

Bureau of Environmental Health

8930 Stanford Boulevard, Columbia, MD 21045

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

RE: **BA-13-041V**

DATE: February 20, 2014

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

- There is no objection to the encroachment into the BRL. All relevant setbacks to well and septic system components must be met prior to Health Department approval of the building permit.

JRL

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

Date February 5, 2014

Hearing Examiner 3/3/14
Planning Board _____ Board of Appeals _____ Zoning Board _____

Petition No. BA 13-041V Map No. _____ Block _____ Parcel _____ Lot _____

Petitioner: _____ Russel & Jessica Fansler

Petitioner's Address: _____

Address of Property: _____

Return Comments by February 14, 2014 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)
_____ ☒ 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 memo


SIGNATURE



DPZ Office use only:

CASE NO.

BA 13.041 V

DATE FILED

12/24/13

**RESIDENTIAL DISTRICT VARIANCE PETITION
TO THE HOWARD COUNTY HEARING EXAMINER**

1. VARIANCE REQUEST

SECTION 128.A.1.e of the Zoning Regulations (describe)

Supplementary Regulations: Open porch may project 10' into front or rear setback

2. PETITIONER'S NAME Russel L. and Jessica Lyn Fansler

TRADING AS (IF APPLICABLE) N/A

ADDRESS 8819 Boulder Hill Place Laurel MD 20723

PHONE NO. (W) 240.413.3022 (H) 240.280.2506

EMAIL Rustyfansler@doorsnow.com

3. COUNSEL FOR PETITIONER None at this time

COUNSEL'S ADDRESS _____

COUNSEL'S PHONE NO. _____

EMAIL _____

4. PROPERTY IDENTIFICATION

ADDRESS OF SUBJECT PROPERTY 13520 Triadelphia Mill Road
Clarksville MD 21029

ELECTION DISTRICT 5th ZONING DISTRICT RR-DEO ACREAGE 0.9591

TAX MAP # 28 GRID # 20 PARCEL # 420 LOT # 4

SUBDIVISION NAME (if applicable) Hedgerow Farm

PLAT NUMBER AND DATE 22366-22368 5/3/13

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.

DEC 24 2013

**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 ~~(X)~~ narrowness, ~~(X)~~ shallowness, ~~(X)~~ shape, ~~(X)~~ topography,

() other; explain: SEE ATTACHED ADDENDUM

2. The uniqueness of the property prevents me from making a reasonable use of the property because: SEE ATTACHED ADDENDUM

B) The intended use of the property, in the event the petition is granted: _____

SEE ATTACHED ADDENDUM

C) Any other factors which the Petitioner desires to have considered: _____

SEE ATTACHED ADDENDUM

D) Explain why the requested variance is the minimum necessary to afford relief: _____

SEE ATTACHED ADDENDUM

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: SEE ATTACHED ADDENDUM

H) If the requested variance is granted, would it increase traffic to or from the site? Y ☐ N ☒ if yes, explain: SEE ATTACHED ADDENDUM

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

SEE ATTACHED ADDENDUM

J) Describe the topography of the site: SEE ATTACHED ADDENDUM

K) Will the existing or proposed structure be visible from adjacent properties? Y__ N✓; if yes, describe any proposed buffering or landscaping: SEE ATTACHED ADDENDUM

L) Describe any existing buffering or landscaping: SEE ATTACHED ADDENDUM

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 ☒ 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.

ADDENDUM TO VARIANCE REQUEST

The petitioners request a variance from Section 128.A.1.e Supplementary Zoning District Regulations, Supplementary Bulk Regulations, Exceptions to Setback Requirements, which permits an open or enclosed porch and deck, and the stairway or ramp attached thereto to encroach a maximum of 10 feet into a front or rear setback, a setback from a project boundary, a setback from a different Zoning District, or a required distance between buildings.

The Petitioners specifically request a variance from the above referenced regulation to permit construction of a 11'x22' open porch within the minimum 10' side yard required by Section 105.E.4.b.3.b (RR-DEO Zone). If granted, the Petitioners desired open porch would project within the side yard angularly creating an approximate 3'x14' triangle comprising an approximate area of 21 square feet.

The Petitioners believe their request to be reasonable principally for the following:

A.1. The Petitioners own Lot 4 in the Hedgerow Farm subdivision, (#13520 Triadelphia Mill Road) as shown on plat #22366-#22368. The lot is located on a wooded ridge between two unnamed tributaries and their stream banks to the Triadelphia Reservoir. The tributary to the south is classified as Waters of the U.S. and the tributary to the north is classified as a Perennial Stream. The lots home site is wedged between the tributaries 100 foot stream bank buffers. The lots building area is further encumbered by the required Sewage Disposal Easement with 20' structure setback. The lots house site is located 20 to 40 feet vertically above each of the tributaries. The remaining buildable area is an irregular, narrow and shallow shape confined by adjoining steep topographic and environmental constraints.

The owners lot is undoubtedly the most unique house site within the local community. The uniqueness of the lots constraints and setbacks restricts the owners from constructing an open porch or deck within the lots 10' side yard. The owners request the variance to construct a reasonably sized porch/deck normally associated with outdoor activities and entertaining.

- B. The current use is residential and will remain residential if the variance is granted.
- C. The environmental areas adjacent to the lot have been placed in protective Forest Conservation Easements. The owners request a minimal encumbrance into the side yard without disturbance of the adjacent environmental easement.
- D. The variance request is the minimum necessary to provide a reasonable outdoor living area for the owners residence. The granting of the variance will provide the owners relief while not being detrimental to the environment or the adjoining community.
- E. The lot is not located within the Planned Service Area for public water and sewer and will utilize private sewer (septic) and private well for service.
- F. The onsite well and septic systems/easements will not be impacted by granting the Variance.
- G. Intensity of use on the lot will not increase.
- H. Traffic to and from the lot will not increase.

- I. The lot utilizes a variable width (16' to 12') wide paved use-in-common driveway for vehicular access to Triadelphia Mill Road.
- J. The topography within the lots buildable area is moderately sloping to the adjacent steeply sloped stream buffer areas.
- K. The proposed porch/deck is screened from adjacent properties by the existing Forest Conservation Easement.
- L. The above Forest Conservation Easement supports mature specimen trees with a native Mountain Laurel/Azalea understory.

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.

RUSSEL FANSEN Jessica Fansen
Petitioners Name (please print)

[Signature] 4/12/13
Petitioner's Signature Date

J
Counsel's Name (please print)

[Signature] _____
Counsel's Signature Date

**For DPZ office use only: (Filing fee is \$300.00 plus \$25.00 per poster.)
(Make checks payable to "Director of Finance")**

Hearing fee: \$ _____
Poster fee: \$ _____
TOTAL: \$ _____

Receipt No. _____

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

County Website: www.howardcountymd.gov

Revised: 07/12

T:\shared\PubSer\Applications\ResVar

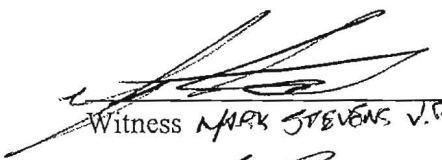
PETITIONER Russel L. and Jessica Lyn Fansler

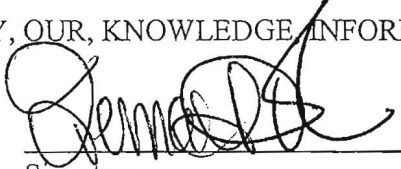
PROPERTY ADDRESS 13520 Triadelphia Mill Road Clarksville MD 21029

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.


Witness MARK STEVENS V.P.


Signature

11/12/13
Date


Witness MARK STEVENS V.P.


Signature

11/12/13
Date

Witness

Signature

Date

