

Building Address: 18313825 R...

Suite/Apt. # _____ SDP/WP/BA #: _____

Census Tract: _____ Subdivision: R...

Section: 1 Area: 1 Lot: 1

Tax Map: 77 Parcel: 532 Grid: 7

Zoning: ... Map Coordinates: _____ Lot Size: ...

Existing Use: ...

Proposed Use: ...

Estimated Construction Cost: \$ 595,000

Description of Work: ...

Occupant or Tenant: ...

Was tenant space previously occupied? Yes No

Contact Name: ...

Address: ...

City: ... State: MD Zip Code: ...

Phone: ... Fax: ...

Email: ...

Property Owner's Name: ...

Address: ...

City: ... State: MD Zip Code: ...

Home Phone: ... Work Phone: ...

Applicant's Name & Mailing Address, (If other than stated herein):

Phone: _____ Fax: _____

Email: _____

Contractor Company: ...

Contact Person: _____

Address: _____

City: _____ State: _____ Zip Code: _____

License No. : _____

Phone: _____ Fax: _____

Email: _____

Engineer/Architect Company: ...

Responsible Design Prof.: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone: _____ Fax: _____

Email: _____

BUILDING DESCRIPTION - COMMERCIAL

Building Characteristics	Utilities
Height:	<u>Water Supply</u>
No. of stories:	<input type="checkbox"/> Public
Gross area, sq. ft./floor:	<input type="checkbox"/> Private
	<u>Sewage Disposal</u>
Area of construction (sq. ft.):	<input type="checkbox"/> Public
	<input type="checkbox"/> Private
Use group:	Electric: <input type="checkbox"/> Yes <input type="checkbox"/> No
	Gas: <input type="checkbox"/> Yes <input type="checkbox"/> No
<u>Construction type:</u>	<u>Heating System</u>
<input type="checkbox"/> Reinforced Concrete	<input type="checkbox"/> Electric <input type="checkbox"/> Oil
<input type="checkbox"/> Structural Steel	<input type="checkbox"/> Natural Gas <input type="checkbox"/> Propane Gas
<input type="checkbox"/> Masonry	<u>Sprinkler System:</u>
<input type="checkbox"/> Wood Frame	<input type="checkbox"/> N/A
<input type="checkbox"/> State Certified Modular	<input type="checkbox"/> Full
<input checked="" type="checkbox"/> Roadside Tree Project Permit	<input type="checkbox"/> Partial
<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Other Suppression
Roadside Tree Project Permit #	No. of Heads:

BUILDING DESCRIPTION - RESIDENTIAL

Building Characteristics	Utilities
<input type="checkbox"/> SF Dwelling <input type="checkbox"/> SF Townhouse	<u>Water Supply</u>
<u>Depth</u> <u>Width</u>	<input type="checkbox"/> Public
1 st floor:	<input type="checkbox"/> Private
2 nd floor:	<u>Sewage Disposal</u>
Basement:	<input type="checkbox"/> Public
<input type="checkbox"/> Finished Basement	<input type="checkbox"/> Private
<input type="checkbox"/> Unfinished Basement	Electric: <input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Crawl Space	Gas: <input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Slab on Grade	<u>Heating System</u>
No. of Bedrooms:	<input type="checkbox"/> Electric
<u>Multi-family Dwelling</u>	<input type="checkbox"/> Oil
No. of efficiency units:	<input type="checkbox"/> Natural Gas
No. of 1 BR units:	<input type="checkbox"/> Propane Gas
No. of 2 BR units:	
No. of 3 BR units:	
Other Structure:	
Dimensions:	
Footings:	<input checked="" type="checkbox"/> Roadside Tree Project Permit
Roof:	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> State Certified Modular	Roadside Tree Project Permit #
<input type="checkbox"/> Manufactured Home	

THE UNDERSIGNED HEREBY CERTIFIES AND AGREES AS FOLLOWS: (1) THAT HE/SHE IS AUTHORIZED TO MAKE THIS APPLICATION; (2) THAT THE INFORMATION IS CORRECT; (3) THAT HE/SHE WILL COMPLY WITH ALL REGULATIONS OF HOWARD COUNTY WHICH ARE APPLICABLE THERETO; (4) THAT HE/SHE WILL PERFORM NO WORK ON THE ABOVE REFERENCED PROPERTY NOT SPECIFICALLY DESCRIBED IN THIS APPLICATION; (5) THAT HE/SHE GRANTS COUNTY OFFICIALS THE RIGHT TO ENTER ONTO THIS PROPERTY FOR THE PURPOSE OF INSPECTING THE WORK PERMITTED AND POSTING NOTICES.

Applicant's Signature

Print Name

Email Address

Date

Title/Company

Checks Payable to: DIRECTOR OF FINANCE OF HOWARD COUNTY

PLEASE WRITE NEATLY & LEGIBLY

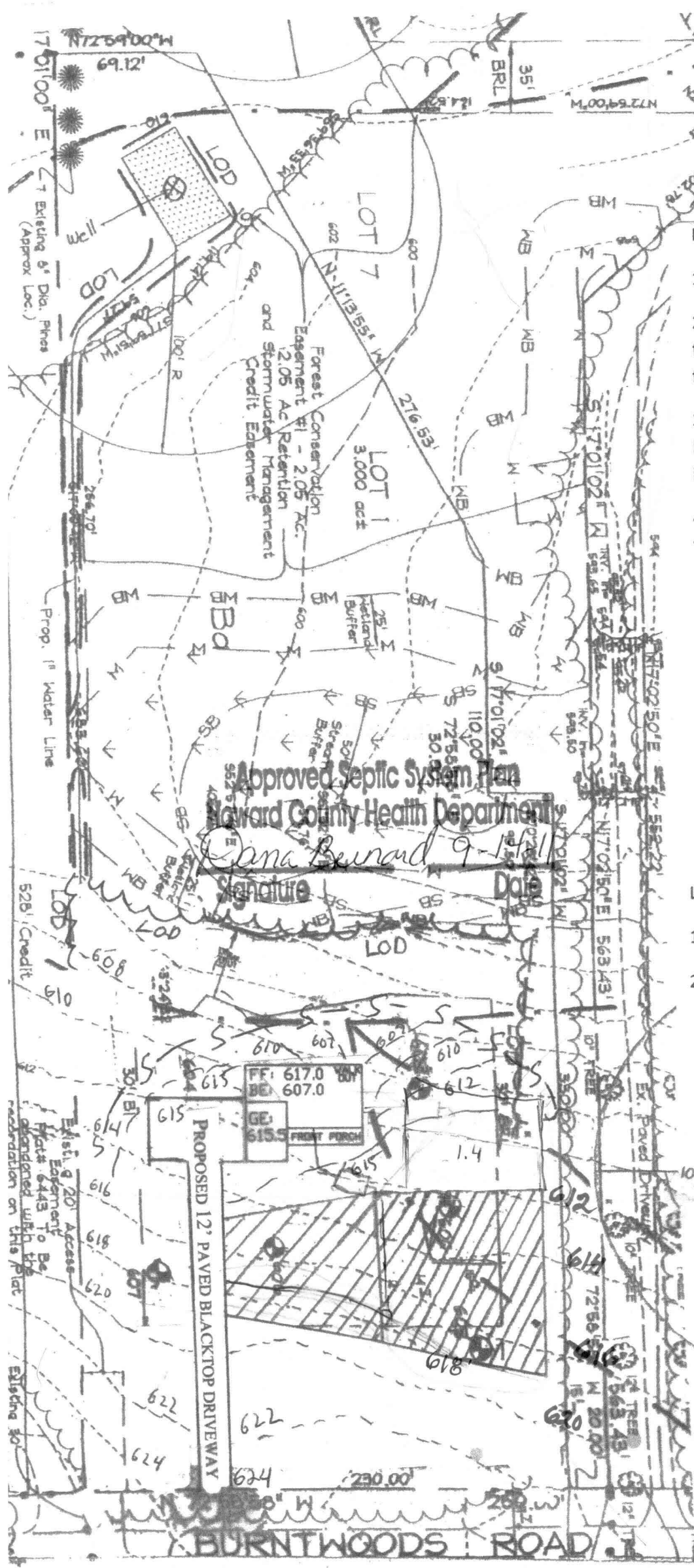
-FOR OFFICE USE ONLY-

AGENCY	DATE	SIGNATURE OF APPROVAL
State Highways		
Building Officials		
PSZA (Zoning)		
PSZA (Engineering)		
Health	9-14-11	<u>Orna Bernard</u>
Fire Protection		

DPZ SETBACK INFORMATION
Front:
Rear:
Side:
Side St.:
All minimum setbacks met? <input type="checkbox"/> Yes <input type="checkbox"/> No
Is Entrance Permit Required? <input type="checkbox"/> Yes <input type="checkbox"/> No
Historic District? <input type="checkbox"/> Yes <input type="checkbox"/> No
Lot Coverage for New Town Zone:
SDP/Red-line approval date:

Filing Fee	\$
Permit Fee	\$
Tech Fee	\$
Excise Tax	\$
PSFS	\$
Guaranty Fund	\$
Add'l per Fee	\$
Total Fees	\$
Sub- Total Paid	\$
Balance Due	\$


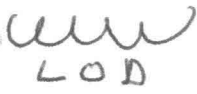
Is Sediment Control approval required for issuance? Yes No
 CONTINGENCY CONSTRUCTION START
 ONE STOP SHOP



Notes:

1. Scale: 1" = 60'
2. The only trees to be removed are those on the house and driveway footprint.
3. Existing topography was based on Howard County Aerial Topography flown in 1993 and has been field verified.
4. All on-site topography is based on a field run topographic survey performed by FSH Associates.
5. Driveway grade drops 9' over a run of 180 feet or 5%.
6. Drive will be paved black top over a crush and run base.
7. The existing well shown on this plan (identified with the attached well tag number ex: HO-95-1155) has been located by FSH Associates.

Legends:

1. Silt Fence: 
2. Limit of Disturbances:  LOD

Owner	Kevin Bielat
Builder	Kevin Bielat
Address	13825 Burntwoods Road
Date	August 10, 2011
House Type	SFD
Lot Number	1

Approved Septic System Plan
 Howard County Health Department
 Jana Beard 9-15-11
 Signature Date

Existing 20' Access Easement Plates 6443 To Be abandoned with the coordination on this Plat Existing 30'

Howard County Department of Planning and Zoning
 Division of Land Development

WAIVER PETITION APPLICATION

Date Submitted/Accepted _____ DPZ File Number WP-07-040

Site Description

Subdivision Name/Property Identification: RUBEN PROPERTY LOTS 1 & 2

Location of property: 13835 BURNTWOODS ROAD
 (Street Address and/or Road Name)

RESIDENTIAL
 (Existing Use)

RESIDENTIAL
 (Proposed Use)

22
 (Tax Map No.)

7
 (Grid/Block No.)

532
 (Parcel No.)

3RD
 (Election District)

RR-DEO
 (Zoning District)

6.154 AC. ±
 (Total Site Area)

Provide a brief site history including reference to all previously submitted or currently active plans on file with the County (subdivision plans, Board of Appeals petitions, waiver petitions, etc.)

VP-85-21, VP-85-21-A-1, F-85-58,

I. Waiver Request

In accordance with Section 16.104 of the Howard County Subdivision and Land Development Regulations, the Department of Planning and Zoning, in conjunction with the Subdivision Review Committee **may grant waivers or modifications to the minimum requirements stipulated within the Regulations if it is determined that extraordinary hardships or practical difficulties may result from strict compliance with the regulations, or if it is determined that the regulations may be served to a greater extent by an alternative proposal.**

In the area below, the petitioner shall enumerate the specific numerical section(s) from the Subdivision and Land Development Regulations for which a waiver is being requested and provide a brief summary of the regulation. Attach a separate sheet if additional information is appropriate.

Section Reference No.	Summary of Regulation
1. <u>16.120.(b).(4).(iii).b.</u>	<u>FOR A LOT OR BUILDABLE PRESERVATION PARCELS OF 10 ACRES OR GREATER IN SIZE FLOODPLAINS WETLANDS, STREAMS THEIR BUFFERS AND FOREST CONSERVATION MAY BE LOCATED ON THE LOT OR PARCEL.</u>
2. _____	_____
3. _____	_____
4. <u>16.119.(f).(3)</u>	<u>FOR SUBDIVISIONS AND SDP'S WITH NO OTHER MEANS OF ACCESS EXCEPT FROM A RESTRICTED ACCESS ROAD THE D.P.Z. MAY APPROVE A SINGLE USE-IN-COMMON DRIVEWAY THAT MEETS THE MINIMUM SIGHT DISTANCE REQUIREMENTS.</u>
5. _____	_____

III. **Justification** (if additional space is needed for justification, please attach to the application)

All waiver requests must be fully justified by the petitioner. Incomplete or inadequate justification may result in rejection of the application. Justification must be specific to the subject property. The justification provided by the petitioner should include all factors which rationalize or substantiate the request in accordance with the following criteria:

- a. Summarize any extraordinary hardships or practical difficulties which may result from strict compliance with the Regulations.
- b. Verify that the intent of the Regulations will be served to a greater extent through the implementation of the alternative proposal.
- c. Substantiate that approval of the waiver will not be detrimental to the public interests.
- d. Confirm that approval of the waiver will not nullify the intent of the Regulations.

SEE ENCLOSED JUSTIFICATION LETTER

IV. **Pre-Submission Meeting Requirements**

→→→a. **HDC Meeting Requirement** - A pre-submission advisory meeting with the Historic District Commission is required for new development located within a Historic District or if the site is listed in the Historic Sites Inventory in accordance with Section 16.605 of the Howard County Code. Verify this requirement by checking the Historic Sites Inventory list and maps available at the DPZ public service desk. The property owner/developer must contact the DPZ, Division of Public Service and Zoning Administration for the HDC scheduling process and procedures. **The property owner/developer must submit a copy of the minutes from the HDC Advisory Meeting to DPZ along with the initial subdivision or site development plan application.**

→→→b. **MAA Meeting Requirement** - For all proposed subdivisions or developments located within the BWI Airport Noise Zone or the Airport Zoning District (4 mile radius from the center of the airport), the review and approval by the Maryland Aviation Administration is required prior to signature approval of final plan road and SWM construction drawings, and/or site development plans, or waiver approval of SDP. Please contact the MAA at P.O. Box 8766, BWI Airport, Maryland, 21240-0766, or (410) 859-7100. A copy of the MAA approval letter must accompany the submission of the final road/SWM construction plan original drawings, and/or site development plan original, or waiver petition application.

Parcels 5, 6 and 7 as shown on Plat No. 6443 as identified above, and shall be a burden upon the parcels on which the same is located, and shall be for the benefit of the parcels served thereby, and shall run with and bind the land in perpetuity.

3. In order to provide for the improvement of the easement and the common maintenance of driveway improvements installed or to be installed in, through, over and across the above-described easement area, Declarant, for himself, his personal representatives, successors and assigns, does hereby covenant and declare as follows:

A. That all costs of maintenance (including snow removal) and replacement, extension and/or upgrading of the driveway improvements installed or to be installed in the above-described easement area, shall be borne in equal shares by the owners of as many parcels as have ^{BUILDING PERMITS FOR} residences ~~constructed upon~~ ^{ISSUED} them at the time that a particular cost is incurred.

B. That the obligations of the owners of any particular lot to share in the cost of improvements and/or maintenance of improvements to the easement area shall not exist until such time as there exists on said particular lot ^{BUILDING PERMIT FOR A} residential structure.

C. That all decisions with regard to improvements shall be made by the owners of a majority of parcels with residences upon them.

D. That any and all obligations created by or arising out of the provisions of sub-Paragraphs A. to C. above shall be personal only with the owners of the parcels at the time that the costs in question are incurred and shall not be a lien or charge upon any of the parcels at any time.

4. The Declarant and/or any owner may enforce the provisions herein in a court of appropriate jurisdiction and shall be

entitled to reasonable attorney's fees, prejudgment interest (at a rate not less than one percent [1%] per month) and costs against any defaulting party.

IN WITNESS WHEREOF, Declarant has executed these presents the day and year first above written,

Kennard Warfield, Jr.
Kennard Warfield, Jr.

STATE OF MARYLAND
COUNTY OF

: ss

I HEREBY CERTIFY that on this 4th day of JANUARY, 1986, before me, the subscriber, a Notary Public of the jurisdiction aforesaid, personally appeared Kennard Warfield, Jr., known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official



Ronald R. Runy
Notary Public

My commission expires: 7/1/86

REI/34 1/3/86

Jack R. Cooper

Jack R. Cooper, Esq.
3525 Ellicott Mills Road, Suite H
Ellicott City, Maryland 21043



HERITAGE LAND DEVELOPMENT

LAND PLANNING ♦ DEVELOPMENT ♦ MARKETING ♦ ZONING ♦ VALUATION

August 17, 2006

Mr. and Mrs. J. Martin Kline, Jr.
13855 Burntwoods Rd.
Glenelg, MD 21737-9722

Dear Mr. and Mrs. Kline,

Your neighbor, Steven Ruben, has enlisted our services to subdivide his property located at 13835 Burntwoods Road into two lots - - one existing and one additional lot. This new lot will be created adjacent to existing Lot 7 and would possibly like access to the common drive already shared by the existing Lots 5, 6 and 7.

Please signify in the appropriate area below whether you accept or decline usage of the existing common drive by the future additional lot. If you have any questions or comments, please do not hesitate to contact me.

Sincerely,

HERITAGE LAND DEVELOPMENT

Charles G. Zepp, Jr.
Vice President

ACCEPTED this _____ day of _____ 2006

J. Martin Kline, Jr.

Mary T. Kline

DECLINED this 17 day of August 2006

J. Martin Kline, Jr.

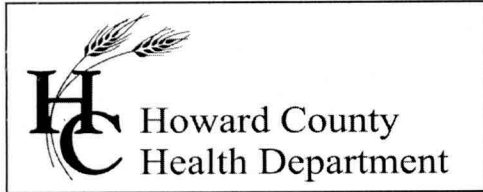
Mary T. Kline

C:\Documents and Settings\Debbie_Tinkler\My Documents\JOB\Ruben Property\Neighbors_Accpt_Dat1.17.06.spt

15950 NORTH AVENUE, P.O. Box 482, LISBON, MD 21765 ♦ PHONE: 410-489-7900 ♦ FAX: 410-489-9768

WWW.HERITAGEMARYLAND.COM

Heritage Land Development is a trade name of Land Marketing Consultants, Inc.



7178 Columbia Gateway Drive, Columbia MD 21046
(410) 313-2640 Fax (410) 313-2648
TDD (410) 313-2323 Toll Free 1-866-313-6300
website: www.hchealth.org

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

MEMORANDUM

TO: Cindy Hamilton, Chief
Division of Land Development

FROM: Sara Fegel, R.S. *sf*
Well and Septic Program
Development Coordination Section

RE: File Number: WP-07-040
Title: Ruben Property

DATE: November 21, 2006

The Health Department has no objections to WP-07-040, Ruben Property.

A. Number of Copies Required

The waiver petition application must be accompanied by copies of a detailed plot plan, subdivision plat or site development plan (**14 sets of the completed waiver application and plan exhibit if the subject property adjoins a County road; 18 sets for properties adjoining a State road**). In instances where the waiver request concerns an approval extension or if an associated plan is in active processing, only 2 sets of plans are required along with 14 or 18 copies of the application form. Plans must be folded to a size no larger than 7-1/2" x 12". The pre-packaging of plans and supplemental reports by SRC agency will be permitted by DPZ provided that each package contains a cover letter which itemizes all plans, reports and documents included in the package.

Please be advised that all plan application submissions are ACCEPTED BY APPOINTMENT ONLY. All plan submission appointments must be scheduled with the Division of Land Development at (410) 313-2350.

B. Plan Requirement Checklist

The detailed waiver petition exhibit, plot plan, subdivision plan or site development plan must indicate the following required information relevant to the waiver request to ensure acceptance of the waiver petition application for processing.

Legend:	<input checked="" type="checkbox"/> Information Provided	<input checked="" type="checkbox"/> Information Not Provided, Justification Attached
	<input type="checkbox"/> NA Not Applicable	

- 1. Vicinity map scale 1" = 2,000' indicating and identifying the total boundary of the property, exact site location, vicinity roads and north arrow.
- 2. Bearings and distances of property boundary lines for the entire tract and size of tract area.
- 3. North arrow and scale of plan.
- 4. Location, extent, boundary lines and area of any proposed lots.
- 5. Any existing or proposed building(s), structures, points of access, driveways, topography, natural features and other objects and/or uses on the subject and adjacent properties which may be relevant to the petition; i.e. historic structures, cemeteries or environmentally sensitive areas.
- 6. Delineation of building setback lines.
- 7. Delineation of all existing public road and/or proposed street systems.
- 8. Identification and location of all easements.
- 9. Approximate delineation of floodplain, streams, wetland and forested areas, if applicable, and/or provide a professional certification that environmental features do not exist on the property.
- 10. Road profile to evaluate sight distance, if the application includes a request for direct access to a major collector or more restrictive roadway classification.
- 11. Any additional information to allow proper evaluation (e.g. for waivers to wetland buffers an alternative analysis and mitigation proposal are needed; for waivers to SDP requirements where there is no subdivision of land, an APFO Roads Test evaluation may be needed, for waivers of final plat or SDP, a copy of property deeds to confirm legal creation or status of property is needed).
- 12. Photographs, perspective sketches or cross-sections as necessary to adequately portray the waiver request.
- 13. The exhibit plans should be highlighted to accurately illustrate the requested waiver(s) to allow proper evaluation (i.e. proposed grading, tree clearing or other disturbances within environmentally sensitive areas or buffers).
- 14. Submit 2 sets of photographs for all existing on-site structures.
- 15. Identify the location of any existing wells and/or private septic systems.

NA 16. Route 1 Manual

Compliance with the Route 1 Manual is required for new development and some alterations or enlargements located in the CE, TOD and CAC zoning districts and for other zoning districts located within the Route 1 corridor. All plan submissions, beginning with the initial subdivision or site development plan, shall show all applicable streetscape, site and building designs responding to the Route 1 Manual's requirements and recommendations. All plan submissions shall provide a written summary of how the proposed design achieves the objectives of the Route 1 Manual. Also, building design and schematic architectural elevation details must be included with the initial subdivision or site development plan submission.

✓ 17. Property Deeds – Information to confirm the legal creation or status of the property to be improved. (Copy of deeds from Howard County Land Records Office or record plat name and recording reference number). **A complete chronological deed history is required for all deeded residential properties. Provide 2 copies of the recorded deeds for the subject property tracing its history back to 1960.**

VI. **Fees**

The Waiver Petition application fee shall be in accordance with the adopted fee schedule. All checks shall be made payable to the *Director of Finance*. **The petition will not be accepted for processing until the fee has been paid. Incomplete, incorrect or missing information may result in the rejection of the application** and could cause additional time to be required to revise the petition for resubmittal and re-review. For more information or questions, contact DPZ at (410) 313-2350.

VII. **Owner's/Petitioner's Certification**

I/WE the undersigned fee simple owner(s) hereby make application to the Howard County Department of Planning and Zoning to relax the minimum requirements of the Howard County Subdivision and Land Development Regulations. The undersigned hereby certifies the information supplied herewith is correct and complete, confirms that the regulations and policies as referred to in the attached are understood, and authorizes periodic on-site inspections by the Howard County Subdivision Review Committee agencies. ***If the applicant is the owner's agent, written documentation from owner granting that authority is required.**

Owner's authorization attached *

William M. Ruben
(Signature of Property Owner) _____
(Fee Simple Owner Only) (Date)

Zacharia V. Fisch 10/30/06
(Signature of Petition Preparer) * (Date)

STEVEN & KATHRINE RUBEN
(Name of Property Owner)

FSH Associates
(Name of Petition Preparer, Surveyor/Engineering or Agent/Developer)

13835 BURNWOODS ROAD
(Address)

6339 HOWARD LANE
Address)

GLENELG MD. 21737-9722
(City, State, Zip Code)

ELKRIDGE MD. 21075
(City, State, Zip Code)

E-Mail _____

E-Mail zfisch@fsheri.com

(Telephone) _____ (Fax) _____

(410) 567-5200 (410) 796-1562
(Telephone) (Fax)

Contact Person: _____

Contact Person: Zach Fisch

Howard County Department of Planning and Zoning
Division of Land Development

INITIAL SUBMISSION
WAIVER PETITION WORKSHEET
(For DPZ Use Only)

Project Name _____ DPZ File No. _____
DPZ Plan Reviewer _____ Submission Date _____
Plan Consultant Representative _____ Time _____

- I. **Application Requirements** *Indicate Yes, No or N/A*
- a. Application is complete
 - b. Required number of plans and applications are provided
 - ___ Plans (14 sets on County Road or
 - ___ Applications 18 sets on State Road)
 - c. Supplemental Information is provided
 - d. Certification of pre-submission HDC advisory meeting for new projects in
 Historic District or listed in Historic Sites Inventory
 - e. Photographs of existing structures (for Historic Preservation Review)
 - f. MAA Approval Letter (if applicable)
 - g. Written summary of Route 1 manual compliance (if applicable)

II. **Fee Computation**

	Fee
Number of waivers requested	2
* Base Fee for first two waiver sections (\$450)	\$450
Fee for each additional waiver section (___ additional waivers x \$50 each)	
* (Maximum fee of \$350 for Agricultural Preservation parcels)	
TOTAL	

III. **Certification**

Cash Receipt No. _____ Account #011-005-4201 Amount _____

Check issued by _____

- ___ Waiver petition application is accepted for processing.
- ___ Scheduled SRC meeting date.
- ___ Waiver petition application is rejected.

Reason: _____

___ Resubmission is accepted. Date _____ Staff initials _____

Comments/Notes _____

October 30, 2006

Mrs. Cindy Hamilton, Chief
Division of Land Development
Howard County Department of
Planning and Zoning
3450 Courthouse Drive
Ellicott City, Maryland 21043

Re: Ruben Property
Lots 1 & 2
Tax Map 22, Grid 7, parcel 532

Dear Mrs. Hamilton:

On behalf of our client, we are submitting herewith a justification letter to support our waiver request from Section 16.120.(b).(4).(iii).(b) to allow environmental features such as wetlands, stream, their buffers and forest within lots smaller than 10 acres and Section 16.119.(f).(3). to allow proposed Lot 1 to have a separate direct driveway access point onto Burntwoods Road.

Our justification for the waiver is as follows:

1. Section 16.120.(b).(4).(iii).(b): Proposed is the subdivision of a 6.154 acres lot. The lot has been created on Plat Number 6443 and is known as Lot 7 of the W.B. property, Section 1 area 1. On the lot there is an existing dwelling, an accessory structure and driveway. The existing dwelling is deriving access onto the property via an existing use-in-common driveway shared with Lots 5 and 6. Enclosed please find a copy of the "Declaration of Easement for Common Driveway and Covenant for Maintenance." Within the limits of the existing lot there exists a wetland, an intermittent stream and forest. On behalf of our client we are requesting to allow the environmental features be present within the limits of lots less than 10 acres in size. The hardship to strictly comply with the regulation stems from the fact that due to the overall property size of 6.154 acres, there is no opportunity to create a non buildable preservation parcel or open space lot within which the environmental features can be contained. Also, in the RR-DEO Zone, open space lots can not be created by right.

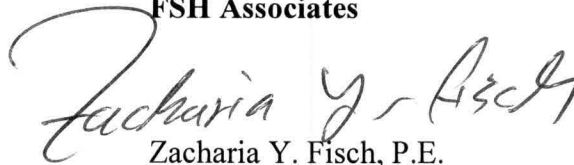
*New address and phone numbers: 6339 Howard Lane, Elkridge, MD 21075
(410) 567-5200 (410)796-1562-fax

Page 2
Ruben Property

2. Section 16.119.(f).(3).: Existing Lot 7 as recorded on Plat Number 6443, please find the copy enclosed, has an approved 20 foot opening for direct access onto Burntwoods Road. This existing point of access is situated on the eastern most portion of the lot. Presently, the existing dwelling on Lot 7 is not utilizing this point of access. Lot 7 is sharing a use-in-common access driveway with existing Lots 5 and 6. A "Declaration of Easement for Common Driveway and Covenant for Maintenance" is recorded in liber 1431 folio 086 to allow Lot 7 to share the use-in-common access easement that was established on Plat Number 6443 for Lots 5 and 6. Presently with the resubdivision of Lot 7 into two lots, we are requesting to shift the approved point of access from the eastern side of the lot to the western side. The hardship to strictly comply with the regulation and utilize one point of access for Lots 5, 6 and resubdivided Lot 7 stems from the fact that the present owners of Lot 6 do not want to allow the additional newly created lot to be added as a user to the shared driveway. Enclosed please find a copy of the letter to this effect signed by the owners of Lot 6.

Should you have any questions or comments regarding this matter please do not hesitate to contact this office.

Sincerely,
FSH Associates



Zacharia Y. Fisch, P.E.

ZYF:pg

CC: File 3078

S:\WORD Documents\FSH Associates\Job Letters\Ruben property, Hamilton.doc

DECLARATION OF EASEMENT FOR COMMON DRIVEWAY
AND COVENANT FOR MAINTENANCE

THIS DECLARATION is made this 4TH day of JANUARY,
1986 by Kennard Warfield, Jr., surviving partner of Warfield
Brothers, a General Partnership of the State of Maryland, here-
inafter referred to as "Declarant".

WHEREAS, Declarant is the owner of certain parcels of real
property located in Howard County, State of Maryland, and more
particularly described as Lots 5, 6 and 7 as shown on a plat
entitled "W. B. Property, Lots 5, 6 and 7, Section 1, Area 1, a
re-subdivision of Lots 1 thru 3 W. B. Property Section 1,
Area 1", which plat is recorded among the Land Records of Howard
County as Plat No. 6443, and

WHEREAS, said parcels, or a portion or portions thereof,
will be used as a common means of access for ingress and egress
for other parcels and Declarant desires to create, in perpetuity,
an easement or easements for such purposes, and further desires
to provide for the sharing, from time to time, of the costs of
improvement, maintenance and replacement of improvements in the
easement area among the owners of said parcels.

NOW, THEREFORE, THIS DECLARATION WITNESSETH:

1. The Declarant for himself, his personal representatives,
successors and assigns does hereby reaffirm, declare and create a
perpetual easement in, through, over and across the area of
ground described and designated on the aforesaid Plat No. 6443,
as follows:

"50' Common Use Easement
for vehicular ingress and
egress for Lots 5 and 6"

2. The easement described in and created pursuant to the
provisions of Paragraph 1 above, shall be for the purpose of
providing a common means of access for ingress and egress for