

DEPARTMENT OF INSPECTIONS, LICENSES AND PERMITS
 3430 COURT HOUSE DRIVE
 ELLICOTT CITY, MD 21043
 PERMITS (410)313-2455 INSPECTIONS (410)313-1810
 AUTOMATED INFORMATION (410) 313-3800

HOWARD COUNTY PERMIT APPLICATION

PERMIT NUMBER

B00121372

Building Address 3221 Hayloft Ct.
Woodlawn, MD 21797

Property Owner's Name J.W. Cummings
 Address Same

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

City _____ State _____ Zip Code _____

Census Tract 6040 Subdivision Cabin Branch

Home Phone 410 489 4511 Work Phone 301 654 5667

Section _____ Area _____ Lot 47

Applicant's Name & Mailing Address, (if other than stated hereon):

Tax Map 13 Parcel 42 Grid 19

Zoning L1 DED Map Coordinates 7115 Lot size _____

Phone _____ Fax _____

Existing Use Not a single family

Contractor Company Home owner

Proposed Use Same w/ tool shed

Contact Person Terry Cummings

Estimated Construction Cost \$1500.00

Address Same

Description of Work tool shed 10x14'

City _____ State _____ Zip Code _____

w/ permanent foundation

License No. _____

Phone 410 489 4511 Fax 301 654 5667

Occupant or Tenant Same

Engineer or Architect Company _____

Contact Name _____

Contact Person _____

Address _____

Address _____

City _____ State _____ Zip Code _____

City _____ State _____ Zip Code _____

Phone _____ Fax _____

Phone _____ Fax _____

BUILDING DESCRIPTION - COMMERCIAL

BUILDING DESCRIPTION - RESIDENTIAL

Building Characteristics

Utilities

Height: 8'
 No. of stories: 1
 Gross area, sq. ft. per floor: 140
 Use group: _____
 Construction type:
 Reinforced Concrete
 Structural Steel
 Masonry
 Wood Frame
 State Certified Modular

Water Supply:
 Public
 Private
 Sewage Disposal:
 Public
 Private
 Electric Yes No
 Gas Yes No
 Heating System:
 Electric Oil
 Natural Gas
 Propane Gas
 Sprinkler system: N/A
 Full
 Partial
 Other Suppression
 # of Heads

Building Characteristics

Utilities

SF Dwelling SF Townhouse
 Depth 10' Width 14'
 1st floor: _____
 2nd floor: _____
 Basement: _____
 Finished Basement Unfinished Basement
 Crawl space Slab on Grade
 No. of Bedrooms _____
 Multi-family dwellings:
 No. of efficiency units: _____
 No. of 1 BR units: _____
 No. of 2 BR units: _____
 No. of 3 BR units: _____
 Other Structure: shed
 Dimensions: 10x14
 Footings: 12 piers
 Roof: asphalt shingle
 State Certified Modular
 Manufactured Home

Water Supply:
 Public
 Private
 Sewage Disposal:
 Public
 Private
 Electric Yes No
 Gas Yes No
 Heating System:
 Electric Oil
 Natural Gas
 Propane Gas
 Sprinkler system: N/A
 NFPA #13D
 NFPA #13R
 Other:

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 THERE TO; (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 J.W. Cummings
 Title/Company _____

Print Name J.W. Cummings
 Date 11/17/99

Checks payable to: **DIRECTOR OF FINANCE OF HOWARD COUNTY**
 ** PLEASE WRITE NEATLY AND LEGIBLY. **
 - FOR OFFICE USE ONLY -

AGENCY DATE SIGNATURE APPROVAL
 Land Development, DPZ _____
 State Highways _____
 Building Official 11/17/99 _____
 Dev. Engineering, DPZ _____
 Health 11/17/99 Keith Pinsky
 Fire Protection _____
 Is Sediment Control approval required prior to issuance?
 YES NO

DPZ SETBACK INFORMATION
 Front: _____
 Rear: _____
 Side: _____
 Side St.: _____
 All minimum setbacks met?
 YES NO
 Is Entrance Permit required?
 YES NO
 Historic District?
 YES NO
 Lot Coverage for New Town Zone _____
 SDP/Red-line approval date _____ Accepted by _____

PROPERTY ID#: 7440
 Filing fee \$ _____
 Permit fee \$ 30
 Excise tax \$ _____
 Sub-total paid \$ _____
 Add'l permit fee \$ _____
 TOTAL FEES \$ 30
 Balance due \$ _____
 Check # 101
 Validation # _____

CONTINGENCY CONSTRUCTION START:
 ONE STOP SHOP:

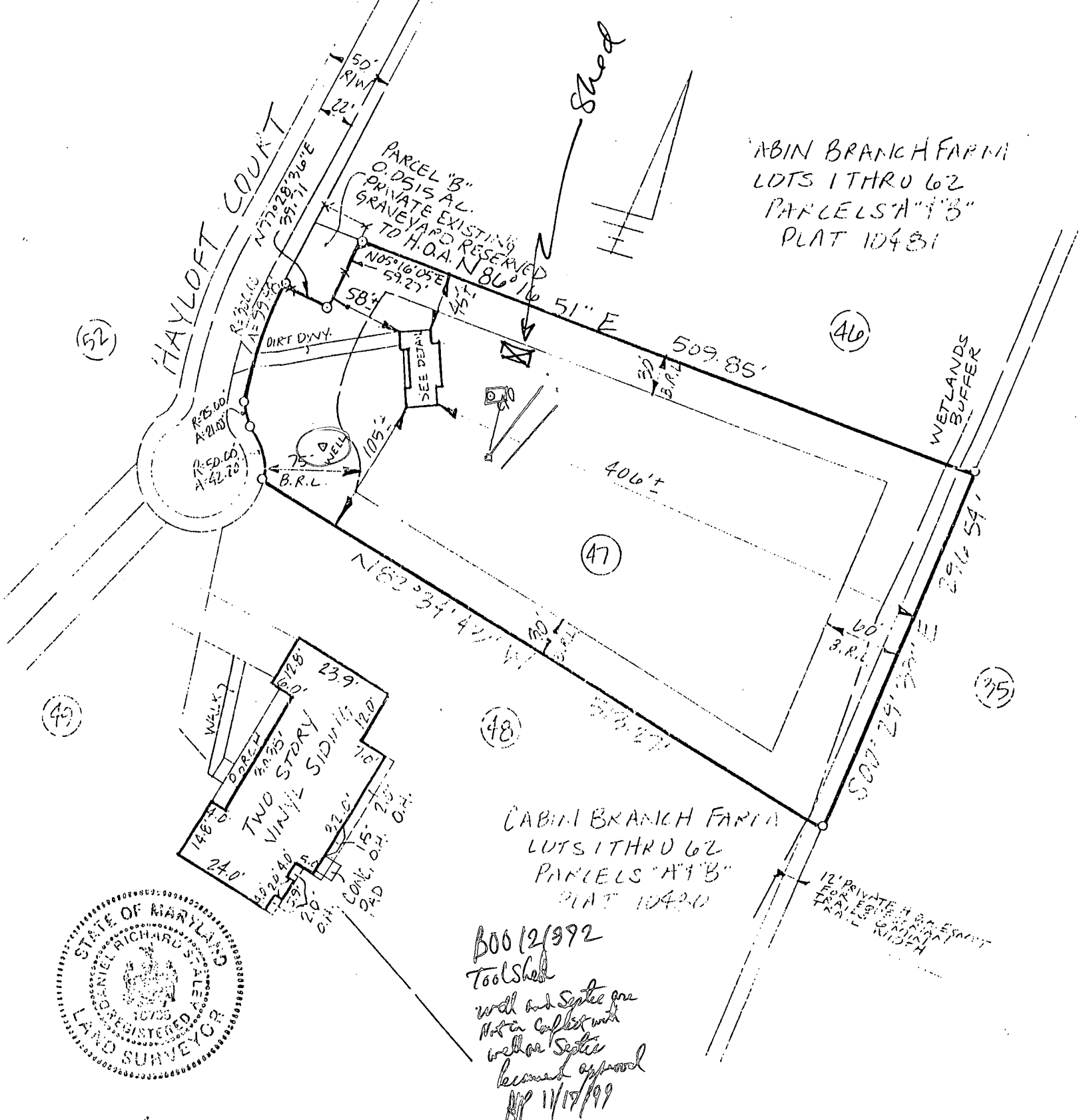
Distribution of Copies- White: Building Official Green: LDD, DPZ Yellow: DED, DPZ Pink: Health Gold: SHA



DRS & ASSOCIATES
LAND DESIGN CONSULTANTS

This is to certify that I have surveyed the property shown hereon, known as Lot # 47, Lots 1 thru Lots 62, Parcels "A" & "B", "Cabin Branch Farm", located at 3221 Hayloft Court, in the 4-th Election District of Howard County, Maryland for the purpose of locating the improvements only, and that the improvements are located as shown hereon, and are not in a flood prone or flood hazardous area.

Westminister, this 26-th day of September, 1994.



800 121392
Toolshed
well and septic gone
not in conflict with
well or septic
became approved
AP 11/17/99

Daniel R. Staley
DANIEL R. STALEY L.S.# 10735

SCALE 1"=100'

HOWARD COUNTY
PERMIT APPLICATION

PERMIT NUMBER

B0015652

Building Address 3221 Hayloft Ct.
Woodbine, MD 21797

Property Owner's Name James W. Cummins
Address 3221 Hayloft Ct.

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

Census Tract 604002 Subdivision Cabin Branch Farm

City Woodbine State MD Zip Code 21797

Section _____ Area _____ Lot 47

Home Phone 410.489.4544 Work Phone 410.268.8866

Tax Map 13 Parcel 4.2 Grid 19

Applicant's Name & Mailing Address, (if other than stated hereon):

Zoning RCDEU Map Coordinates 7HS Lot size _____

Phone _____ Fax _____

Existing Use SFD

Contractor Company Rosche Bros. Inc.

Proposed Use Same

Contact Person Terry Rosche

Estimated Construction Cost \$ 20,000

Address 74 Frederick St.

Description of Work 1 story, 2 car garage, detached

City Taneytown State MD Zip Code 21787

License No. 36026 Phone 410.756.4457 Fax 410.775.7278

Occupant or Tenant Owner

Engineer or Architect Company Lester Buildings

Contact Name _____

Contact Person Kevin Conroy

Address _____

Address 322 timber trail

City _____ State _____ Zip Code _____

City Batavia State IL Zip Code 60510

Phone _____ Fax _____

Phone 630.406.0896 Fax 630.406.0897

BUILDING DESCRIPTION - COMMERCIAL

BUILDING DESCRIPTION - RESIDENTIAL

Building Characteristics

Utilities

Building Characteristics

Utilities

Height: _____
No. of stories: 1
Gross area, sq. ft. per floor: 672
Use group: _____
Construction type:
 Reinforced Concrete
 Structural Steel
 Masonry
 Wood Frame
 State Certified Modular

Water Supply:
 Public
 Private
Sewage Disposal:
 Public
 Private
Electric Yes No
Gas Yes No
Heating System:
Electric Oil
Natural Gas
Propane Gas
Sprinkler system: N/A
 Full
 Partial
 Other Suppression
 # of Heads

SF Dwelling SF Townhouse
Depth _____ Width _____
1st floor: _____
2nd floor: _____
Basement: _____
Finished Basement Unfinished Basement
Crawl space Slab on Grade
No. of Bedrooms: _____
Height: 12
 Multi-family dwellings:
No. of efficiency units: _____
No. of 1 BR units: _____
No. of 2 BR units: _____
No. of 3 BR units: _____
Other Structure: _____
Dimensions: _____
Footings: _____
Roof Height: _____
 State Certified Modular
 Manufactured Home

Water Supply:
 Public
 Private
Sewage Disposal:
 Public
 Private
Electric Yes No
Gas Yes No
Heating System:
Electric Oil
Natural Gas
Propane Gas
Sprinkler system: N/A
 NFPA #13D
 NFPA #13R
 Other:

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.

J. W. Cummins
Applicant's Signature

J. W. Cummins
Print Name

_____ Title/Company

10/13/05
Date

Checks payable to: **DIRECTOR OF FINANCE OF HOWARD COUNTY**
** PLEASE WRITE NEATLY AND LEGIBLY. **
- FOR OFFICE USE ONLY -

AGENCY	DATE	SIGNATURE APPROVAL
Land Development, DPZ		
State Highways		
Building Official		
Dev. Engineering, DPZ		
Health	<u>10/13/05</u>	<u>[Signature]</u>
Fire Protection		

DPZ SETBACK INFORMATION

Front: _____	Filing fee	\$ <u>25</u>
Rear: _____	Permit fee	\$ _____
Side: _____	Excise tax	\$ _____
Side St.: _____	Add'l per. fee	\$ _____
All minimum setbacks met?	TOTAL FEES	\$ _____
YES <input type="checkbox"/> NO <input type="checkbox"/>	Sub-total paid	\$ _____
Is Entrance Permit required?	Balance due	\$ _____
YES <input type="checkbox"/> NO <input type="checkbox"/>	Check	# <u>144</u>
Historic District?	Validation	# <u>100636</u>
YES <input type="checkbox"/> NO <input type="checkbox"/>		
Lot Coverage for NewTown Zone _____		
SDP/Red-line approval date _____		

9440

PROPERTY ID#

Is Sediment Control approval required prior to issuance?
YES NO

CONTINGENCY CONSTRUCTION START:
ONE STOP SHOP:

Distribution of Copies- White: Building Official Green: LDD, DPZ
T:\forms\PERMIT.FRM

Yellow: DED, DPZ Pink: Health Gold: SHA

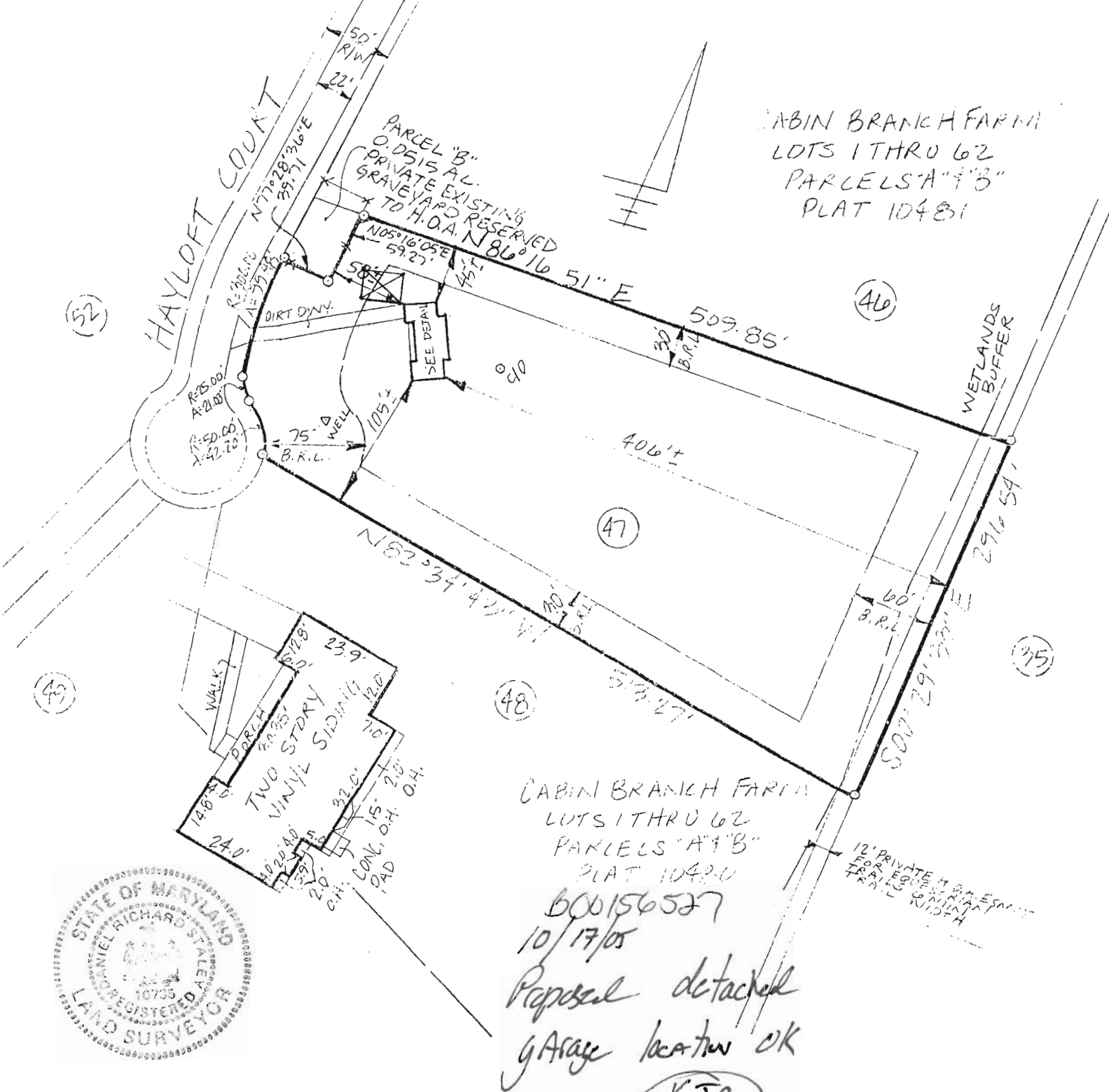
Accepted by: [Signature]



DRS & ASSOCIATES
LAND DESIGN CONSULTANTS

This is to certify that I have surveyed the property shown hereon, known as Lot # 47, Lots 1 thru Lots 62, Parcels "A" & "B", "Cabin Branch Farm", located at 3221 Hayloft Court, in the 4-th Election District of Howard County, Maryland for the purpose of locating the improvements only, and that the improvements are located as shown hereon, and are not in a flood prone or flood hazardous area.

Westminister, this 26-th day of September, 1994.



CABIN BRANCH FARM
LOTS 1 THRU 62
PARCELS "A" & "B"
PLAT 10481

CABIN BRANCH FARM
LOTS 1 THRU 62
PARCELS "A" & "B"
PLAT 10480

600156527
10/17/05
Proposed detached
garage location OK
KJB



Daniel R. Staley
DANIEL R STALEY, L.S. # 10735

SCALE 1"=100'

2/20/96

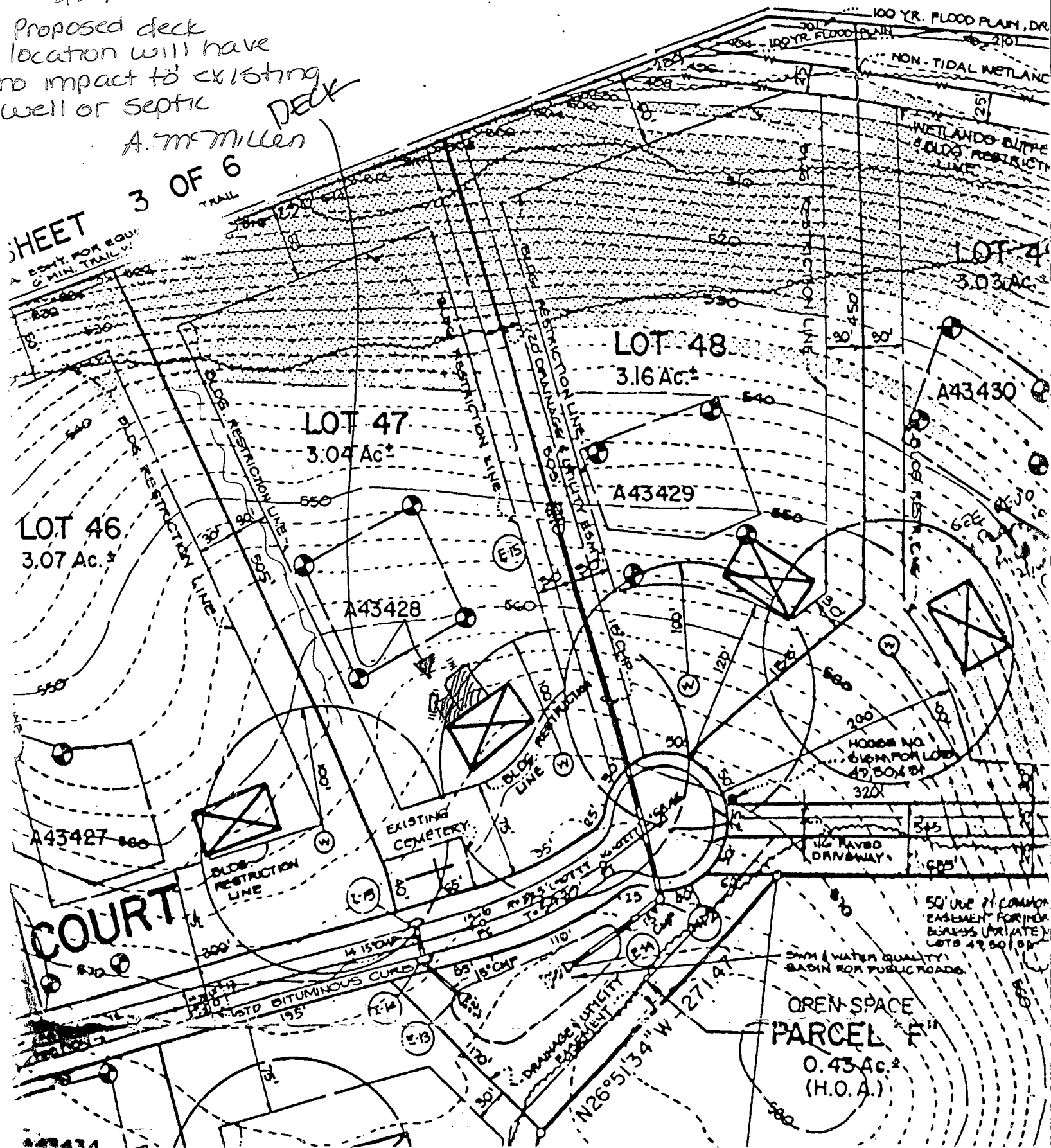
1" = 100' Lot 47?

MATCH

Proposed deck location will have no impact to existing well or septic
A. McMillen

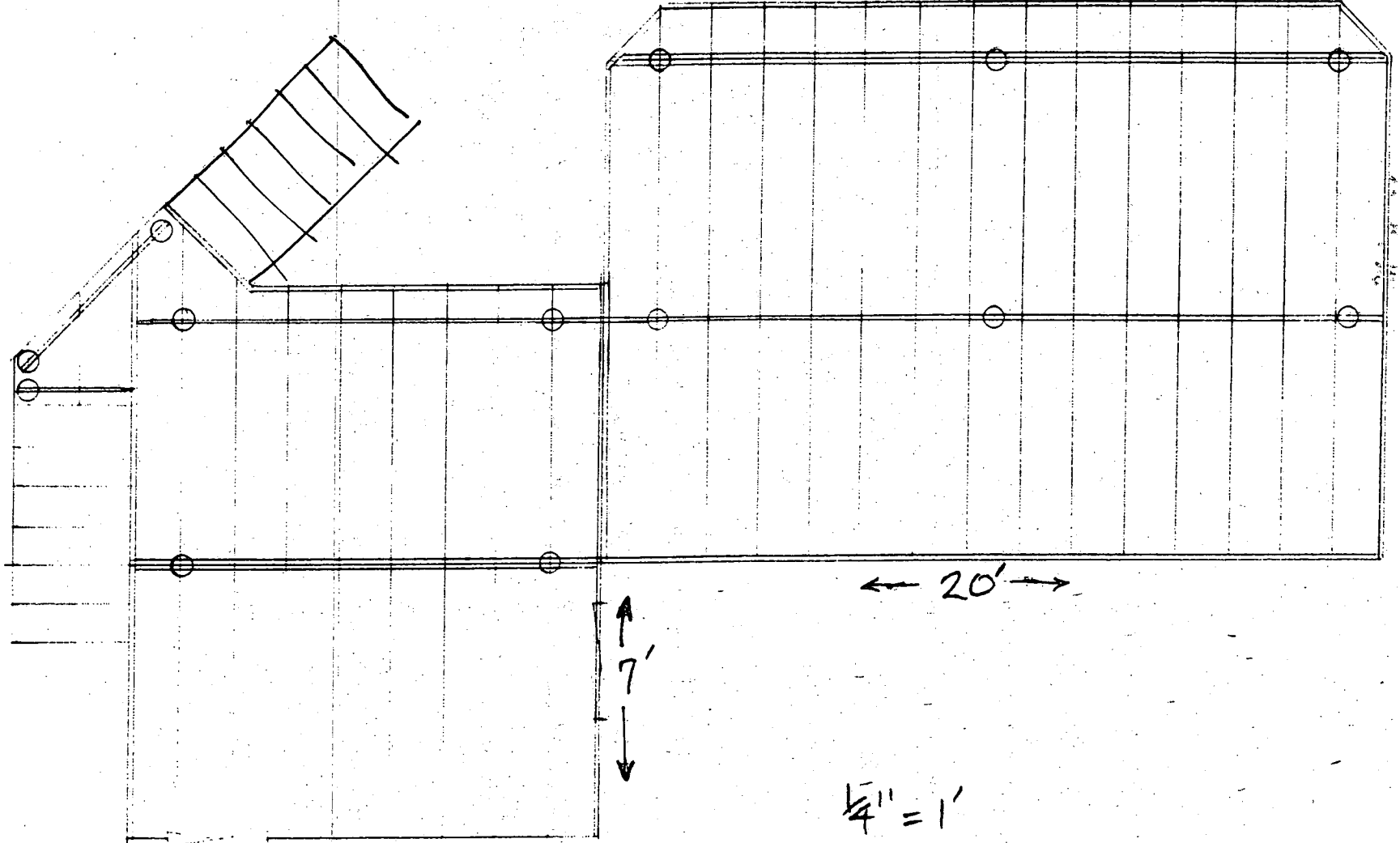
SHEET 3 OF 6

AS SHOWN FOR EQUIV. TO MIN. TRAIL W.



OPEN SPACE PARCEL F 0.43 Ac.± (H.O.A.)

14'



← 20' →

← 12' →

↑ 7' ↓

$\frac{1}{4}'' = 1'$

HOUSE

← 20' →

← 14' →

← 12' →

← 7' →

HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
Division of Land Development

DATE: 3-21-06

DPZ File No. UP-06-093

Department of Planning and Zoning

- Transportation Planning
- Historic Preservation
- Public Service and Zoning Administration
- Research
- Address Coordinator

- Environmental and Community Planning (Ag Pres/Route 1)
- Development Engineering Division
- Other
- File

(See: AA-05-45)

Agencies

- Soil Conservation District
- Department of Inspections, Licenses & Permits
- Department of Fire and Rescue Services
- State Highway Administration
- Health Department
- Public School System
- Recreation and Parks
- WSSC
- MD Aviation Administration

- Tax Assessment + BP# 00156527
- Verizon
- BGE
- Cable TV
- Police
- MTA
- Finance
- DPW, Real Estate Services
- DPW, Construction and Inspection
- DPW, Bureau of Utilities

RE: Cabin Branch Farm Lot 47

ENCLOSED FOR YOUR → Signature Approval
THE ENCLOSED → Original

Review & Comments Files
 Pre-Packaged Plan Set

Plans	# of Sheets
<input type="checkbox"/> Sketch Plan	_____
<input type="checkbox"/> Prel Equiv Sketch Plan	_____
<input type="checkbox"/> Preliminary Plan	_____
<input type="checkbox"/> Final Plat/Plat of Easement/RE Plat	_____
<input type="checkbox"/> Final Constr Plans (RDS)	_____
<input type="checkbox"/> Final Development Plan	_____
<input type="checkbox"/> Site Development Plan	_____
<input type="checkbox"/> Landscape Plan/Supplemental Plan	_____
<input type="checkbox"/> Grading Plan	_____
<input type="checkbox"/> House Type Revision/Walk-Thru Red-Line	_____
<input type="checkbox"/> Water and Sewer Plan	_____

Supplemental Documents
<input type="checkbox"/> Wetlands Report
<input type="checkbox"/> Soils/Topo Map/Drain Area Map
<input type="checkbox"/> FSD/FCP/Worksheet and Application
<input type="checkbox"/> Declaration of Intent (Forest Cons)
<input type="checkbox"/> Drainage and/or Computation/Pond Safety Comps
<input type="checkbox"/> Preliminary Road Profiles
<input type="checkbox"/> APFO Roads Test/Mitigation Plan/Traffic Study
<input type="checkbox"/> Noise Study
<input type="checkbox"/> Sight Distance Analysis/Speed Flow Study
<input type="checkbox"/> Floodplain Study
<input type="checkbox"/> Stormwater Management Comps/Geo-Tech Report
<input type="checkbox"/> Industrial Waste Survey (DPW)
<input type="checkbox"/> Road Poster Form Letter
<input type="checkbox"/> Response Letter
<input type="checkbox"/> Perc Plat
<input type="checkbox"/> Scenic Road Exhibits
<input type="checkbox"/> Deeds
<input type="checkbox"/> Photographs
<input type="checkbox"/> Retaining Wall Comps/Details
<input type="checkbox"/> Poster/Community or HDC Meeting Information
<input type="checkbox"/> Route 1 Details/Summary

Applications

- Waiver Petition Applic/Exhibit
- Planning Board Application
- ASDP/CSDP Application
- DED Application/Checklist
- DED Fee Receipt/Deeds/Cost Estimate

WAS: Received Tentatively Approved Recorded
 Received and Revised Approved

On 3-21-06

COMMENTS: _____

SRC/Comments Due By: 4-13-06

KJB Check, initial and return to the Department of Planning and Zoning if plan is approved with no comments.

3-29-06

DPZ STAFF INITIALS [Signature]

Howard County Department of Planning and Zoning
Division of Land Development

WAIVER PETITION APPLICATION

Date Submitted/Accepted MAR 21 2006 DPZ File Number WP-06-093

I. Site Description

Subdivision Name/Property Identification: Cabin Branch Farm Lot 47

Location of property: 3221 Hayloff Ct. Woodbine
(Street Address and/or Road Name)

Residential (Existing Use) Residential (Proposed Use)

13 (Tax Map No.) 19 (Grid/Block No.) 42 (Parcel No.) 4th (Election District)

____ (Zoning District) 3 acres (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.)

Building Permit # 00156527 on file
variance petition approved - AA case NO. 05-45

II. 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>16.118(c)</u>	<u>No grading or construction within 30 feet of graveyard</u>
2. _____	_____
3. _____	<u>REDUCTION OF THE 30-FOOT SETBACK TO COINCIDE WITH THE AA-05-045 SETBACK REDUCTION (15')</u>
4. _____	_____
5. _____	_____

✓ 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.

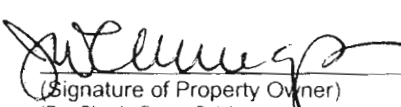
VI. **Fees**

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 *

 3/21/06
(Signature of Property Owner) (Date)
(Fee Simple Owner Only)

(Signature of Petition Preparer) * (Date)

James W. Cummins
(Name of Property Owner)

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

3224 Hayloft Ct.
(Address)

Address)

Woodbine, MD 21797
(City, State, Zip Code)

(City, State, Zip Code)

E-Mail tcivp@mindspring.com E-Mail _____

410.268.8816 410.280.3513
(Telephone) (Fax)

(Telephone) (Fax)

Contact Person: Terry Cummins

Contact Person: _____

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 _____
- * Base Fee for first two waiver sections (**\$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 _____

Waiver Application

James Cummings – 410.489.4594

March 21, 2006

Justification

III a - The lot in question narrows to the road at the west end. The house is situated toward the north side of the narrow end of the property. This is because to the south is a grove of trees that cover a rocky outcropping which the builder said would possibly require blasting to build on. The only reasonably flat area on the property is an approximately 250 square foot rectangle directly in front of the house. The rest of the property slopes to the south and east.

The driveway enters the property to the north side of the house and the existing garage is attached to the north wall of the house.

The well is situated to the southwest of the house and the water pipe runs directly from the well to the southwest corner of the house, along with the TV cable and the electrical utilities.

Having considered the aesthetic, topographic, and geographic constraints of the property along with the existing placement of the utility lines, it would be impracticable, if not extremely difficult to build a two-car detached garage anywhere on the property but to the northwest of the house, next to the existing garage.

The homeowner did not create the hardship intentionally or unintentionally. The builder placing the house in the existing location created the hardship.

The homeowner recently applied for and received a favorable decision requesting a variance from the setback regulations: AA case No. 05-45.

III b – The graveyard is situated in the northwest corner of the homeowner's property. The homeowner already cares for the graveyard and has done some architectural landscaping around the graveyard.

The building of the two-car, single-story garage built to match the existing house will not alter the graveyard in any way. The structure would be 25 feet from the graveyard, separated by a buffer of low bushes and trees. In constructing the garage, the graveyard will not be touched, nor will the fence around the graveyard or the existing vegetation. However, when the garage is completed, the homeowner will plant more shrubs and flowers between the garage and the graveyard to enhance the vegetated buffer between the graveyard and the garage.

Finally, the homeowner has received permission from the homeowners' association to build the structure. The structure complies with the homeowners' association bylaws in every way.

III c - The placement of the garage next to the graveyard will in no way alter the essential character of the neighborhood or be detrimental to the public interest. The structure is screened from the neighboring property to the north by a wall of trees. As stated above, a vegetated buffer shields the graveyard from the garage and the house.

The neighborhood uses the graveyard for Halloween festivities and people periodically visit the graveyard and look at the ancient gravestones. These activities will in no way be affected by the placement of the garage. The structure will neither impair the enjoyment and use of the graveyard nor will it be detrimental to the public welfare.

III d – Approval of the waiver petition will not nullify the intent of the regulations as the graveyard will remain completely intact with no disturbance to it or its use. In fact, the homeowner will enhance the appearance of the graveyard by adding new plants and flowers around the fence. When the shrubs and trees leaf out in the spring, the structure will barely be visible from the graveyard.

IN THE MATTER OF
JAMES CUMMINGS,
PETITIONER

* BEFORE THE DIRECTOR OF
* DEPARTMENT OF PLANNING & ZONING
* AA CASE NO. 05-45
* 3221 HAYLOFT COURT

* * * * *

DECISION AND ORDER

On January 17, 2006, the Designee for the Director of the Department of Planning and Zoning conducted a public hearing to consider the petition of James W. Cummings for an Administrative Adjustment from Section 104.E.4.a.(3)(b) of the Howard County Zoning Regulations, as authorized under the Administrative Adjustment Procedure, Section 100.F.1, to reduce the 75 foot front setback to 60 feet for a detached garage. The notice of the hearing was posted on the subject property in accordance with all applicable regulations. Prior to the introduction of testimony, the following items were incorporated into the record by reference:

1. The Howard County Zoning Regulations.
2. The Subdivision and Land Development Regulations.
3. The Administrative Procedures Act of the Howard County Code.

During the hearing the following items were introduced as exhibits:

1. Petition and Administrative Adjustment Plans submitted by Petitioner.
2. Photographs of the subject site submitted by the Department of Planning and Zoning.

Testimony in favor of the petition was presented by James W. Cummings. The Petitioner was not represented by counsel. No one testified in opposition to the petition. Mr. Cummings testified that the only location for the garage is to the northwest of the house for the reasons set out in the petition, and that in addition to those reasons, utility lines on the southwest section of the Property run from the road to the house. He said the garage would not be visible from the neighbor's property, and that he has received permission from the homeowner's association for the garage which indicates that it will not alter the character of the neighborhood.

Based upon all the testimony and exhibits presented at the hearing, the description of the subject property and vicinal properties resulting from a site inspection by a member of the planning staff, as well as the plans and materials submitted by the Petitioner as part of the petition, the Director makes the following Findings:

of Fact and Conclusions of Law:

FINDINGS OF FACT

1. The subject property is located at the terminus of the Hayloft Court cul-de-sac. This property is identified as Tax Map 13, Grid 19, Parcel 42. It is Lot 47 of the Cabin Branch Farm Subdivision. The address is 3221 Hayloft Court (the "Property"). The Property is located in a RC-DEO Zoning District. It is a 3.0 acre, irregularly shaped parcel. All vicinal properties are located in the same subdivision and are also zoned RC-DEO
2. The Property is improved with a two-story dwelling with a one-story, one-car garage attached to the north side of the house located about 100 feet from the front property line and 45 feet from the north side property line. Access is via a driveway along the north side of the lot. The Petitioner proposes to construct a 24 foot by 28 foot detached garage to the northwest of the house. This garage would be located 60 feet from the road right-of-way. An approximately 40 foot by 60 foot cemetery is located to the northwest of the house and proposed garage. The western boundary of this cemetery is situated approximately 35 feet from the front building restriction line. A septic field is located to the east (rear) of the house adjacent to the north property line.
3. The Property is recorded (Final Plat 10480) with a 75 foot front setback from the Hayloft Court right-of-way and the Petitioner requests an Administrative Adjustment to reduce this setback to 60 feet to construct the detached garage. This garage is labeled on the exhibit as being set back 60 feet from the road right-of-way; so the garage would encroach 15 feet into the front setback (it would be situated approximately 20 feet from the cemetery boundary).
4. The Petitioner states that this is the only feasible location for the garage. He states that the house was built toward the north side of the lot because of the presence of a stand of trees which covers a rock outcropping on the south side of the house. In addition, the well is situated to the southwest of the house and water pipes and utility lines run from the well to the southwest corner of the house. These constraints on the Property do not allow the garage to be placed

behind the house or to south side of the house.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Director makes the following Conclusions of Law:

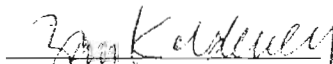
1. The presence of the septic field behind the house and a rock outcropping and well to the south of the house precludes the placement of the garage to the south and east sides. The location of the garage to the northwest side of the lot is the more suitable and practical location for the garage since the driveway is located along the north side of the lot and the existing one-car garage is located to the north side of the house. These factors constitute unique physical conditions peculiar to the particular lot. 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. The proposed garage is a typical, permitted accessory use for a dwelling. The proposed location is the only feasible location based on the noted site constraints. A stand of trees is situated between the cemetery and the location of the garage, and between the dwelling on the Property and neighboring property to the north. The garage would not be readily visible from public roads or adjacent properties because of distance and buffering. The requested Administrative Adjustment would not alter the essential character of the neighborhood or district in which the property is located, will not substantially impair the appropriate use or development of adjacent property, and will fit the character of the neighborhood, and will not be detrimental to the public welfare.
3. The dwelling and site conditions existed at the time of purchase by the Petitioner. The practical difficulties or hardships have not been directly created by the Petitioner.
4. The requested Administrative Adjustment for an encroachment of 15 feet into the 75 foot setback is the minimum Administrative Adjustment necessary to afford relief to the Petitioner in order to construct the proposed carport.

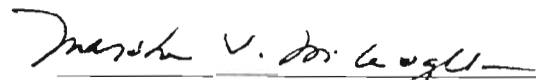
ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is this 1st day of February, 2006 by the Director of the Department of Planning and Zoning for Howard County, ORDERED that the petition of James W. Cummings for an Administrative Adjustment from Section 104.E.4.a.(3)(b), to reduce the 75 foot front setback to 60 feet for a 24 foot by 28 foot detached garage, be and the same is hereby **GRANTED**, subject to the following conditions:

1. The Petitioner shall comply with all applicable Federal, State and County laws and regulations.
2. A building permit for the garage shall be obtained within two years from the date of this order and substantial construction shall be completed within three years.
3. The Petitioner shall submit with the building permit application an accurately scaled plan at a scale no less than 1" = 40' which clearly and accurately shows the 75 foot building restriction line, and indicates the correctly scaled dimensions of the proposed garage, and the exact dimension between the garage and the road right-of-way.
4. Prior to obtaining a building permit, the Petitioner shall contact the Division of Land Development to determine whether a waiver to Section 16.118(c) of the Subdivision and Land Development Regulations is necessary.
5. The granted Administrative Adjustment shall apply solely to the garage as depicted on the Administrative Adjustment plan submitted by the Petitioner and not to any other structure, addition, building or use.

Prepared By:
Howard County Department of
Planning and Zoning


Zari Koldewey, Planner

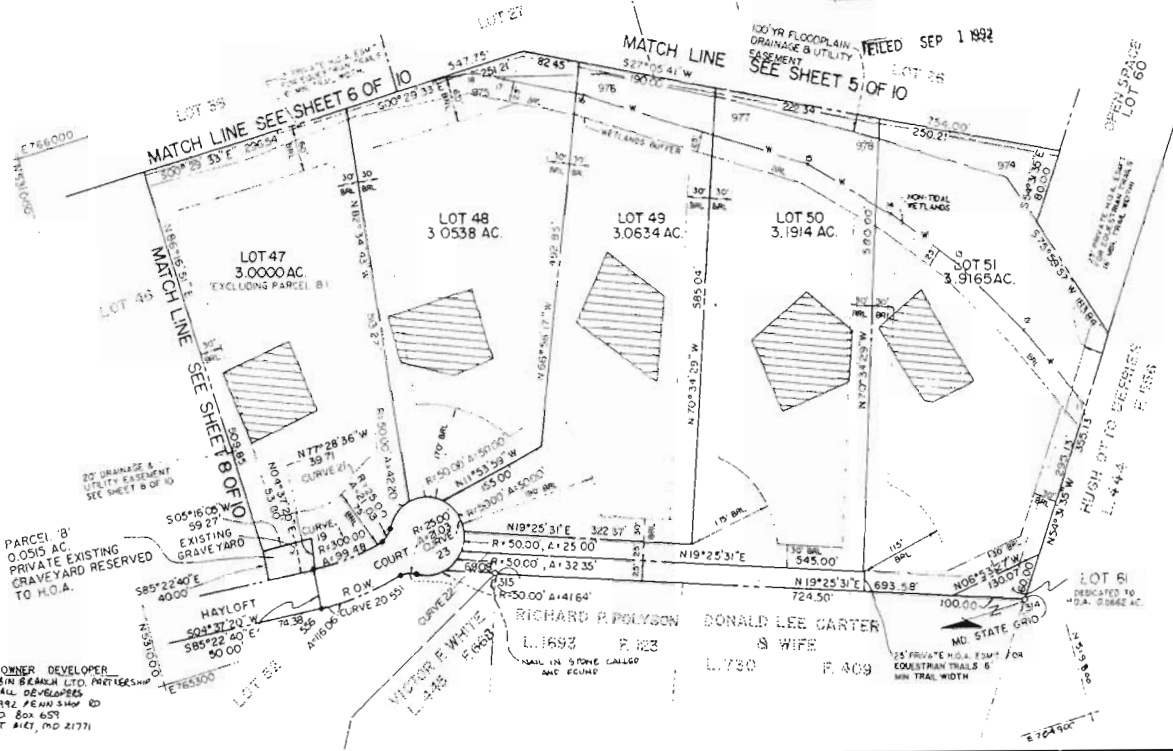

Marsha McLaughlin, Director
Department of Planning and Zoning


George L. Beisser
Director's Designee

PLAT-M.D.R. NO. 10480

- GENERAL NOTES**
- HORIZONTAL AND VERTICAL CONTROL FOR THIS PROJECT IS BASED ON HOWARD COUNTY GEODETIC CONTROL STATIONS NO. 3428001 AND NO. 3428002.
 - PROPERTY IS ZONED R1 (RURAL) PER THE COMPREHENSIVE ZONING PLAN DATED 8/02/90.
 - THIS PLAN SUBJECT TO S-89-64 APPROVED 2/18/89 AND P-90-03 APPROVED 9/18/89.
 - THIS PLAN SUBJECT TO WF 89-11 (SEC 16-113 C-10) REDUCTION OF CURB DE-SAC LENGTH APPROVED 3/23/90.
 - FOR FLAG OR PIPE STEM LOTS, REFUSE COLLECTION, SNOW REMOVAL AND ROAD MAINTENANCE ARE PROVIDED TO THE JUNCTION OF THE FLAG OR PIPE STEM AND THE ROAD RIGHT-OF-WAY AND NOT ON THE FLAG OR PIPE STEM.
 - THIS AREA DESIGNATES A PRIVATE SEWERAGE EASEMENT OF 10,000 SQUARE FEET AS REQUIRED BY THE MARYLAND DEPARTMENT OF THE ENVIRONMENT FOR INDIVIDUAL SEWER DISPOSAL. IMPROVEMENTS OF ANY NATURE IN THIS AREA ARE RESTRICTED UNTIL PUBLIC SEWAGE IS AVAILABLE. THESE EASEMENTS SHALL NULL AND VOID UPON CONNECTION TO A PUBLIC SEWER SYSTEM. THE COUNTY HEALTH OFFICER SHALL HAVE THE AUTHORITY TO GRANT VARIANCES FOR ENCROACHMENTS INTO THE PRIVATE SEWERAGE EASEMENT. RECORDATION OF A MODIFIED SEWERAGE EASEMENT SHALL NOT BE NECESSARY.
 - NO CLEARING, GRADING, OR CONSTRUCTION IS PERMITTED WITHIN WETLANDS OR STREAM BUFFERS.
 - SEE PLAT 1 OF 10 FOR WETLANDS TABULATION CHART.
 - THE GRAVEYARD LOCATED ON LOT 47 WILL NOT BE DISTURBED EXCEPT AS PERMITTED BY STATE LAW AND IS OPEN TO THE PUBLIC.
 - CORPS OF ENGINEERS PERMIT APPROVAL NO. 90-0829-5.
 - THIS PLAN SUBJECT TO #P-90-06 SECTION 16.06 (C) TO PERMIT THE DISTURBANCE OF 0.20 AC. OF WETLANDS FOR CONSTRUCTION OF STARTING GATE COURT.

Howe & Howe
 ESTABLISHED BY
 9/1/92
 PLAT



CURVE TABLE

NO	RADIUS	DELTA	ARC TANGENT	CHORD	CH. BEARING
19	100.00	17°00'00"	39.98	50.20	S04°45'24"00"E
20	100.00	18°00'00"	41.76	51.53	S04°45'24"00"W
21	25.00	89°11'23"	21.03	20.41	S89°28'31"E
22	25.00	89°11'23"	21.03	20.41	S89°28'31"E
23	50.00	33°57'44"	24.19	44.72	S73°57'20"W

TABULATION THIS SHEET ONLY

TOTAL NUMBER OF LOTS/PARCELS TO BE RECORDED	7
TOTAL AREA OF LOTS/PARCELS TO BE RECORDED	11.3428 AC.
TOTAL AREA OF ROADWAYS TO BE RECORDED	0.342
TOTAL AREA OF SUBDIVISION TO BE RECORDED	11.6848 AC.

APPROVED FOR PRIVATE WATER AND PRIVATE SEWERAGE SYSTEMS IN CONFORMANCE WITH THE MASTER PLAN OF WATER AND SEWERAGE FOR HOWARD COUNTY.
 [Signature] 7/21/92
 COUNTY HEALTH OFFICER

APPROVED HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING.
 [Signature] 8/27/92
 DIRECTOR

APPROVED FOR STORM DRAINAGE SYSTEMS AND ROADS.
 HOWARD COUNTY DEPARTMENT OF PUBLIC WORKS.
 [Signature] 8-20-92
 DIRECTOR

SURVEYOR'S CERTIFICATE
 I HEREBY CERTIFY THAT THE FINAL PLAT SHOWN HEREON IS CORRECT, THAT IT IS A SUBDIVISION OF ALL THE LANDS CONVEYED BY OAKTON ASSOCIATES, INC., A MARYLAND CORPORATION TO CABIN BRANCH LIMITED PARTNERSHIP, A MARYLAND LIMITED PARTNERSHIP, BY DEED DATED THE 04 DAY OF OCTOBER 1989, AND RECORDED AMONG THE LAND RECORDS OF HOWARD COUNTY IN LIBER 2071 AT FOLD 54, AND THAT ALL MONUMENTS ARE IN PLACE OR WILL BE IN PLACE PRIOR TO THE ACCEPTANCE OF THE STREETS IN THE SUBDIVISION BY HOWARD COUNTY AS SHOWN, ACCORDANCE WITH THE ANNOTATED CODE OF MARYLAND, AS AMENDED.

[Signature] 9-22-89
 WILLIAM HEBERT
 M.D. REGISTERED PROPERTY LINE SURVEYOR
 REG. NO. 493

OWNER'S CERTIFICATE
 WE, CABIN BRANCH LIMITED PARTNERSHIP, A MARYLAND LIMITED PARTNERSHIP BY JOHN W. HERSHMAN, PRESIDENT AND PHILIP E. BOURNE, VICE PRESIDENT, OWNERS OF THIS PROPERTY 'CABIN BRANCH FARM', SHOWN AND DESCRIBED HEREON, HEREBY ADOPT THIS PLAN OF SUBDIVISION, AND IN CONSIDERATION OF THE APPROVAL OF THIS FINAL PLAT BY THE DEPARTMENT OF PLANNING AND ZONING, ESTABLISHED THE MINIMUM BUILDING RESTRICTION LINES AND GRANT (1) TO HOWARD COUNTY, MARYLAND, ITS SUCCESSORS AND ASSIGNS, (2) THE RIGHT TO LAY, CONSTRUCT AND MAINTAIN SEWERS, DRAINS, WATER PIPES AND OTHER MUNICIPAL UTILITIES AND SERVICES, IN AND UNDER ALL ROADS AND STREET RIGHT-OF-WAYS AND THE SPECIFIC EASEMENT SHOWN HEREON, (3) THE RIGHT TO REQUIRE DEDICATION FOR PUBLIC USE THE BEDS OF THE STREETS AND/OR ROADS, AND FLOODPLAINS AND OPEN SPACE WHERE APPLICABLE AND FOR GOOD AND OTHER VALUABLE CONSIDERATION, HEREBY GRANT THE RIGHT AND OPTION TO HOWARD COUNTY TO ACQUIRE THE FEE SIMPLE TITLE TO THE BEDS OF THE STREET AND/OR ROADS AND FLOODPLAINS, STORM DRAINAGE FACILITIES AND OPEN SPACE WHERE APPLICABLE AND (4) THE RIGHT TO REQUIRE DEDICATION OF WATERWAYS AND DRAINAGE EASEMENTS FOR THE SPECIFIC PURPOSE OF THEIR CONSTRUCTION, REPAIR AND MAINTENANCE, AND (5) THAT NO BUILDING OR SIMILAR STRUCTURE OF ANY KIND SHALL BE ERECTED ON OR OVER THE SAID EASEMENTS AND RIGHT-OF-WAYS.

[Signature]
 JOHN W. HERSHMAN, PRESIDENT

ATTEST: [Signature]
 PHILIP E. BOURNE, VICE PRESIDENT

RECORDED AS PLAT ON THE LAND RECORDS OF HOWARD COUNTY, MARYLAND.

CABIN BRANCH FARM
 LOTS 1 THRU LOTS 62, PARCELS 'A' & 'B'
 TAX MAP NO. 13 PARCEL NO. 42
 FOURTH ELECTION DISTRICT
 HOWARD COUNTY, MARYLAND
 SCALE: 1" = 100' SEPTEMBER, 1989
 SHEET 7 OF 10

PREVIOUS SUBMITTALS: S-89-64, P-90-03, WP-89-01, WP-91-86

LAND SERVICES GROUP, INC.
 9801 BROKEN LAND PARKWAY STE. 105
 COLUMBIA, MARYLAND 21046
 BALT.(301)995-6010 WASH.(301)621-8006









Section 16.118. Protection of Historic Resources.

- (a) **Historic Resource Identification:** Historic districts identified on the zoning map and historic sites designated by resolution of the County Council shall be shown on subdivision and site development plans. Human burial grounds shall also be identified by the developer.
- (b) **Guidelines:** The following guidelines suggest ways to improve project design and do not prohibit either demolition of historic structures or relocation of burial grounds in accordance with State law. This Section applies upon adoption of a list of historic sites and criteria for nomination adopted by council resolution.
 - (1) Historic buildings, structures and landscape features which are integral to the historic setting should be located on a single lot of suitable size to ensure protection of the historic structure and setting. If demolition is proposed, information explaining this decision shall be provided (structural condition, cost to retain, etc.).
 - (2) Whenever possible, historic resources should be integrated into the design of the subdivision or site plan. If compatible, new and historic structures may be juxtaposed. Alternately, open space may be used to buffer the historic resources from new development.
 - (3) Access to the historic property should be via its existing driveway, wherever possible.
 - (4) The new subdivision road should be sited so that the lot lay-out does not intrude on the historic resources. The road should be oriented so that views of the historic property from the public road are of its primary facade.
 - (5) Grading, construction and landscaping on the adjacent lots should enhance views to and from the historic property, while buffering views of new development.
 - (6) Achieving the maximum possible density is not sufficient justification to allow adverse impacts on historic resources.

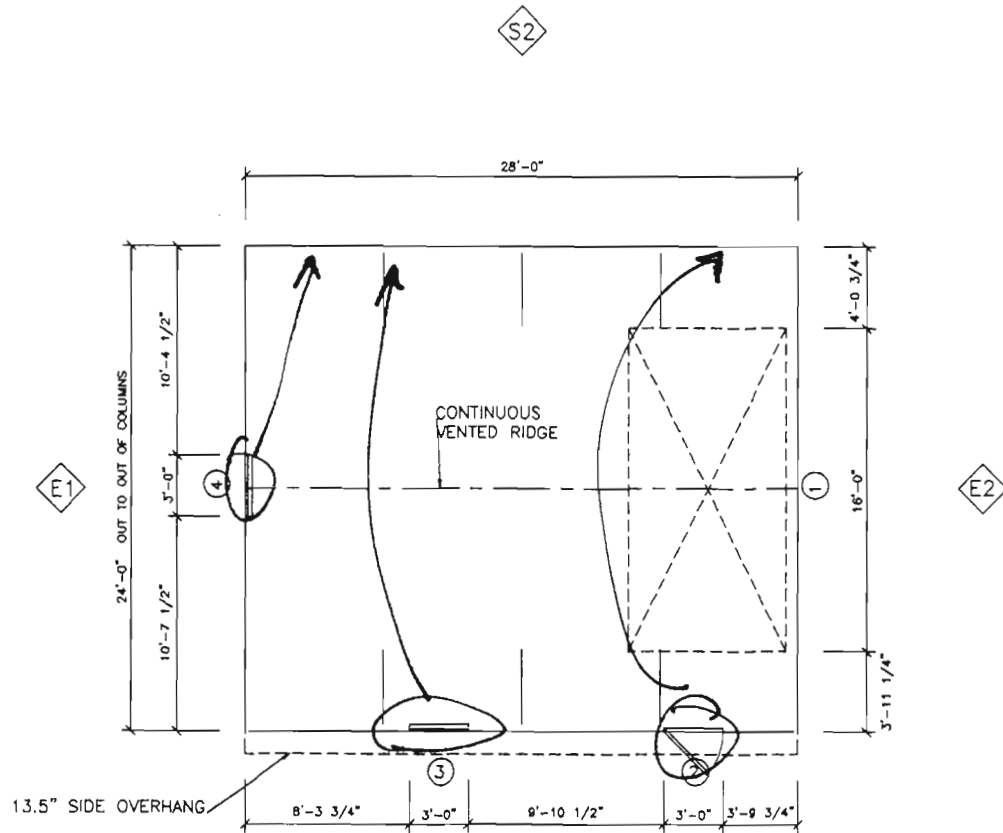
- (c) **Cemeteries:** Cemeteries shall be dealt with in accordance with Subtitle 13 of this Title. In any case, no grading or construction shall be permitted within 30 feet of a cemetery boundary or within 10 feet of individual grave sites.

Section 16.119. Highways, Streets, and Roads.


Streets, roads and highways within Howard County shall be located, designed and constructed in accordance with the Howard County Design Manual.

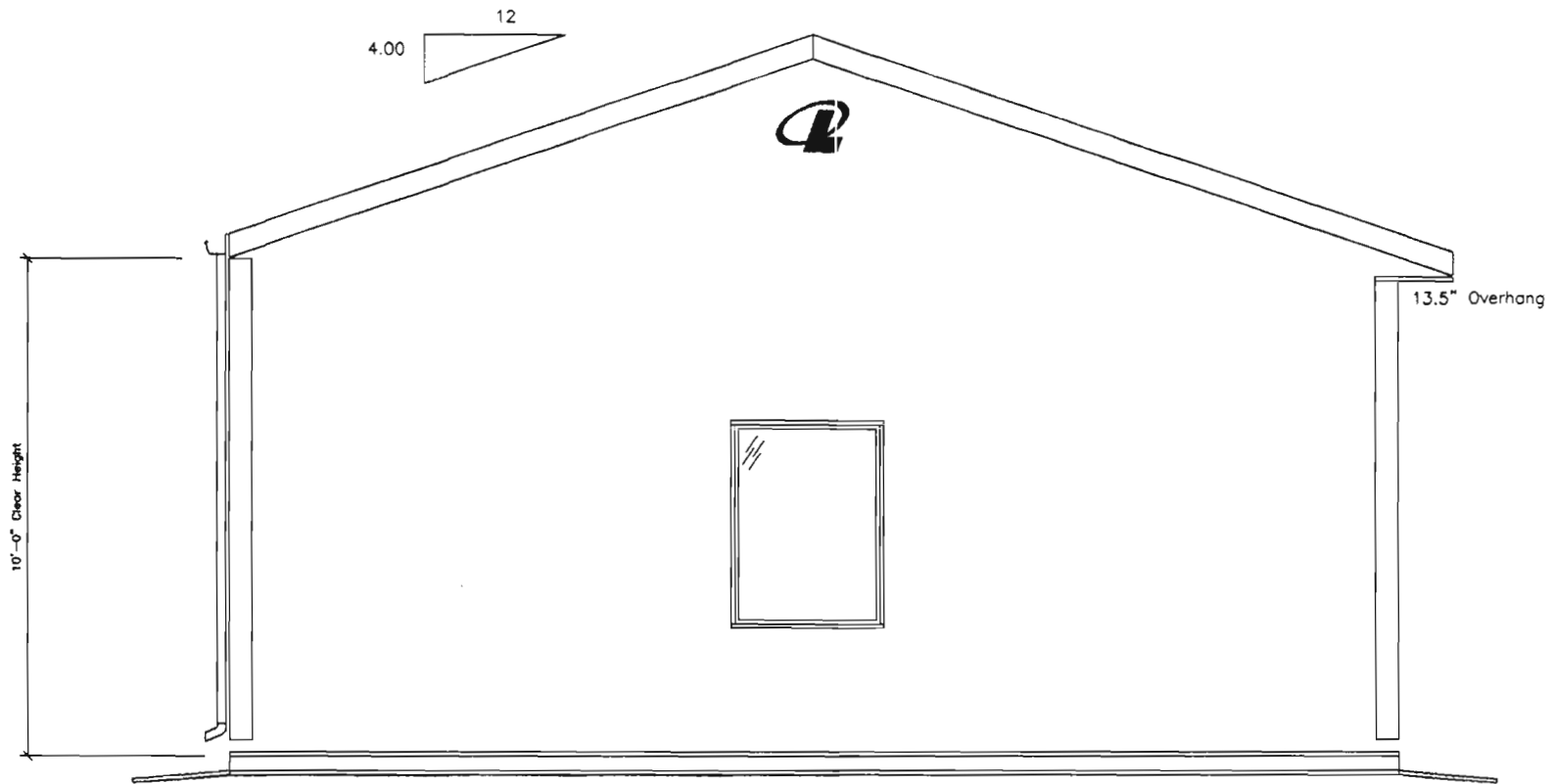
ID	MODEL	NOM. SIZE	SCH. NOTE
1	8' HIGH OVERHEAD DOOR OPENING	192 X 96	B
2	TWLK DOOR 3100 SOLID	36 X 80	C

ID	MODEL	NOM. SIZE	SCH. NOTE
3	WINDOW - FURNISHED BY OTHERS	36 X 48	IA
4	WINDOW - FURNISHED BY OTHERS	36 X 48	IA




S1
Floor Plan

 LESTER BUILDINGS	DEALER INFO.	CUSTOMER INFO.	BUILDING DESCRIPTION	DATE: 08/10/05	PROPOSAL DRAWINGS ONLY <small>Not Intended for Construction Purposes</small> • Not To Scale •
	Rasche Brothers, Inc. 74 Frederick St.	Terry Cummings MD Howard	24 X 28 X 10 Town & Country I - Code	PROJ: A13D-10150-0-0	

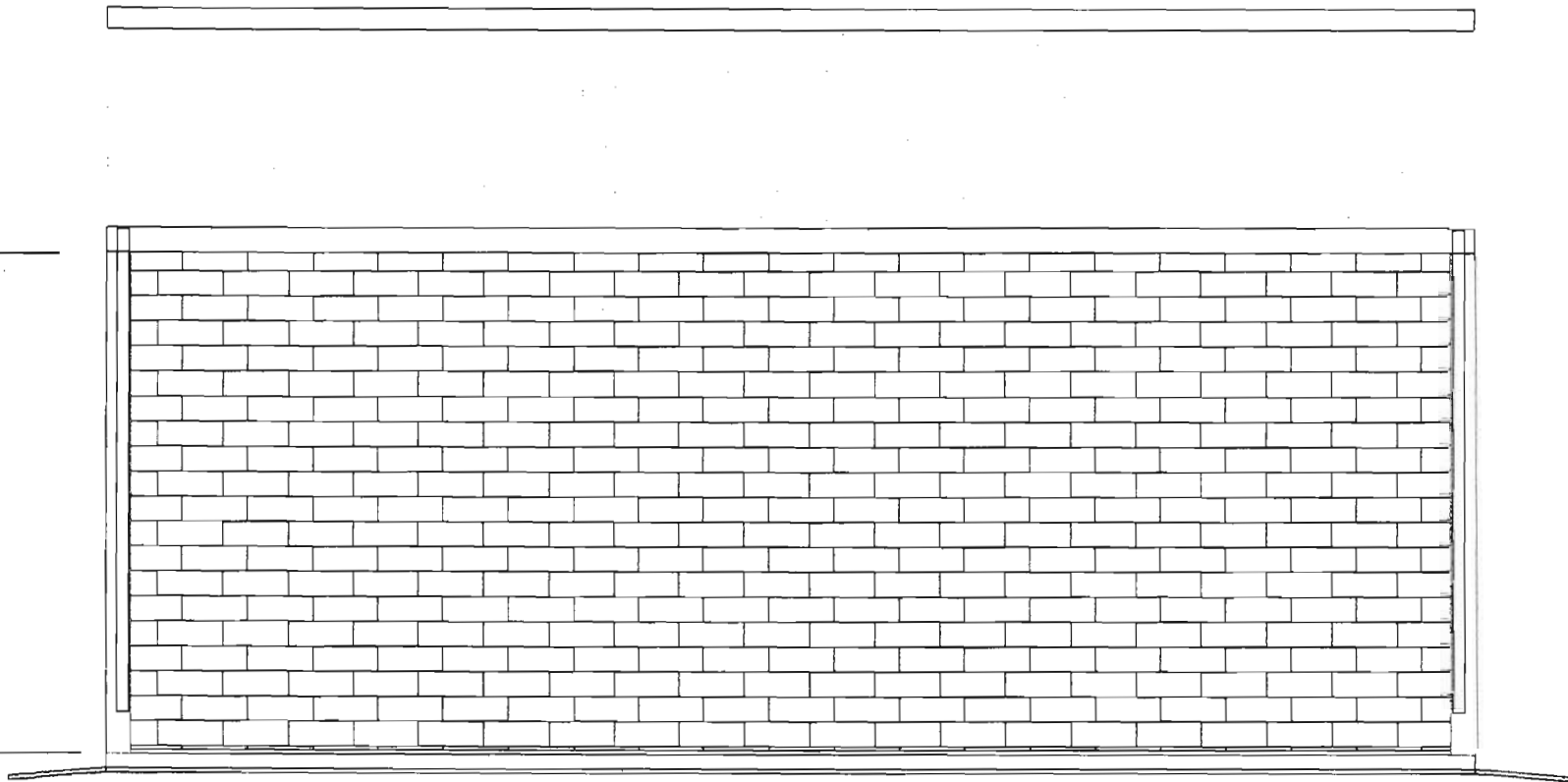


36 X 48 WINDOW

Endwall 1 Elevation

 LESTER BUILDINGS	DEALER INFO.	CUSTOMER INFO.	BUILDING DESCRIPTION	DATE: 08/15/05	PROPOSAL DRAWINGS ONLY Not Intended for Construction Purposes * Not To Scale *
	Rasche Brothers, Inc. 74 Frederick St.	Terry Cummings MD Howard	24 X 28 X 10 Town & Country I - Code	PROJ: A13D-10181-0-0	

10'-0" Clear Height



Sidewall 2 Elevation



DEALER INFO.

Rasche Brothers, Inc.
74 Frederick St.

CUSTOMER INFO.

Terry Cummings
MD
Howard

BUILDING DESCRIPTION

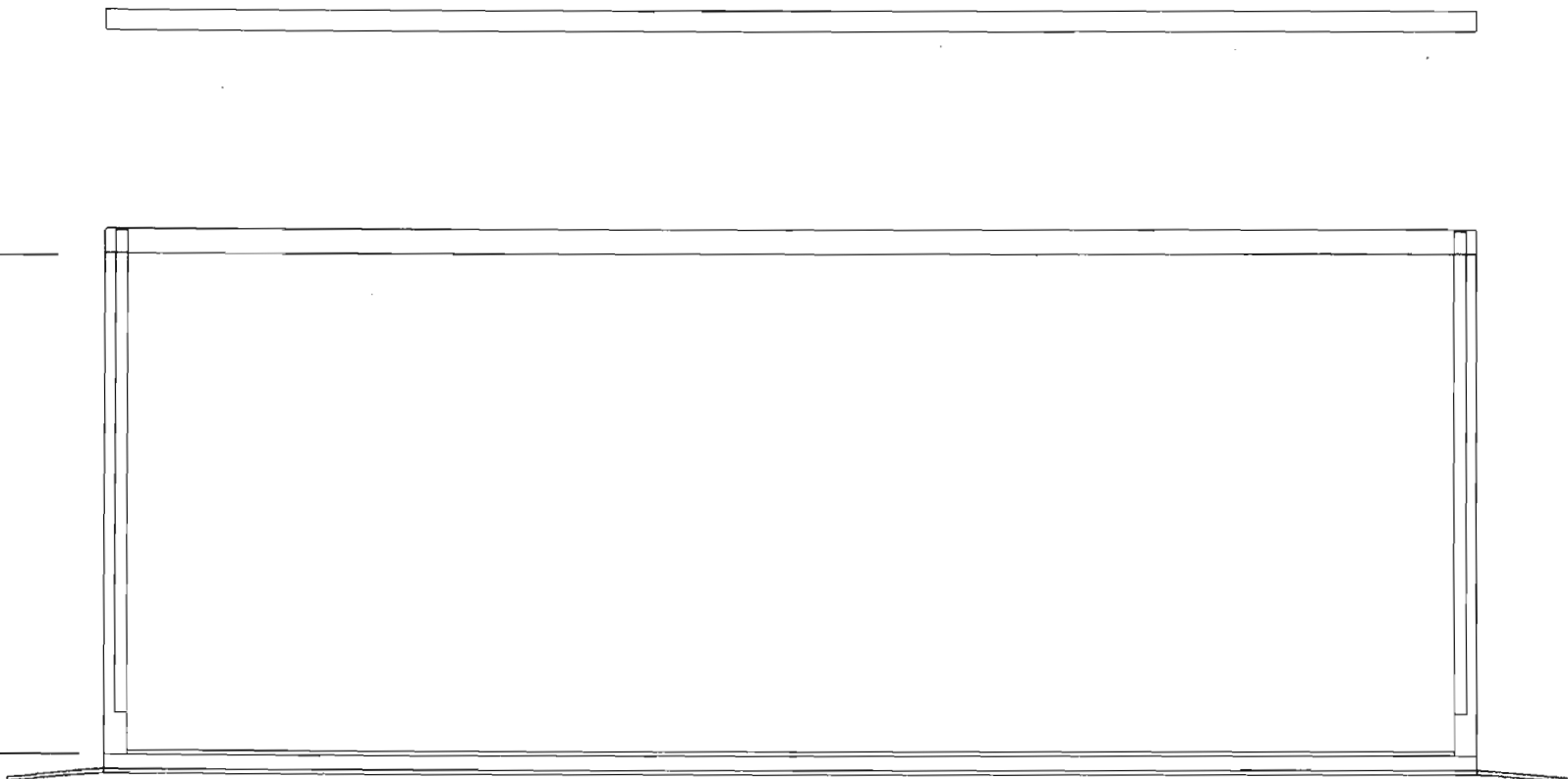
24 X 28 X 10
Town & Country I - Code

DATE: 07/27/05

PROJ: A13D-10150-0-0

PROPOSAL DRAWINGS ONLY
Not Intended for Construction Purposes
• Not To Scale •

10'-0" Clear Height



Sidewall 2 Elevation



DEALER INFO.

Rasche Brothers, Inc.
74 Frederick St.

CUSTOMER INFO.

Terry Cummings
MD
Howard

BUILDING DESCRIPTION

24 X 28 X 10
Town & Country I - Code

DATE: 08/15/05

PROJ: A13D-10181-0-0

PROPOSAL DRAWINGS ONLY
Not Intended for Construction Purposes
• Not To Scale •

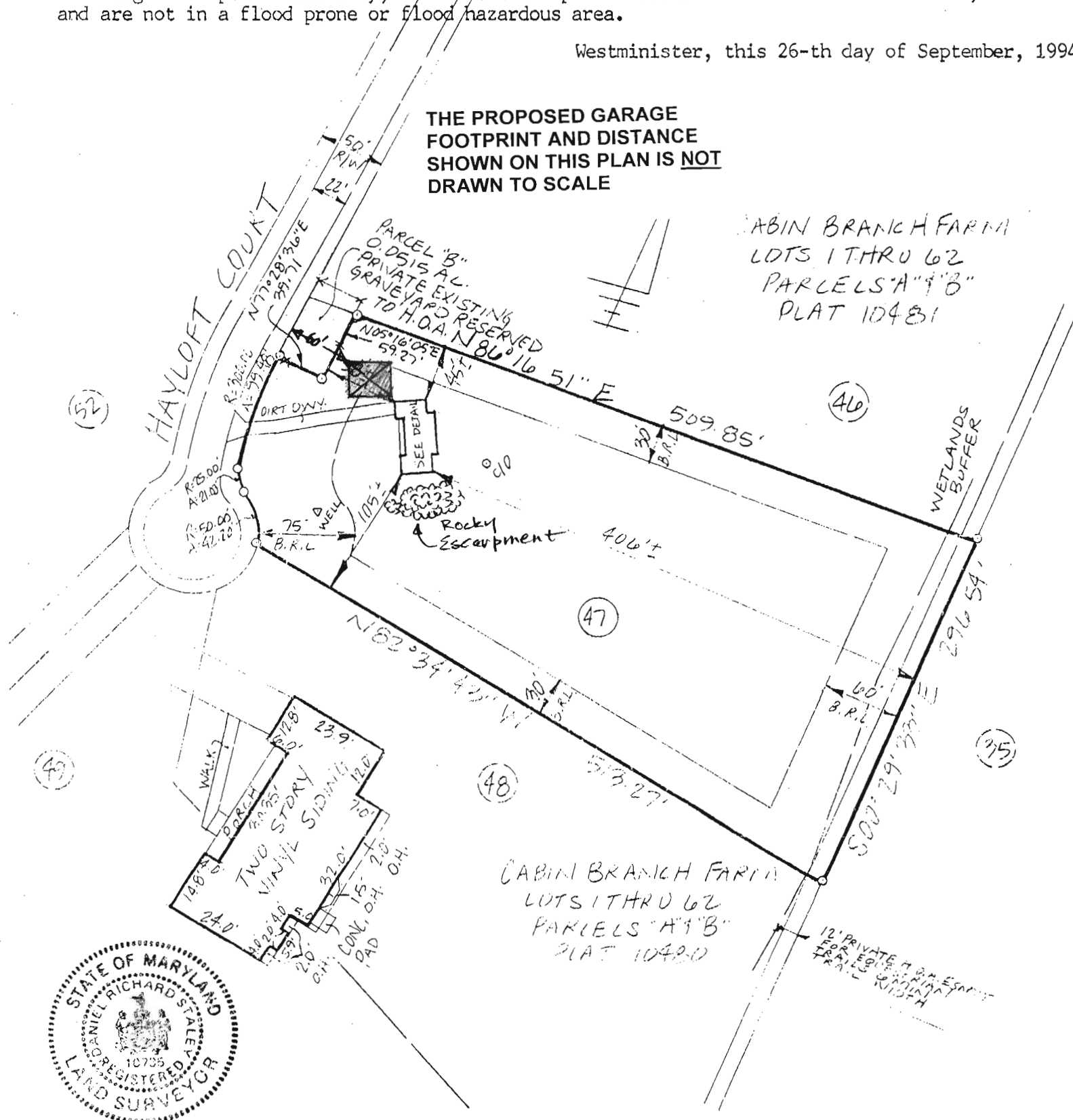


DRS & ASSOCIATES
LAND DESIGN CONSULTANTS

This is to certify that I have surveyed the property shown hereon, known as Lot # 47, Lots 1 thru Lots 62, Parcels "A" & "B", "Cabin Branch Farm", located at 3221 Hayloft Court, in the 4-th Election District of Howard County, Maryland for the purpose of locating the improvements only, and that the improvements are located as shown hereon, and are not in a flood prone or flood hazardous area.

Westminster, this 26-th day of September, 1994.

THE PROPOSED GARAGE FOOTPRINT AND DISTANCE SHOWN ON THIS PLAN IS NOT DRAWN TO SCALE



CABIN BRANCH FARM
LOTS 1 THRU 62
PARCELS "A" & "B"
PLAT 10481

CABIN BRANCH FARM
LOTS 1 THRU 62
PARCELS "A" & "B"
PLAT 10480



Daniel R. Staley
DANIEL R. STALEY L.S. # 10735

SCALE 1" = 100'