



## Bureau of Environmental Health

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[www.hchealth.org](http://www.hchealth.org)

Facebook: [www.facebook.com/hocohealth](http://www.facebook.com/hocohealth)

Twitter: HowardCoHealthDep

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

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### MEMORANDUM

TO: Bob LaLush  
Division of Zoning Administration and Public Service

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

RE: **BA-15-043V**

DATE: January 29, 2016

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

- The property is served by an onsite sewage disposal system. Health has no objection to the variance request. Please note, however, that Health may require establishment of a sewage disposal area via percolation testing and/or replacement of the existing well located in the house prior to Health approval of any future building permits on the property.

92

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

Date: December 29, 2015

Hearing Examiner \_\_\_\_\_  
Planning Board \_\_\_\_\_ Board of Appeals \_\_\_\_\_ Zoning Board \_\_\_\_\_

Petition No. BA 15-043V Map No. \_\_\_\_\_ Block \_\_\_\_\_ Parcel \_\_\_\_\_ Lot \_\_\_\_\_

Petitioner: Kenneth & Rosalie Caulder

Petitioner's Address: \_\_\_\_\_

Address of Property: \_\_\_\_\_

Return Comments by February 7, 2015 to Public Service and Zoning Administration

Owner: (if other than applicant) \_\_\_\_\_

Owner's Address: \_\_\_\_\_

Petition: SEE APPLICATION

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- 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
  - \_\_\_\_\_ Resource Conservation Division – Beth Burgess
  - \_\_\_\_\_ Route 1 Cases – DCCP – Dace Blaumanis
  - \_\_\_\_\_ Telecommunication Towers – Josh Levy (Comm. Dept.)

COMMENTS:

see memo

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

  
SIGNATURE



DPZ Office use only:

CASE NO. BA 15-043 V

DATE FILED 10/26/15

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

**OCT 26 2015**

**1. VARIANCE REQUEST**

SECTION 104.E.4 of the Zoning Regulations (describe) \_\_\_\_\_

To permit side yard setbacks of 7.7', 22.4' and 19.8' for the three existing structures in lieu of the required 30'.

**2. PETITIONER'S NAME** Kenneth & Rosalie Caulder

TRADING AS (IF APPLICABLE) \_\_\_\_\_

ADDRESS 12690 Old Frederick Road, Sykesville, MD 21784

PHONE NO. (W) \_\_\_\_\_ (H) \_\_\_\_\_

EMAIL kenneth140@aol.com

**3. COUNSEL FOR PETITIONER** Adam Baker

COUNSEL'S ADDRESS 8830 Stanford Boulevard, Suite 400, Columbia, MD 21045

COUNSEL'S PHONE NO. (410) 832-2052

EMAIL abaker@wtplaw.com

**4. PROPERTY IDENTIFICATION**

ADDRESS OF SUBJECT PROPERTY 12690 Old Frederick Road

ELECTION DISTRICT 3rd ZONING DISTRICT RC-DEO ACREAGE 3.025+AC

TAX MAP # 9 GRID # 23 PARCEL # 20 LOT # \_\_\_\_\_

SUBDIVISION NAME (if applicable) N/A

PLAT NUMBER AND DATE \_\_\_\_\_

**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 property is long and narrow with a narrow strip of buildable area running through the middle.

2. The uniqueness of the property prevents me from making a reasonable use of the property because: Without the variance relief, the existing structures would need to be relocated to the middle section of the property which would inhibit efficient access and circulation within the property.

**B)** The intended use of the property, in the event the petition is granted: Breezy Willow Farm & Community Supported Agriculture

**C)** Any other factors which the Petitioner desires to have considered: The property has been used for agricultural purposes since 1940s and the structures for which variance relief is being requested have been in their current location since 1941 (addition in 2012), 2004 and 2009.

**D)** Explain why the requested variance is the minimum necessary to afford relief: In order to allow the structures to remain, the variance relief is requested.

**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: \_\_\_\_\_

**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.): Access to the property from Old Frederick Road is from an 11.2' wide asphalt drive. The access drive is being relocated so that it no longer encroaches on the adjacent Hurt property directly to the west.

J) Describe the topography of the site: The subject property is relatively flat with a gentle slope toward the rear of the property. The existing house is located on the front of the property which is the high side and the topography gently slopes away from the house.

K) Will the existing or proposed structure be visible from adjacent properties? Y  N ; if yes, describe any proposed buffering or landscaping: No additional buffering or landscaping proposed

L) Describe any existing buffering or landscaping: The subject property is unwooded and comprised of fields in agricultural production and animal enclosures. There are some scattered trees and residential lawn and landscaping in the front of the property around the house.

### 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.



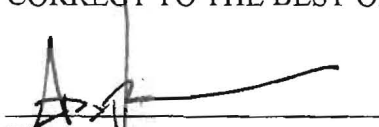
PETITIONER Kenneth & Rosalie Caulder

PROPERTY ADDRESS 12690 Old Frederick Road

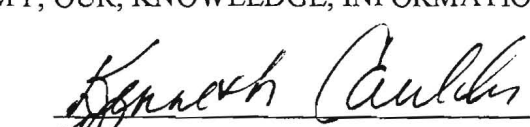
Affidavit made pursuant to the pertinent provisions of Title 22 of the Howard County Code as amended.

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

  
Witness

  
Signature 11/6/15  
Date

  
Signature 11/6/15  
Date

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Signature Date

November 25, 2015

Howard County Planning and Zoning  
Division of Public Service and Zoning Administration  
ATTN: John E. Hartner, Jr. (J.J.)  
3430 Court House Drive  
Ellicott City, MD 21043

Reference: BA-15-043V, 12690 Old Frederick Road

DDC Project No.: 15060.1

DEC 2 2015

Mr. Hartner:

The following are responses to comments issued November 16, 2015:

**Comment 1:** Per checklist item number 6, certain items must be included on your variance plan. The following required items were not included on your plan:

- Existing and proposed uses

**Response:** The Existing and Proposed Use, Residential/Agriculture, have been added to the General Notes as notes 8 and 9.

- Private sewerage easement area

**Response:** According to Health Department Records there is no sewage disposable easement on the property. The existing drainfield has been shown per the available records.

- Floor area of all structures on the property, including, but not limited to, the existing single family detached home on the property

**Response:** Floor areas for all of the structures on the property including the single family detached home have been shown on the plan.

- Height of all structures on the property

**Response:** Heights for all of the structures on the property have been shown on the plan.

We believe these responses adequately address your comments. Should you have any questions please do not hesitate to contact this office.

Very truly yours,  
Development Design Consultants, Inc.



Brian Collins, RLA, LEED AP  
Project Manager



Planners  
Surveyors  
Engineers  
Landscape Architects

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