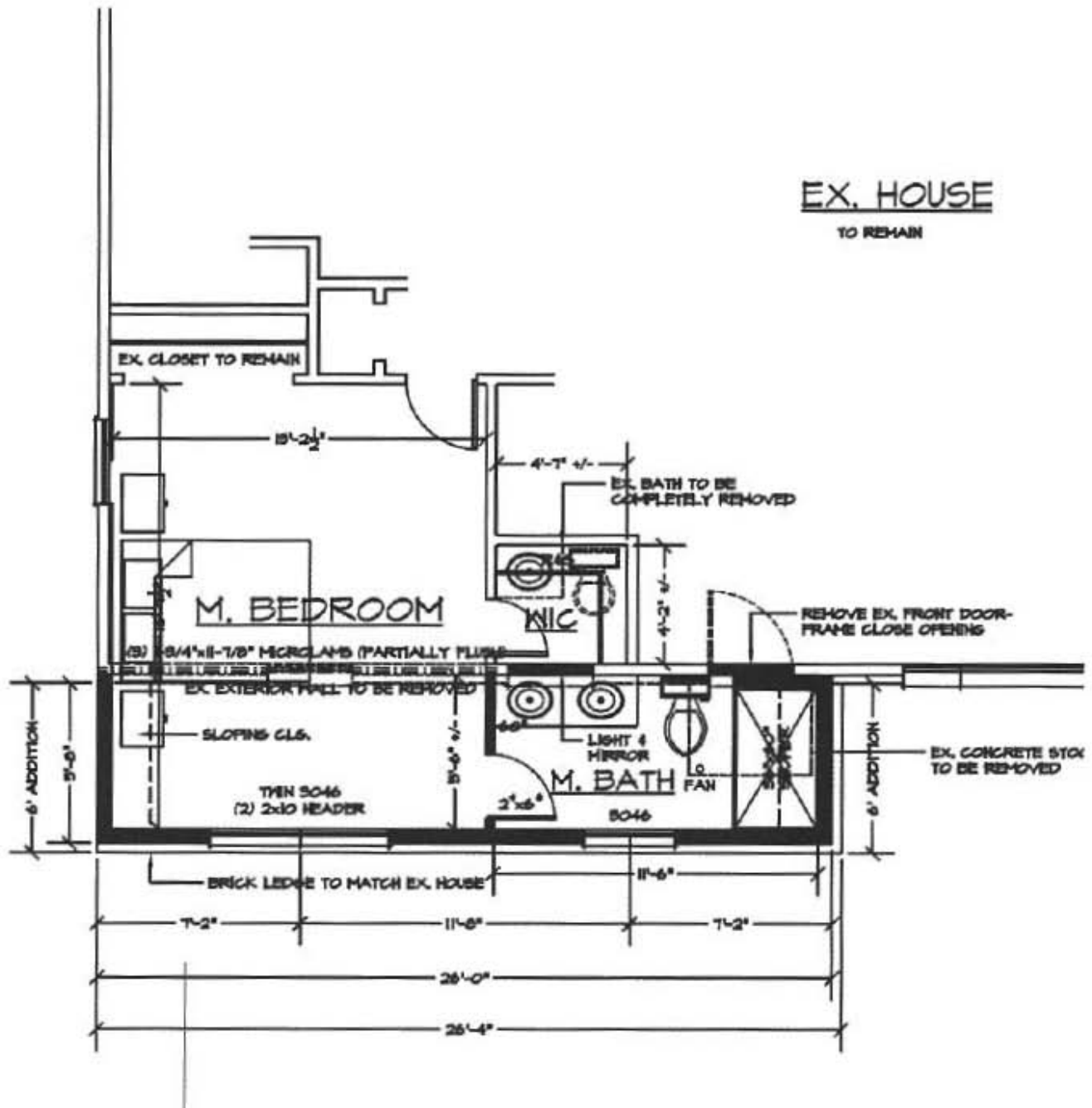
BEGINNING for the same at an iron pipe set on the East edge of the county road, which point is the end of the fourth line of the firstly described piece or parcel of ground in the deed from Charles H. Herding to Adolf H. Remmer and Ida Remmer dated the 1st day of April 1946 and recorded among the land Records of said Howard County in Liber SM Jr. No. 185, folio 82, etc. running on a part of the fifth line of said last mentioned tract, with courses conforming to said deed, (1) South 52 degrees 55 minutes 50 seconds East 88 feet, to a pipe, thence (2) South 31 degrees 51 minutes 20 seconds West 499.72 feet to the center of a thirty inch oak tree on the North edge of the Laurel Road; thence along the edge of said road, (3) North 31 degrees 41 minutes 10 seconds West 88.19 feet, to the east edge of the county road, and along the same (4) North 31 degrees 51 minutes 20 seconds East 497.90 feet to the place of beginning.

The improvements thereon being known as No. 12000 Old Scaggsville Road, Fulton, Maryland 20759.

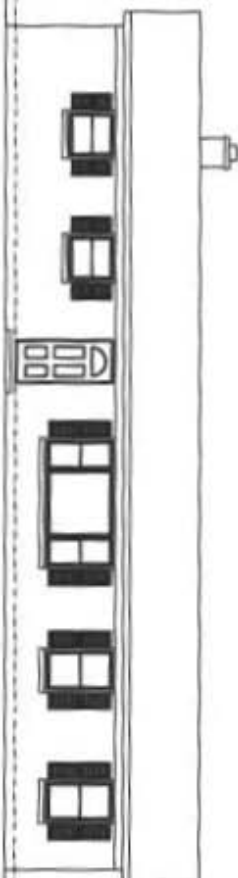




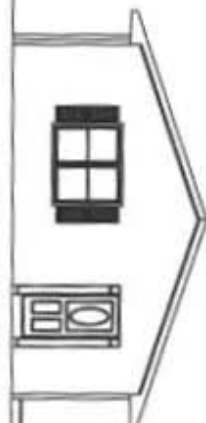
Addition Plan for which Variance is requested



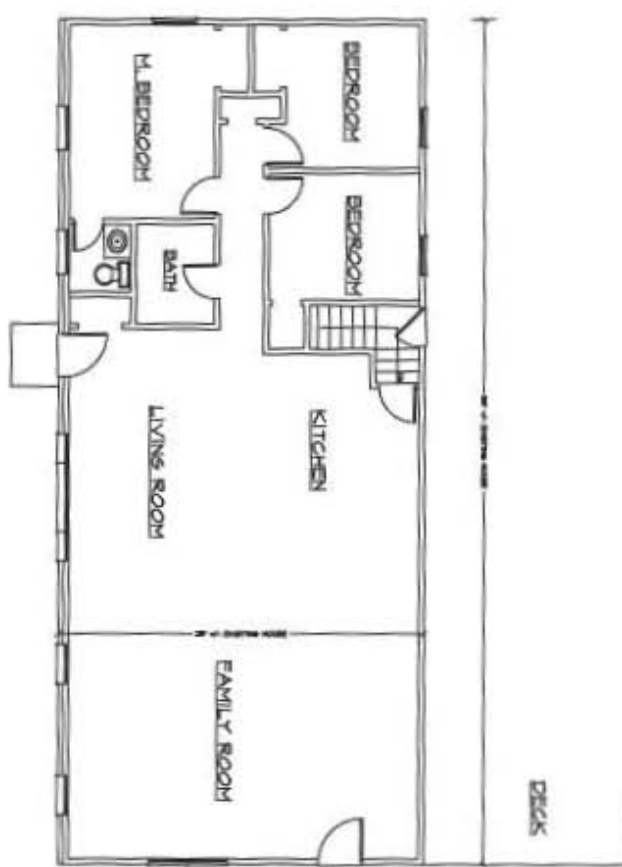
EXISTING FRONT ELEVATION
SCALE 1/8" = 1'-0"



EXISTING RIGHT SIDE ELEVATION
SCALE 1/8" = 1'-0"



PARTIAL EXISTING FIRST FLOOR PLAN
SCALE 1/8" = 1'-0"



ADDITIONS & REMODELING TO THE SCHROEN RESIDENCE

GBL CUSTOM HOME
 DESIGN INC.
 24 2ND ST. SPOKANE, ID 83402
 PHONE 409-633-4100

SHEET NO. 1 OF 4
 DATE 1/2003
 SCALE 1/8" = 1'-0"

ALL DIMENSIONS ARE IN FEET AND INCHES
 UNLESS OTHERWISE NOTED
 ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE 2000 IRC

OLD SCAGGSVILLE ROAD
(MD Route 216)

PINDELL SCHOOL ROAD

N 31°51'20" E 497.90'

S 31°51'20" W 499.72'

E 88.00' S 52°55'50"

Parcel 108
No Tax Account
Information Available

Parcel 95
Doreen Hines
Liber 9081, Folio 368

Parcel 173
Christina Toibero &
William Schroen Sr.
Liber 3826, Folio 281
1.00 acre

Ex. Well
HO-94-2330

Ex. Well
HO-82-0094

Ex. Well
HO-73-0381

Ex. Well
To be Upgraded

PROP.
ADDITION
6x26

Ex. House

PROP.
GARAGE
32x32

Ex. Deck

Ex. Septic
Tank

Ex. Septic
cleanout

Ex. Shed

Ex. Old Wire Fence

Ex. Septic
cleanout

This area designates a private sewage area as required by the Maryland State Department of the Environment for individual sewage disposal. For lots created prior to March of 1972 it provides at least enough area to accommodate an initial and two replacement septic systems as required by the Howard County Health Department. Improvements of any nature in this area are restricted until public sewerage is available. This area shall become null and void upon connection to a public sewerage system. The county Health Officer shall have the authority to grant adjustments to the private sewage area. Recordation of modified sewage area shall not be necessary.

I certify that the information shown hereon is based on field work performed by me or under my direct supervision, and is correct, to the best of my knowledge and belief.

By: *[Signature]* Date: 4/08/13

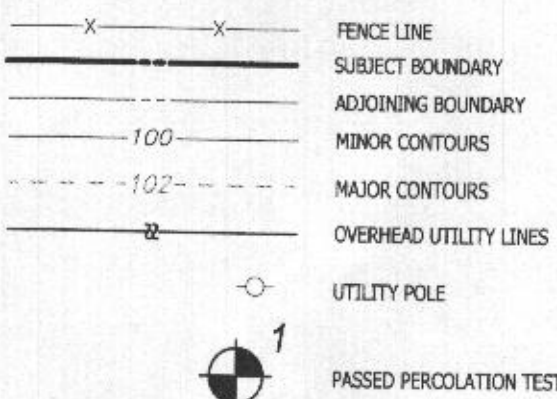
GENERAL NOTES

- Current Title Reference
Owner - Christina Marie Toibero & David William Schroen Sr.
Deed reference - Liber 3826, Folio 281
- The outline shown hereon is based on a field survey by BPR, Inc. in March 2013.
- The topography of this plat is taken from field run information by BPR, Inc. in March 2013 and is verified to accurately represent the relative changes on the subject property. The datum used is based on NAVD88, Howard County Control Bench Mark 41GM4
- Any Changes to a private sewage easement shall require revised percolation certification plan.
- All Wells and septic systems located within 100' of the property boundaries and 200' down gradient of any wells and/or septic systems have been shown.
- This lot was created prior to March 1972. Deed history was researched to Liber 421, Folio 107, dated July 2, 1964. Therefore this lot is exempt from the 10,000 sq.ft. septic reserve area, but must show sufficient area for the initial system and two replacement systems.
- The purpose of this plan is to obtain county approvals for septic installation for an upgraded system to accommodate the proposed additions to the existing residence.
- This entire site contains GgB soils.

PERCOLATION TEST RESULTS

DATE	TEST No.	DEPTH	START	Break 1" Drop	Break 2" Drop	Time of 2nd Inch	P/F/H
02-26-13	1	6/13	9:54	10:03	10:16	13 min	Pass
02-26-13	2	6/14	10:44	10:48	10:52	4 min	Pass

SURVEY LEGEND



"APPROVED FOR PRIVATE WATER AND PRIVATE SEWERAGE SYSTEMS"

HEALTH OFFICER, HOWARD COUNTY HEALTH DEPT. DATE

PERCOLATION CERTIFICATION PLAN
CHRISTINA TOIBERO &
WILLIAM SCHROEN SR. PROPERTY
#12000 OLD SCAGGSVILLE ROAD

RECORDED IN LIBER 3826, FOLIO 281
5th ELECTION DISTRICT HOWARD COUNTY, MARYLAND
TAX MAP - 41 GRID - 19 PARCEL - 173

OWNER/DEVELOPER	DATE	REVISIONS	BY
CHRISTINA TOIBERO & WILLIAM SCHROEN SR. 12000 OLD SCAGGSVILLE ROAD FULTON, MARYLAND 20759-2217 Phone: 301-807-8223			
Surveyed By DKK & SML Computed By			
Drawn By SML			
Checked By DKK			
Drawing No. 13-028-000			
Date: February 12, 2013			
A licensed Maryland Surveyor either personally prepared the Survey as shown hereon, or was in responsible charge over its preparation and the surveying work reflected in it, in compliance with chapter 09.13.06.12 of the Maryland Minimum Standards of Practice for Land Surveyors.			

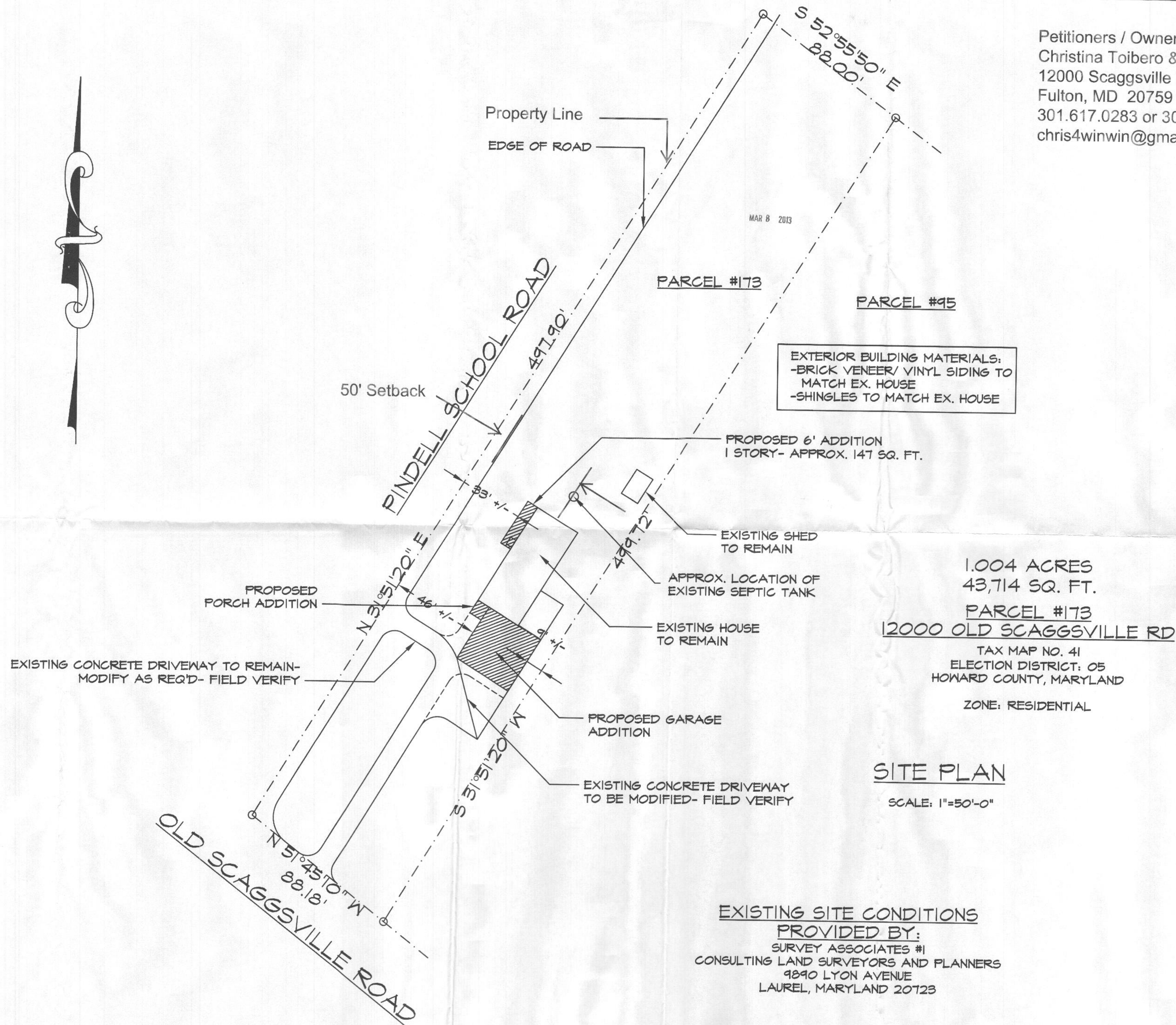
BPR INC
SURVEYORS - LAND PLANNERS
150 Airport Drive
Suite 4
Westminster, Maryland 21157
Phone: (410)-857-9030
or (410)-876-0333
Fax: (410)-876-1532
www.bprsurveying.com

Date: February 12, 2013 Scale: 1 inch = 30 feet



Petitioners / Owners
Christina Toibero & David Schroen Sr.
12000 Scaggsville Road
Fulton, MD 20759
301.617.0283 or 301.807.8223
chris4winwin@gmail.com

ADDITIONS & REMODELING TO
THE SCHROEN RESIDENCE



FILE: SCHROEN

SCALE: 1/4" = 1'-0"

DATE: 9/20/12

SHEET NO.: 1 OF

GBL CUSTOM HOME
DESIGN INC.
PO BOX 237 FINKSBURG, MD 21048
PHONE 410-833-8320

PROJECT ADDRESS:
12000 SCAGGSVILLE ROAD
FULTON, MARYLAND 20759

REVISED 12/20/2012
REVISED 10/29/2012
REVISED 10/11/2012