

104.E.4

RESIDENTIAL DISTRICT VARIANCE PETITION
TO THE HOWARD COUNTY BOARD OF APPEALS

03 SEP -3

For DPZ office use only:

CASE NO. BA-03-052V

DATE FILED

DATE ACCEPTED FOR
SCHEDULING

1. PETITIONER'S NAME SELDAN T. BALINTAS

TRADING AS (IF APPLICABLE) _____

ADDRESS 14041 Big Branch Road, Dayton, MD 21036

PHONE NO. (W) 410-536-1111 (H) 410-340-8398

2. COUNSEL FOR PETITIONER _____

COUNSEL'S ADDRESS _____

COUNSEL'S PHONE NO. _____

3. PROPERTY IDENTIFICATION:

ADDRESS OF SUBJECT PROPERTY 14204 Howard Road, Dayton
MD, 21036

TOTAL ACREAGE OF PROPERTY 5.5 acres

PROPERTY LOCATION:

ELECTION DISTRICT: _____ ZONING DISTRICT: _____

TAX MAP # 27 BLOCK # 6 PARCEL/LOT # 55

SUBDIVISION NAME (if applicable): _____

4. 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.

NOTE: Completed petition forms must be submitted before the first day of the month in order to be heard on the last Tuesday of the Month. Incomplete petitions may result in postponement.

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

PLEASE READ CAREFULLY
DATA TO ACCOMPANY PETITION:

5. 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 1/2 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) Same as (e) and (f) above, of any adjoining property as necessary for proper examination of the petition.
- (h) Location of well and private sewerage easement area, if property is to be served by private water and sewer.
- (i) Election District in which the subject property is located.
- (j) Tax Map and parcel number on which the subject property is located.
- (k) Name of local community in which the subject property is located or name of nearby community.
- (l) Name and mailing address of the petitioner.
- (m) Name and mailing address of attorney, if any.
- (n) Name and mailing address of property owner.
- (o) Floor area and height of structures, setback distances from property lines, and other numerical values necessary for the examination of the petition.
- (p) Location of subject property in relation, by approximate dimension, to the center line of nearest intersection of two public roads.
- (q) Ownership of affected roads.
- (r) A detailed description of all exterior building materials for all proposed structures.
- (s) Any other information as may be necessary for full and proper consideration of the petition.

6. OTHER DATA TO ACCOMPANY PETITION:

The Petitioner must also submit with the petition an area location map (tax map) of the subject property, indicating the street address of the site, the zoning district of the site and the zoning district of all adjacent properties.

7. VARIANCE REQUEST:

The undersigned hereby petition the Board of Appeals for a variance from the requirement(s) of section 104.E.4 of the Zoning Regulations to: (describe) Maintenance of a structure that fails to meet the minimum setback requirements on an RC zoned property.

A) Describe why the Zoning Regulations in question would result in practical difficulties or unnecessary hardships in complying strictly with the bulk requirements:

() narrowness, () shallowness, () shape, () topography, (x) other; explain: adjoining building is supported by the structure in question, therefore both buildings would be effected.

B) If exceptional narrowness, shallowness or shape of the property is claimed, give the date of the recording of the plat of present subdivision, if any: _____; or if property is not subdivided, give the date on which a deed conveying the identically bounded tract was first recorded: unknown

C) The intended use of the property, in the event the petition is granted: no change - will keep existing zoning

D) Any other factors which the Petitioner desires to have considered: the building has been there for more than 30 years.

E) Explain why the requested variance is the minimum necessary to afford relief: the area adjacent to this property is a hill and the building is not visible to the neighbor.

F) Is the property connected to: public water?: Y___ N x; public sewer?: Y___ N x

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

H) If the requested variance is granted, would it increase the intensity of uses on the site? Y___ N x; if yes, explain: _____

I) If the requested variance is granted, would it increase traffic to or from the site?

Y___ N ; if yes, explain: _____

J) Describe in detail (i.e. width, type of paving, etc.) all means of vehicular access onto the site: dirt road covered with stone.

K) Describe the topography of the site: level

L) Will the existing or proposed structure be visible from adjacent properties? Y___ N ; if yes, describe any proposed buffering or landscaping: _____

M) Describe any existing buffering or landscaping: large mature trees, 300'+ from any road access.

8. PRIOR PETITIONS: Has any petition for the same, or substantially the same, variance as contained herein for the same property as the subject of this petition been disapproved by the Board of Appeals 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:

18 copies if the subject property adjoins a State road.

15 copies if the subject property adjoins a County road.

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 Board of Appeals in connection with the filing of this petition.

The undersigned agrees to pay all costs in accordance with the current schedule of fees. The undersigned also 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. The undersigned also 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. 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.



Signature of Petitioner

Signature of Attorney

For DPZ office use only: (Filing fee is \$300.00 plus \$15.00 per poster.)

Hearing fee:	\$ 300 -
Poster fee:	\$ 15 -
TOTAL:	\$ 315 -

Receipt No. _____
(Make checks payable to "Director of Finance")

County Website: WWW.CO.HO.MD.US

GENERAL REQUIREMENTS:

The Petitioner shall note that all requests for variances must meet the following requirements of section 130.B.2.a.(1) through (5) of the Howard County Zoning Regulations in order to be approved:

(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.

BA CASE # _____
PETITION _____
ADDRESS _____

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 WITHIN APPLICATION OR PETITION IN ZB OR BA CASE # _____ FOR A ZONING CHANGE AS REQUESTED.

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

Witness

Serdar T. Bulut
Signature

7/21/03
Date

Witness

Signature

Date

Witness

Signature

Date