

JRL

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

Date: May 21, 2015

Hearing Examiner 7/13/15

Planning Board _____ Board of Appeals _____ Zoning Board _____

Petition No. BA 15-016V Map No. _____ Block _____ Parcel _____ Lot _____

Petitioner: _____ Millard Taylor _____

Petitioner's Address: _____

Address of Property: _____

Return Comments by June 22, 2015 to Public Service and Zoning Administration

Owner: (if other than applicant) _____

Owner's Address: _____

Petition: SEE APPLICATION

- To:
- _____ MD Department of Education – Office of Child Care
 - _____ 3300 N. Ridge Road, Ste. 190, EC, MD 21043 (Louis Valenti)
 - ✓ _____ Bureau of Environmental Health
 - _____ Development Engineering Division
 - _____ Department of Inspections, Licenses and Permits
 - _____ Department of Recreation and Parks
 - _____ Department of Fire and Rescue Services
 - _____ State Highway Administration
 - _____ Sgt. Karen Shinham, Howard County Police Dept.
 - _____ James Irvin, Department of Public Works
 - _____ Office on Aging, Terri Hansen (senior assisted living)
 - _____ Police Dept., Animal Control, Deborah Baracco, (kennels)
 - _____ Susan Fitzpatrick, Health Dept. (Nursing & Res. Care)
 - _____ Land Development - (Religious Facility & Age-Restricted Adult Housing)
 - _____ Housing and Community Development
 - _____ Economic Development
 - _____ Route 1 Cases – DCCP – Dace Blaumanis
 - _____ Telecommunication Towers – Josh Levy (Comm. Dept.)

COMMENTS: no comment


SIGNATURE



DPZ Office use only:

CASE NO.

BA 15-016 V

DATE FILED

4/24/15

RESIDENTIAL DISTRICT VARIANCE PETITION TO THE HOWARD COUNTY HEARING EXAMINER

APR 24 2015

1. VARIANCE REQUEST

SECTION 104.0E.4.a.3.c.1 of the Zoning Regulations (describe) Minimum setback requirement of an accessory structure greater than 200sft from side lot line is 30-feet.

2. PETITIONER'S NAME Millard Taylor

TRADING AS (IF APPLICABLE)

ADDRESS 1195 Hoods Mill Road, Cooksville, Maryland, 21723

PHONE NO. (W) cell -410-599-0358 (H) 410-381-7899

EMAIL dtat63@msn.com

3. COUNSEL FOR PETITIONER VanMar Associates, Inc. (Engineer) contact - Melanie Repp

COUNSEL'S ADDRESS 310 South Main Street, Mt. Airy, MD, 21771

COUNSEL'S PHONE NO. 410-549-2751

EMAIL mel@vanmar.com

4. PROPERTY IDENTIFICATION

ADDRESS OF SUBJECT PROPERTY 1195 Hoods Mill Road, Cooksville, Maryland, 21723

ELECTION DISTRICT 4 ZONING DISTRICT RC-DEO ACREAGE 3.0033

TAX MAP # 8 GRID # 11 PARCEL # 221 LOT # 1

SUBDIVISION NAME (if applicable) Millard Taylor Subdivision, Lots 1 & 2

PLAT NUMBER AND DATE Pending

5. PETITIONER'S INTEREST IN SUBJECT PROPERTY

[X] OWNER (including joint ownership)

[] OTHER (describe and give name and address of owner)

If the Petitioner is not the owner of the subject property, documentation from the owner authorizing the petition must accompany this petition.

**PLEASE READ CAREFULLY
DATA TO ACCOMPANY PETITION**

6. VARIANCE PLAN

No application for a variance shall be considered complete unless the plan indicates the required setback or other requirement, and the requested variance from the subject setback or other requirement. The submitted plans shall be folded to approximately 8 ½ x 14 inches.

The plan must be drawn to scale and must include the items listed below:

- (a) Courses and distances of outline boundary lines and the size of the property
- (b) North arrow
- (c) Zoning of subject property and adjoining property
- (d) Scale of plan
- (e) Existing and proposed uses, structures, natural features and landscaping
- (f) Location and surface material of existing and proposed parking spaces, driveways, and points of access; number of existing and proposed parking spaces
- (g) Location of all building and use restriction lines
- (h) Same as (a) through (g) above, of any adjoining, confronting and vicinal properties as necessary for proper examination of the petition, or, if applicable, a copy of the subdivision plat for the community
- (i) Location of well and private sewerage easement area, if property is to be served by private water and sewer
- (j) Election District in which the subject property is located
- (k) Tax Map and parcel number on which the subject property is located
- (l) Name of local community in which the subject property is located or name of nearby community
- (m) Name, mailing address, telephone number (and e-mail address if any) of the petitioner
- (n) Name, mailing address, telephone number (and e-mail address if any) of attorney, if any
- (o) Name and mailing address of property owner
- (p) Floor area and height of structures, setback distances from property lines, and other numerical values necessary for the examination of the petition
- (q) Location of subject property in relation, by approximate dimension, to the center line of nearest intersection of two public roads
- (r) Ownership of affected roads
- (s) A detailed description of all exterior building materials for all proposed structures
- (t) Any other information as may be necessary for full and proper consideration of the petition

7. VARIANCE

A) Describe why the application of the Zoning Regulations in question to your particular property would result in practical difficulties or unnecessary hardships in complying strictly with the bulk requirements:

1. The physical character of the property is different from the character of the surrounding properties because of its narrowness, () shallowness, () shape, topography, other; explain: Please refer to attached supplement.

2. The uniqueness of the property prevents me from making a reasonable use of the property because: Please refer to attached supplement.

B) The intended use of the property, in the event the petition is granted: _____
Please refer to attached supplement.

C) Any other factors which the Petitioner desires to have considered: _____
Please refer to attached supplement.

D) Explain why the requested variance is the minimum necessary to afford relief: _____
Please refer to attached supplement.

E) Is the property connected to: public water?: Y__ N__; public sewer?: Y__ N__

F) If the variance is granted, would it impact the water and/or septic/sewer on the site? Y__ N__

G) If the variance is granted, would it increase the intensity of uses on the site? Y__ N__ if yes, explain: _____

H) If the requested variance is granted, would it increase traffic to or from the site? Y__ N__; if yes, explain: _____

I) Describe in detail all means of vehicular access onto the site (i.e. width, type of paving, etc.): _____
Vehicular access is via an existing 12' wide asphalt driveway, to be widened to 16' up to the junction of the proposed driveway for Lot 2.

J) Describe the topography of the site: Slopes are gentle around the existing house, and increase to 10-15% across the front and side of the property with more moderate slopes and forest to the rear. The property is landscaped well enough to eliminate landscaping requirements through the use of credits.

K) Will the existing or proposed structure be visible from adjacent properties? Y__ N if yes, describe any proposed buffering or landscaping: There is existing buffering as described below for adjacent properties. There is no additional proposed buffering along the panhandle between proposed Lots 1 & 2.

L) Describe any existing buffering or landscaping: There is currently a row of Bradford Pear trees and forest along the side lot line that shield the existing structures, and shed from adjoining properties. These trees are proposed to remain and have been utilized as credits toward the landscaping requirement.

8. PRIOR PETITIONS

Has any petition for the same variance, or substantially the same variance as contained herein, for the same property as the subject of this petition, been disapproved by the Hearing Examiner within twenty four (24) months of the date of this petition? () YES (X) NO

If yes, and six (6) months have elapsed since the last hearing, an affidavit setting forth new and different grounds on which re-submittal is based must be attached.

9. ADDITIONAL MATERIAL, FEES, POSTING, AND ADVERTISING

- a) If desired, supplemental pages may be attached to the petition. The following number of petitions, plans and supplemental pages must be submitted:
- *If the subject property adjoins a State road- original and 19 copies (application & plans)*
 - *If the subject property adjoins a County road- original and 16 copies (application & plans)*
- b) The undersigned agrees to furnish such additional plats, plans, reports or other material as may be required by the Department of Planning and Zoning and/or the Hearing Examiner in connection with the filing of this petition.
- c) The undersigned agrees to pay all costs in accordance with the current schedule of fees.
- d) The undersigned agrees to properly post the property at least fifteen (15) days prior to the hearing and to maintain the property posters as required, and submit an affidavit of posting at, or before the time of the hearing.
- e) The undersigned agrees to insert legal notices, to be published one (1) time in at least two (2) newspapers of general circulation in Howard County, as prepared and approved by the Department of Planning and Zoning, within at least fifteen (15) days prior to the hearing, and to pay for such advertising costs; and further agrees to submit two (2) approved certificates of the text and publication date(s) of the advertisement at or before the time of the hearing.

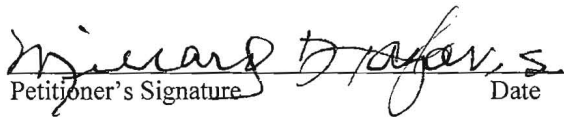
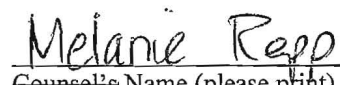
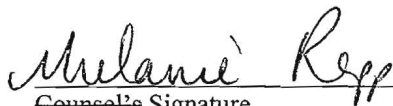
10. PLANNING BOARD REVIEW

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

11. 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.

| | | |
|--|---|--------------------------|
| Millard Taylor _____ Petitioners Name (please print) |  _____ Petitioner's Signature | 4/22/15 _____ Date |
|  _____ Counsel's Name (please print) AGENT |  _____ Counsel's Signature AGENT | 4/22/15 _____ Date |

**For DPZ office use only: (Filing fee is \$300.00 plus \$20.00 per poster.)
(Make checks payable to "Director of Finance")**

Hearing fee: \$ _____
 Poster fee: \$ _____
 TOTAL: \$ _____

Receipt No. _____

PLEASE CALL 410-313-2350 FOR AN APPOINTMENT TO SUBMIT YOUR APPLICATION

County Website: www.howardcountymd.gov

Revised: 10/07

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PETITIONER Millard Taylor

PROPERTY ADDRESS 1195 Hoods Mill Road, Cooksville, MD 21723

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

THE UNDERSIGNED DOES HEREBY DECLARE THAT NO OFFICER OR EMPLOYEE OF HOWARD COUNTY, WHETHER ELECTED OR APPOINTED, HAS RECEIVED PRIOR HERETO OR WILL RECEIVE SUBSEQUENT HERETO, ANY MONETARY OR MATERIAL CONSIDERATION, ANY SERVICE OR THING OF VALUE, DIRECTLY OR INDIRECTLY, UPON MORE FAVORABLE TERMS THAN THOSE GRANTED TO THE PUBLIC GENERALLY IN CONNECTION WITH THE SUBMISSION, PROCESSING, ISSUANCE, GRANT OR AWARD OF THE ATTACHED APPLICATION FOR A RESIDENTIAL DISTRICT VARIANCE AS REQUESTED FOR THE PROPERTY REFERENCED ABOVE.

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

J. M. Velt
Witness

Millard Taylor 4/22/15
Signature Date

J. M. Velt
Witness

A. Adams Taylor 4/22/15
Signature Date

Witness

Signature

Date

SUPPLEMENT TO RESIDENTIAL DISTRICT VARIANCE PETITION

7. VARIANCE

A.1) The property is long and narrow, totaling 6.41 acres, it is 845-feet deep and 319-feet wide. Its uniqueness is multi-faceted and explained in more detail in this section. First, because of its size, greater than 6.0 acres, subdivision potential exists to subdivide the property into two lots, whereas adjoining properties are all less than 6.0 acres. However, its narrow width mandates that the second lot be a panhandle lot. Secondly, the existing natural environmental features of the rear portion of the site resulted in limited availability for the proposed sewage disposal areas to what is shown on the Variance Plan and due to topography, and need for gravity flow to these areas, the proposed house is also limited to the location as shown on the Variance Plan. Additionally, regulations require that all proposed impervious and disturbed areas be treated for stormwater management, which, due to the topography and location of the proposed septic areas, is also limited to the position shown. Finally, numerous specimen trees also exist on the rear portion of the site, as shown on the Variance Plan, and in order to avoid disturbance to these trees, while also avoiding the proposed septic and stormwater management areas, in addition to an excessive driveway length, the proposed driveway and panhandle must be located along the southern property line. It will be shown that because of the required location of the panhandle as described above, the proposed lot line for Lot 2 will result in the existing shed not meeting the side setback requirement of 30-feet for structures over 200 square feet. (Please refer to Variance Plan)

A.2) The existing environmental features, as described above, limit the required panhandle to the southern property line which will result in the existing shed not meeting the required 30-foot setback. Additional factors which mandate the location of the proposed driveway and panhandle include the location of the existing septic system and the existing entrance. The existing septic system encumbers a substantial length of the northern property line for which a driveway would be prohibited to cross due to health department regulations. The current design allows both Lots 1 and 2 to utilize the existing entrance onto the state highway. A second entrance onto the state highway would not be favorable or justified.

There is currently a row of Bradford Pear trees along the southern border, approximately 11-feet from the property line. These trees have to remain to meet landscaping buffer regulations. The proposed 12-foot driveway, that would provide access to Lot 2, is set approximately 7-feet on the opposite side of the Bradford Pears, in order to not be encumbered by the trees. The proposed lot line, defining the panhandle, is set at the edge of the proposed driveway, resulting in a minimum required panhandle width of 30-feet. It is this proposed lot line which will cause the existing shed, which currently meets setback requirements, to be in violation and require a variance of 17-feet. The shed will be 13-feet from the proposed lot line, meeting the minimum side setback of 10-feet for accessory structures less than 200 square feet.

B.) The intended use of the property will remain exactly as is. The intent of the variance request is to allow the existing shed to remain.

C.) This variance request is for a storage shed utilized by the owners for yard maintenance. The shed is approximately 356 square feet, requiring a setback of 30-feet. The proposed panhandle will decrease the shed's distance from the side lot line to 13-feet, therefore, requiring a variance of 17-feet in order to remain. The shed is proposed to remain in the same location and will meet the minimum side setback of 10-feet for accessory structures less than 200 square feet. All landscape buffering will remain as is.

The shed was originally placed in the ideal location, situated behind and to the right of the existing house. It is well maintained and currently meets setback requirements. Unfortunately, due to being just 156 square feet over the maximum requirement for a 10-foot setback, which it would be able to meet, it is required to meet the full 30-foot side yard setback as if it were a portion of the house, or larger accessory structure. In fact, this shed, although slightly larger than an average shed, is still a typical shed only utilized for normal residential yard maintenance.

In an attempt to avoid a variance request, the owners sought professional expertise as to whether the shed could be moved or relocated. Ridge Cabinet Company came out to inspect the shed and give an estimate on its relocation but found that the shed cannot be moved in order to meet setback requirements due to the existing pool and pool shed, existing trees and grade around the shed. Relocation was also investigated and determined not to be feasible without substantial cost to Mr. and Mrs. Taylor with regard to required grading to level the ground, relocating the building and the electric to the building. The letter from Ridge Cabinet Company is attached to this variance request.

In order for the proposed subdivision to be approved, the shed must receive a variance from the setback requirement. The owners of the property are elderly and are trying to take advantage of their property's subdivision potential to ensure future financial security. They currently utilize the storage shed on a regular basis and if not granted a variance, the owners will lose their shed as there is not a feasible, cost effective way of moving the shed as described above and supported by the letter from Ridge Cabinet Company.

D.) In order for the existing shed to remain, a variance to allow the shed to be 13-feet from the property line would have to be granted. This is the minimum necessary and mandated by the minimum panhandle required as described A.2 above. This also meets the minimum side setback of 10-feet for accessory structures less than 200 square feet.

Ridge Cabinet Company
Mark Franklin
4636 Ridge Road
Mt. Airy, Maryland 21771
410-596-8893

April 8, 2015

Reference: 12 x 30 Storage Building
Millard D. Taylor
1195 Hoods Mill Road
Cookeville, Maryland 21723

To Whom it May Concern:

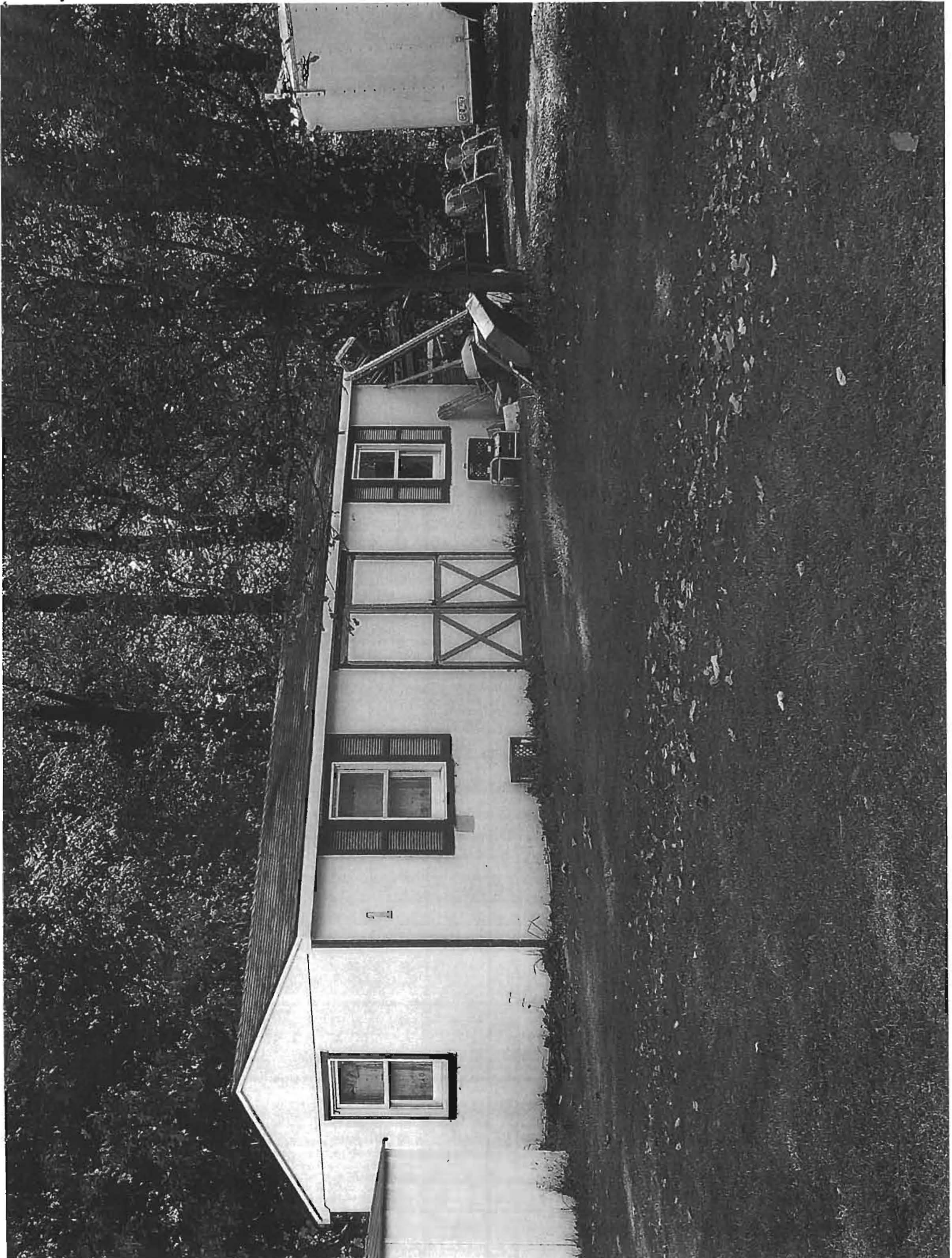
After visiting the above property location, the existing 12' x 30' storage building would have to be moved approximately 18' towards the rear of the house in order to be 30' from the property line. The building cannot be moved towards the rear of the house due to an existing pool and an 8' x 8' shed which houses the plumbing and electric for the pool. The building cannot be turned 90° due to various trees planted in that area and also there is a significant drop in grade behind the building.

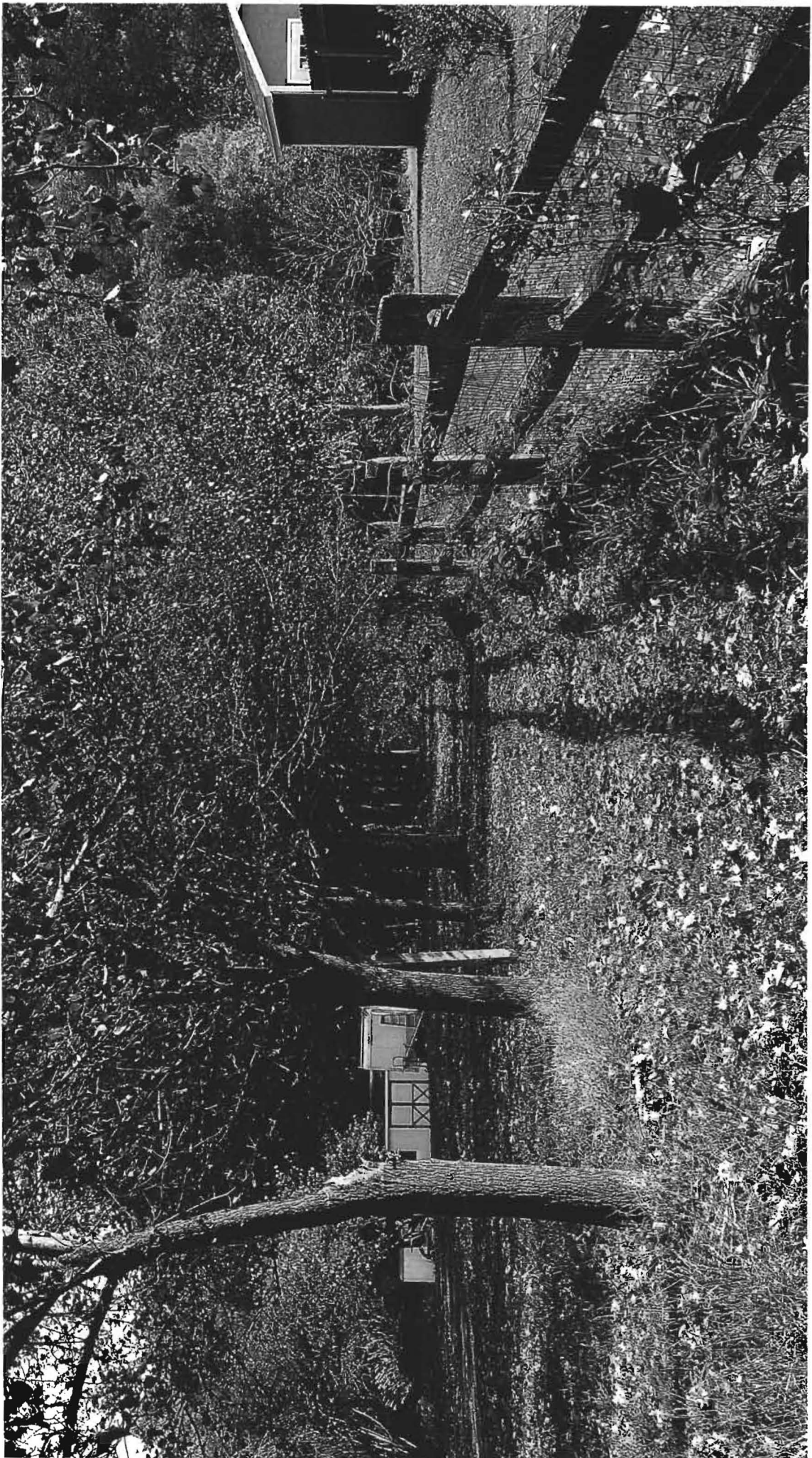
To relocate the 12' x 30' building to another location on the property away from the septic area and the setback requirement not to mention the leveling due to the sloping grade of the ground and relocating the building and electric line to the building would be a substantial cost to Mr. Taylor.

Should you have any other questions or concerns, please free to contact me.

Sincerely,

Mark Franklin

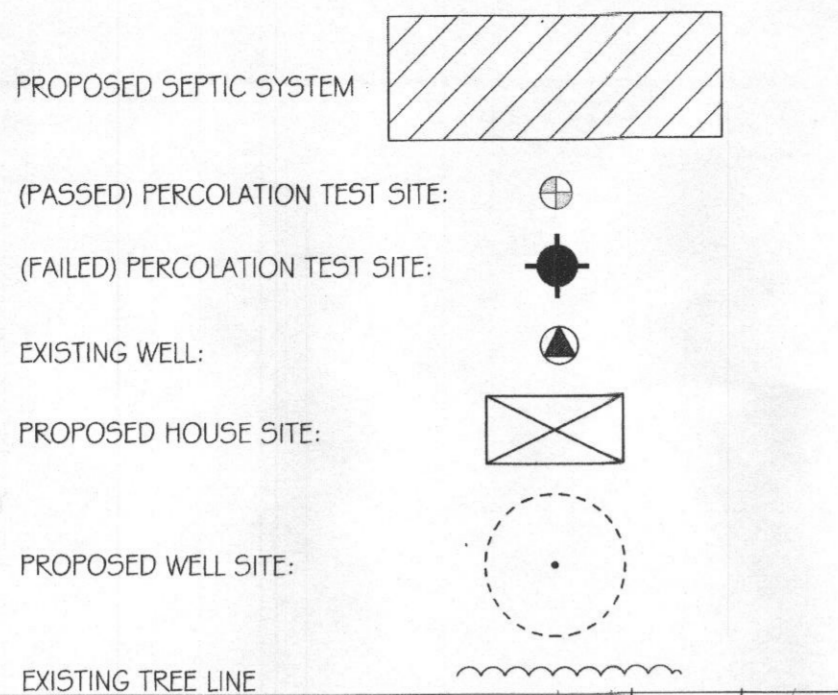




AREA TABULATION CHART

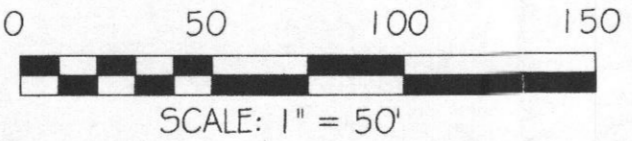
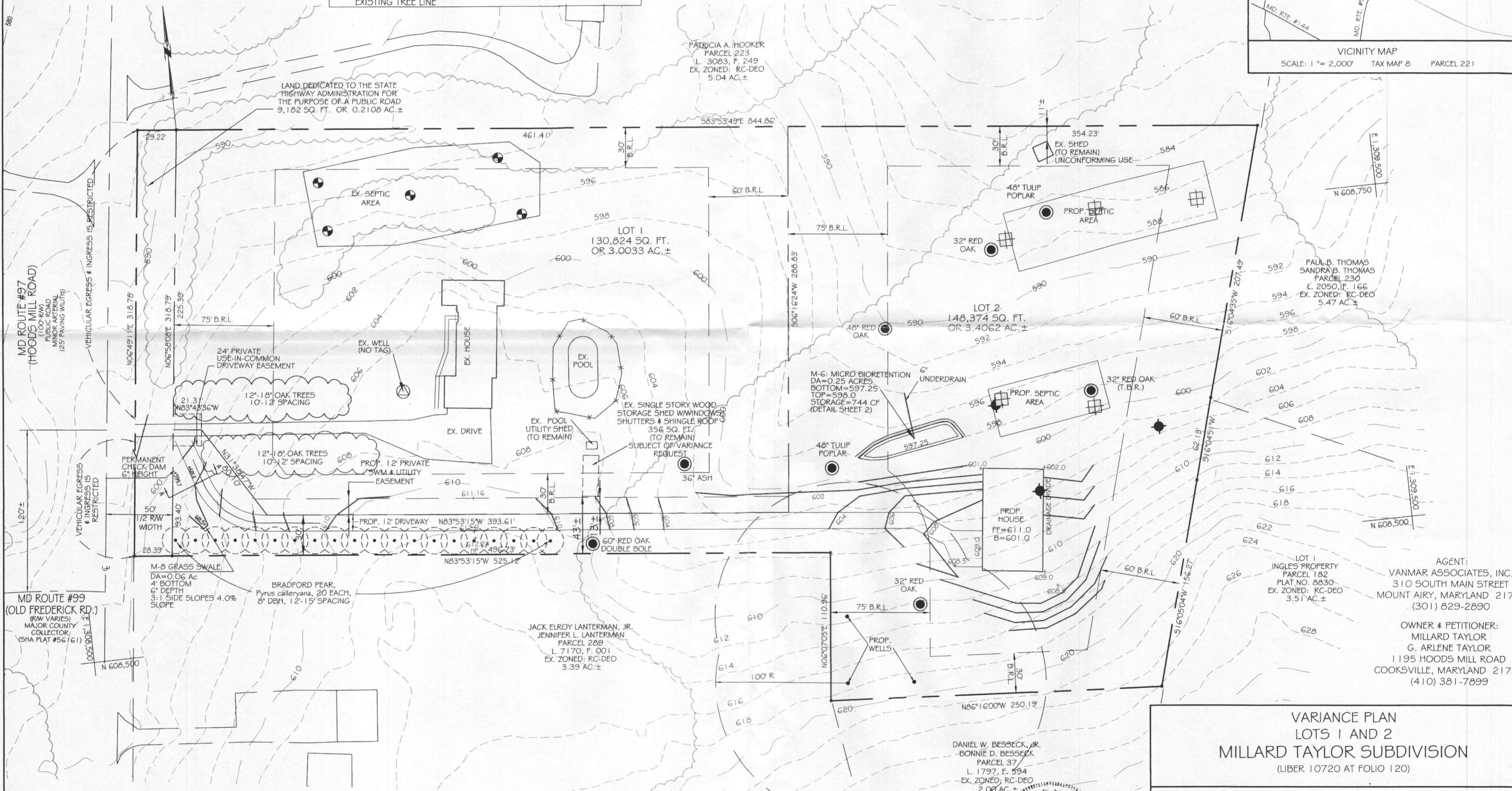
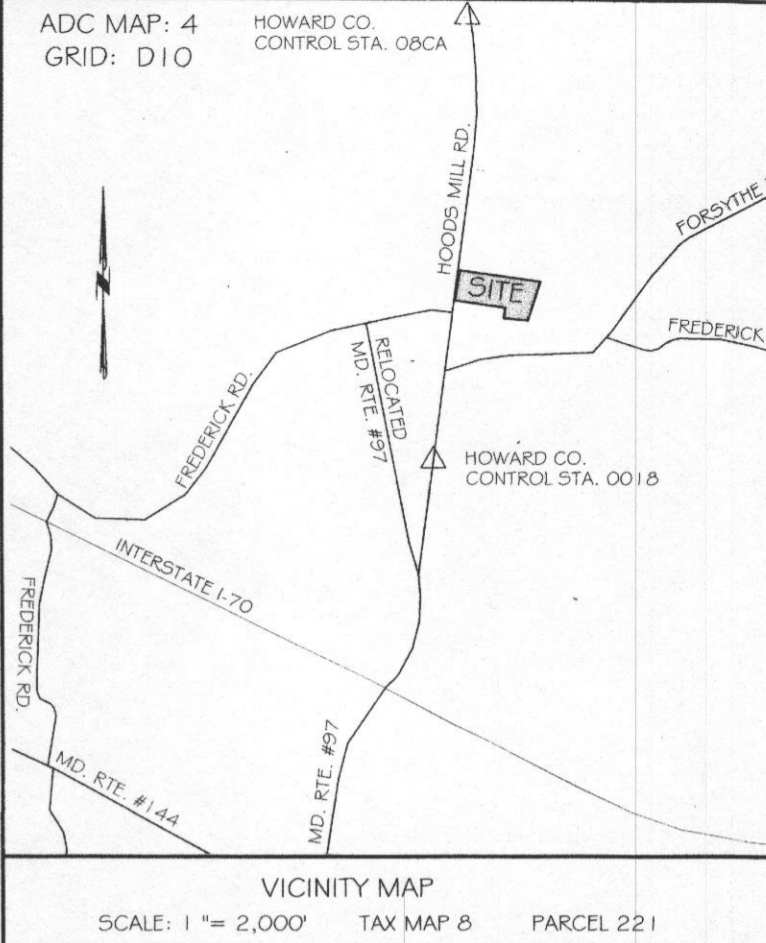
| | |
|---|--------------|
| a. Total number of lots and/or parcels to be recorded | 2 |
| • Buildable | 0 |
| • Non-Buildable | 0 |
| • Open Space | 0 |
| • Preservation Parcels | 0 |
| b. Total area of lots and/or Parcels | 6.4095 Ac. ± |
| • Buildable | 0 |
| • Non-Buildable | 0 |
| • Open Space | 0 |
| • Preservation Parcels | 0 |
| c. Total area of roadway to be recorded including widening strips | 0.2108 Ac. ± |
| d. Total area of subdivision to be recorded | 6.6203 Ac. ± |

LEGEND

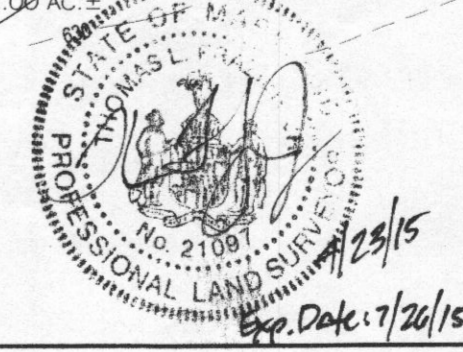


GENERAL NOTES:

- TAX MAP: 8; PARCEL: 221
- EXISTING ZONING: RC-DEO
- ELECTION DISTRICT: FOURTH
- EXISTING USES: RESIDENTIAL
- LOCATION OF COMMUNITY: COOKSVILLE / LISBON
- PROPOSED USES: RESIDENTIAL
- HEIGHT OF EXISTING STRUCTURES: SINGLE STORY
- THE PURPOSE OF THIS PLAN IS TO PETITION FOR A VARIANCE TO SECTION 104.0.E.4.a.3.c.1 WHICH REQUIRES A 30-FOOT SETBACK FOR ACCESSORY STRUCTURES GREATER THAN 200SF FROM THE SIDE LOT LINE. THE REQUEST IS TO ALLOW AN EXISTING ACCESSORY STRUCTURE TO REMAIN. DUE TO THE PROPOSED SUBDIVISION, THE DISTANCE OF THE SHED TO THE SIDE LOT LINE WILL BE REDUCED FROM 43- FEET TO 13- FEET. AS A CONDITION FOR APPROVAL OF THE PROPOSED SUBDIVISION, A VARIANCE MUST BE APPROVED FOR THE SHED.



APR 24 2015



VARIANCE PLAN
LOTS 1 AND 2
MILLARD TAYLOR SUBDIVISION
(LIBER 10720 AT FOLIO 120)

TAX MAP: 8
GRID NO: 11
PARCEL NO: 221

ELECTION DISTRICT: No. 4
HOWARD COUNTY, MARYLAND
EX. ZONING: RC-DEO

SCALE: 1" = 50'
DATE: APRIL, 2015
SHEET 1 OF 1

AGENT:
VANMAR ASSOCIATES, INC.
310 SOUTH MAIN STREET
MOUNT AIRY, MARYLAND 21771
(301) 829-2890

OWNER & PETITIONER:
MILLARD TAYLOR
G. ARLENE TAYLOR
1195 HOODS MILL ROAD
COOKSVILLE, MARYLAND 21723
(410) 381-7899

VANMAR ASSOCIATES, INC.
Engineers Surveyors Planners
310 South Main Street Mount Airy, Maryland 21771
(301) 829-2890 (301) 831-5015 (410) 549-2751
Fax (301) 831-5603 ©Copyright, Latest Date Shown
vanmar.com