


Bureau of Environmental Health
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: George Beisser, Chief
Division of Planning & Zoning Administration

FROM: Michael J Davis 
Director,
Well & Septic Programs

DATE: March 19, 2007

RE: Petition # BA07-003V

The Department of Health has no objection to the variance request. Please be advised that the existing well must be a minimum of 20 feet from the proposed pool.

MJD

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

Date: 2/20/07

Planning Board _____ Hearing Examiner 3/26/07
Board of Appeals _____ Zoning Board _____

Petition No. BA07-003V Map No. 41 Block 8 Parcel 274 Lot 13

Return Comments by 3/12/07 to Public Service and Zoning Administration

Location of Property: 7241 Preservation Court, Fulton, MD 20759

Applicant: Doug Parkinson, T/A Anthony Sylvan Pools

Applicant's Address: 7241 Preservation ct, Fulton

Owner: (if other than applicant) Susan Stasiewicz

Owner's Address: 7241 Preservation Ct.

Petition: See application

To:

- _____ Department of Education
- _____ 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
- _____ MD Dept. of Human Resources, Janice Burris
(Child Day Care)
- _____ Office on Aging, Betty Totaro (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)

COMMENTS:

07 JAN 30 AM 5:47

DPZ office use only:
Case No. <u>BA 07-003V</u>
Date Filed _____
Date Accepted _____
For Scheduling _____

**RESIDENTIAL DISTRICT VARIANCE PETITION
TO THE HOWARD COUNTY HEARING EXAMINER**

1. PETITIONER'S NAME Doug Parkinson
 TRADING AS (IF APPLICABLE) Anthony & Sylvan pools
 PHONE NO. (W) 443 812 5327 (H) 301 490 1919
 EMAIL D Parkinson @ anthony sylvan.com

2. COUNSEL FOR PETITIONER _____
 COUNSEL'S ADDRESS _____
 COUNSEL'S PHONE NO. _____
 EMAIL _____

3. PROPERTY IDENTIFICATION:
 ADDRESS OF SUBJECT PROPERTY 7241 Preservation Ct.
Fulton, md 20759
 TOTAL ACREAGE OF PROPERTY 40,002 SF
 ELECTION DISTRICT: 05 ZONING DISTRICT: _____
 TAX MAP # 41 GRID # 8 PARCEL # 274 LOT # 13
 SUBDIVISION NAME (if applicable): Pindell woods
 PLAT NUMBER AND DATE: 14923

4. PETITIONER'S INTEREST IN SUBJECT PROPERTY:
 OWNER (including joint ownership)
 OTHER (describe and give name and address of owner)
Swimming pool installers
Susan Starowicz - owner 7241 Preservation Ct. Fulton md
20759

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

6. VARIANCE REQUEST:

The undersigned hereby petition the Hearing Examiner for a variance from the requirement(s) of Section

105. E. 4b of the Zoning Regulations to: (describe) reduce the side yard setback for the swimming pool equipment from 10' to 6'

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, (x) topography, () other; explain: The left side of the yard was too severely sloped for the pool equipment.

2. The uniqueness of the property prevents me from making a reasonable use of the property because: of the existing trees in the back of the property and the slope of the backyard on the left side.

B.) The intended use of the property, in the event the petition is granted: Swimming pool equipment location to be next to air conditioning units.

C.) Any other factors which the Petitioner desires to have considered: The pool equipment was proposed to the left side of the yard until the Builder had to redrill and install a new well after the pool was started

D.) Explain why the requested variance is the minimum necessary to afford relief: This proposed location would involve the least amount of digging and trenching along with electrical lines being moved.

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: _____

6. VARIANCE REQUEST:

The undersigned hereby petition the Hearing Examiner for a variance from the requirement(s) of Section 105. E. 4b of the Zoning Regulations to: (describe) reduce the side yard setback for the swimming pool equipment from 10' to 6'

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, (x) topography, () other; explain: The left side of the yard was too severely sloped for the pool equipment

2. The uniqueness of the property prevents me from making a reasonable use of the property because: of the existing trees in the back of the property and the slope of the backyard on the left side.

B.) The intended use of the property, in the event the petition is granted: Swimming pool equipment location to be next to air conditioning units.

C.) Any other factors which the Petitioner desires to have considered: The pool equipment was proposed to the left side of the yard until the Builder had to redrill and install a new well after the pool was started

D.) Explain why the requested variance is the minimum necessary to afford relief: This proposed location would involve the least amount of digging and trenching along with electrical lines being moved.

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.): _____
N/A

J.) Describe the topography of the site: Back yard is sloped from left to right. (6' ± grade change)

K.) Will the existing or proposed structure be visible from adjacent properties? Y[✓]___N___; if yes, describe any proposed buffering or landscaping: Trees are planted to cover the equipment

L.) Describe any existing buffering or landscaping: Existing Trees have been planted along the property line.

7. **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 () 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.

8. 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:

**19 copies plus the original if the subject property adjoins a State road.
16 copies plus the original 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 Hearing Examiner 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 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 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.

9. 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.

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.

Doug Parkinson
Petitioners Name (please print)

Doug Parkinson 1/31/2007
Petitioner's Signature Date

Counsel's Name (please print)

Counsel's Signature Date

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

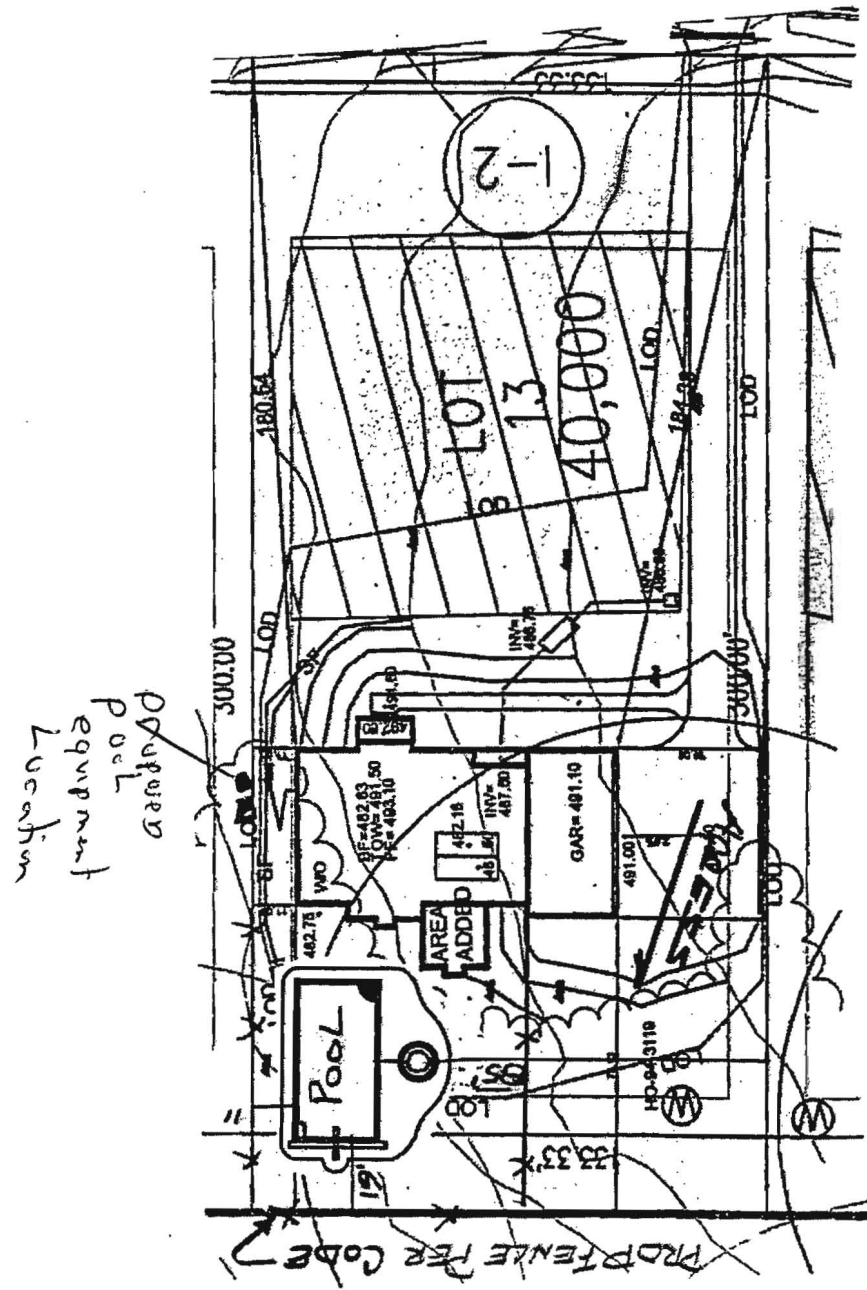
Hearing fee: \$ _____
Poster fee: \$ _____
TOTAL: \$ _____

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

County Website: www.co.ho.md.us



SCALE: 1"=50'



SITE PLAN