

12/8/03 - 11 AM

PUB. SEWER STATUS VERIFIED BY \_\_\_\_\_

ISSUE DATE: 12/4/2003

# PERMIT

P 519689

APPROVAL DATE: \_\_\_\_\_

A UPGRADE

## ON-SITE SEWAGE DISPOSAL SYSTEM HOWARD COUNTY HEALTH DEPARTMENT BUREAU OF ENVIRONMENTAL HEALTH

Fogles Septic Clean, Inc. IS PERMITTED TO INSTALL  ALTER

ADDRESS: 580 Obrecht Rd, Sykesville PHONE NUMBER: 410-795-5670

SUBDIVISION: Zeller Property LOT NUMBER: \_\_\_\_\_

ADDRESS: 13334 Folly Quarter Road PROPERTY OWNER: S McGill Gawthrop

SEPTIC TANK CAPACITY (GALLONS): \_\_\_\_\_

PUMP CHAMBER CAPACITY (GALLONS): \_\_\_\_\_

NUMBER OF BEDROOMS: \_\_\_\_\_

SQUARE FEET PER BEDROOM: \_\_\_\_\_

LINEAR FEET OF TRENCH REQUIRED: \_\_\_\_\_

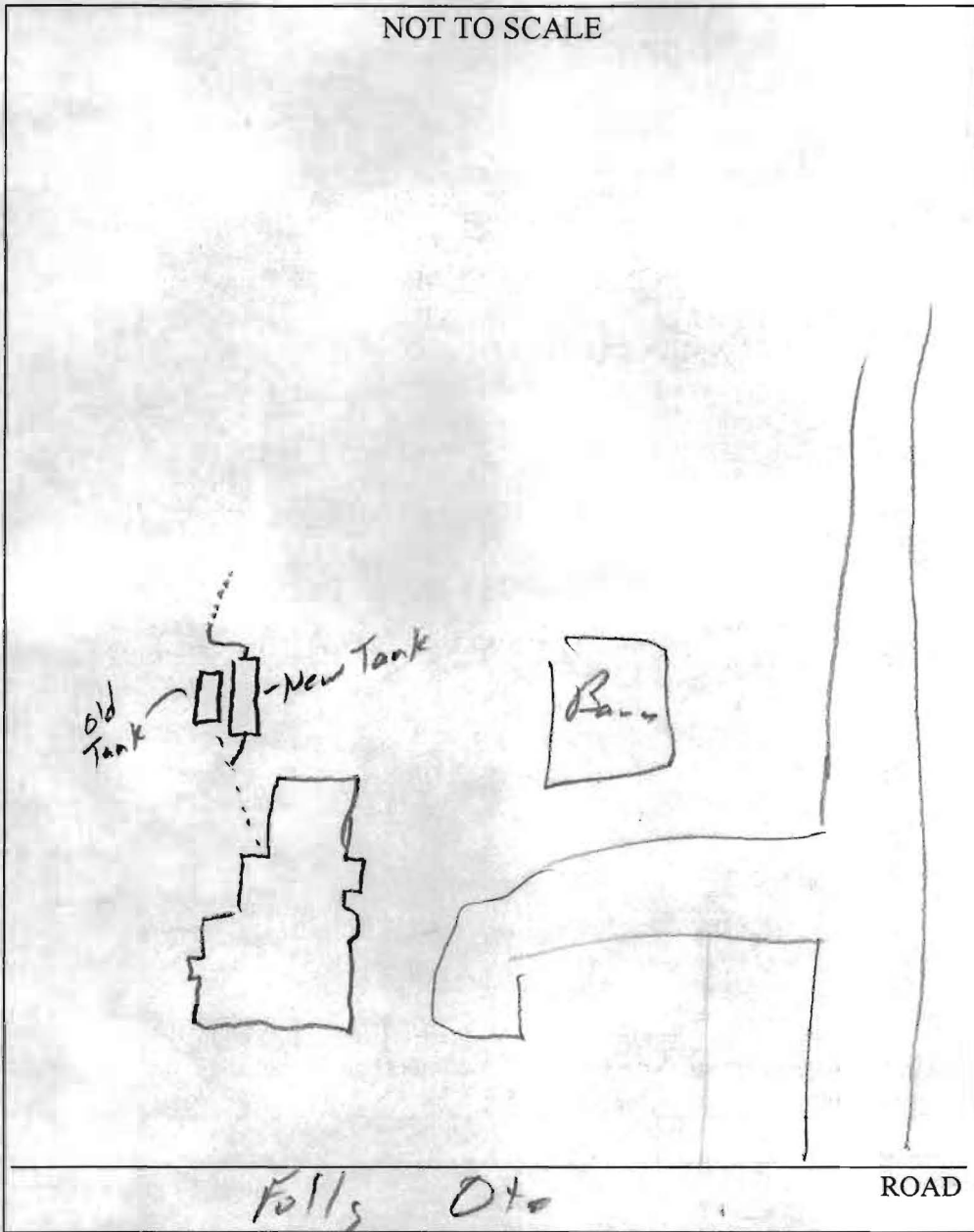
TRENCHES:	Trench to be _____ feet wide. Inlet _____ feet below original grade. Bottom maximum depth _____ feet below original grade. Effective area begins at _____ feet below original grade. _____ feet of stone below distribution pipe.
LOCATION:	_____
PURPOSE:	To move septic tank in support of building permit B00144887. Call for inspection when the ground has been opened so sanitarian can recommend repair.

PLANS APPROVED: \_\_\_\_\_ DATE: \_\_\_\_\_

- NOTE: PERMIT VOID AFTER 2 YEARS
- NOTE: CONTRACTOR RESPONSIBLE FOR SCHEDULING A PRE-CONSTRUCTION INSPECTION FOR ALL INSTALLATIONS
- NOTE: WATERTIGHT SEPTIC TANKS REQUIRED
- NOTE: ALL PARTS OF SEPTIC SYSTEM SHALL BE 100 FEET FROM ANY WATER WELL
- NOTE: MANHOLE RISERS REQUIRED ON ALL SEPTIC TANKS AND PUMP CHAMBERS

**NEITHER THE HOWARD COUNTY COUNCIL NOR THE HEALTH DEPARTMENT IS RESPONSIBLE FOR THE SUCCESSFUL OPERATION OF ANY SYSTEM PERMITTEE RESPONSIBLE FOR OBTAINING FINAL APPROVAL ON THIS PERMIT CALL 410-313-2640 FOR INSPECTION OF SEPTIC SYSTEM**

NOT TO SCALE



**TRENCH/DRAINFIELD DATA**

WIDTH	INLET	BOTTOM
_____	_____	_____
NUMBER OF TRENCHES _____		
TOTAL LENGTH _____		
ABSORPTION AREA _____		
DISTRIBUTION BOX LEVEL _____		
DISTRIBUTION BOX BAFFLE _____		
DISTRIBUTION BOX PORT _____		

**SEPTIC TANK DATA**

SEPTIC TANK 1 LEVEL

CAPACITY 1500 GAL

SEAM LOC Top

TANK LID DEPTH 2'

BAFFLES

BAFFLE FILTER

MANHOLE LOC \_\_\_\_\_

6" PORT LOC \_\_\_\_\_

WATERTIGHT TEST \_\_\_\_\_

SEPTIC TANK 2 LEVEL \_\_\_\_\_

CAPACITY \_\_\_\_\_ GAL

SEAM LOC \_\_\_\_\_

TANK LID DEPTH \_\_\_\_\_

BAFFLES N/A

BAFFLE FILTER \_\_\_\_\_

MANHOLE LOC \_\_\_\_\_

6" PORT LOC \_\_\_\_\_

WATERTIGHT TEST \_\_\_\_\_

PRE-CONSTRUCTION \_\_\_\_\_

INSTALLATION 12/8/03 - New tank set (SO)

FINAL INSPECTOR \_\_\_\_\_ DATE OF APPROVAL \_\_\_\_\_

IN THE MATTER OF : BEFORE THE  
S. MCGILL & FAITH S. GAWTHROP : HOWARD COUNTY  
Petitioners : BOARD OF APPEALS  
 : HEARING EXAMINER  
 : BA Case No. 03-41V

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**DECISION AND ORDER**

On August 13, 2003, the undersigned, serving as the Howard County Board of Appeals Hearing Examiner, and in accordance with the Hearing Examiner Rules of Procedure, heard the petition of S. McGill Gawthrop and Faith Gawthrop, Petitioners, for a variance to reduce the 75-foot front setback to 49.5 feet for an addition and to 33.75 feet for a brick wall in an RR-DEO (Rural Residential – Density Exchange Option) Zoning District, filed pursuant to Section 130.B.2 of the Howard County Zoning Regulations (the "Zoning Regulations").

The Petitioners provided certification that notice of the hearing was advertised and certified that the property was posted as required by the Howard County Code. I viewed the property as required by the Hearing Examiner Rules of Procedure.

Thomas M. Meachum, Esquire, represented the Petitioner. S. McGill Gawthrop and Faith Gawthrop testified in support of the petition. No one appeared in opposition to the petition.

**FINDINGS OF FACT**

Based upon the evidence presented at the hearing, I find as follows:

1. The subject property, 13334 Folly Quarter Road, is located in the 3<sup>rd</sup> Election District on the north side of Folly Quarter Road approximately 700 feet east of Triadelphia Road in Ellicott

City (the "Property"). The Property is identified on Tax Map 22, Block 15 as Parcel 47. The Property consists of about 3.0053 acres. The lot is quadrilateral in shape, with a width of about 285 feet along Folly Quarter Road.

The Property is improved with a two-story single-family dwelling that was built in 1890. The rear portion of the house was built in 1952. The house is about 1,812 square feet in area. The house is situated about 31 feet from the front lot line and 92 feet from the western side lot line. Most of the house is within the 75-foot setback. The topography of the lot rises up from the road to the house then levels off. Vehicular access is gained via a gravel driveway leading to the east side lot line, where a gravel private road leads to Folly Quarter Road. A barn is situated northeast of the house.

Leland cypress trees line the perimeter of the Property from the east side of the house to the southeast corner of the lot. A large oak tree is situated in front of the house and several large mature trees line the western lot line.

2. The Petitioners, the owners of the Property, propose to construct a two-story addition onto the northwest side of the house. The addition will be situated behind the front portion of the house, but will be within 49.5 feet of the front Property line. A mudroom, bay window and deck located on the east side of the house will be removed. The orientation of the home will be adjusted so that the front of the house will face east and the rear of the house will face the western side lot line.

The Petitioners also propose to install a brick wall to run parallel with the front lot line from

the southwestern corner of the house for about 50 feet, where the wall will turn northward for another 50 feet. The portion of the wall fronting on Folly Quarter Road will be six feet tall, while the portion paralleling the west lot line will be four feet tall. The design and materials of the wall will be consistent with that of the house.

3. Vicinal properties are also zoned RR and are also improved with residential dwellings of various sizes, most of which are larger than the Petitioner's home and are well set back from the roadway.

#### CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, I conclude as follows:

1. The location of the house on the Property pre-dates the advent of zoning in Howard County and the imposition of the setback restriction. The existing house, which is located almost entirely within the setback, is modest in size compared to others in the neighborhood. The proposed addition is a reasonable and permitted improvement to the Property. In order to construct the addition onto the house, however, due to the location of the house, it is necessary to encroach into the front setback. The addition will not encroach any further into the setback than the existing home; indeed, because the addition will be constructed onto the northwestern portion of the house, the encroachment is less than the front of the house. Because the orientation of the house will change, a fence or wall surrounding the new back yard is also a reasonable and permitted improvement. Again, because of the location of the non-complying structure, the wall cannot be reasonably built without encroaching into the setback. Consequently, I find that the location of the

existing house, a non-complying structure, within the required setback is a unique physical condition of the Property that causes the Petitioners practical difficulties in complying with the setback requirement, in accordance with Section 130.B.2.a(1).

2. The addition and wall will be used for residential purposes and will not affect any other properties in the neighborhood. Neither the nature nor the intensity of the use of the lot as residential property will substantially change. The house itself, as well as the existing trees along the front and west sides of the Property, will screen the addition from the adjoining property. The variance, if granted, will therefore not alter the essential character of the neighborhood in which the lot is located, nor substantially impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare, in accordance with Section 130.B.2.a.(2).

3. The practical difficulty in complying strictly with the setback regulation arises from the location of the existing house within the setback, and was not created by the Petitioners, in accordance with Section 130.B.2.a.(3).

4. The completed home will continue to be of modest size as compared to others in the vicinity. The addition will be constructed on to the northwest side of the home, limiting the encroachment into the setback. Within the intent and purpose of the regulations, then, the variance is the minimum variance necessary to afford relief, in accordance with Section 130.B.2.a.(4).

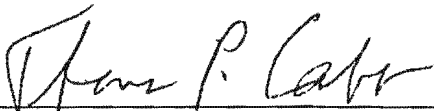
**ORDER**

Based upon the foregoing, it is this 27<sup>th</sup> day of October, 2003, by the Howard County Board of Appeals Hearing Examiner, **ORDERED:**

That the Petition of S. McGill Gawthrop and Faith Gawthrop, Petitioners, for a variance to reduce the 75-foot front setback to 49.5 feet for an addition and to 33.75 feet for a brick wall in an RR-DEO (Rural Residential – Density Exchange Option) Zoning District is hereby **GRANTED;**

**Provided, however,** that the variance will apply only to the uses and structures as described in the petition submitted, and not to any other activities, uses, structures, or additions on the Property.

**HOWARD COUNTY BOARD OF APPEALS  
HEARING EXAMINER**

  
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Thomas P. Carbo

Date Mailed: 10/27/03