



Bureau of Environmental Health

8930 Stanford Boulevard, Columbia, MD 21045

Main: 410-313-2640 | Fax: 410-313-2648

TDD 410-313-2323 | Toll Free 1-866-313-6300

www.hchealth.org

Facebook: www.facebook.com/hocohealth

Twitter: [HowardCoHealthDep](https://twitter.com/HowardCoHealthDep)

Maura J. Rossman, M.D., Health Officer

MEMORANDUM

TO: Bob LaLush
Division of Zoning Administration and Public Service

FROM: Jeff Williams *JW*
Program Supervisor, Well & Septic Program
Bureau of Environmental Health

RE: **BA-15-040V**

DATE: January 29, 2016

The Health Department has reviewed the above referenced petition and has the following comment.

- The property is served by an onsite sewage disposal system. Health has no objection to the variance request. Please note, however, that Health will evaluate the location and use of the carriage house to determine if it is in conformance with the regulations governing onsite sewage disposal during building permit review. If the existing onsite sewage disposal system is not adequate to serve the proposed use, a replacement system utilizing Best Available Technology for nitrogen reduction may be required. The location of the structure must also meet the required setbacks to the sewage disposal area and system components.

JRL

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

Date: December 28, 2015

Hearing Examiner 2/22/16

Planning Board _____ Board of Appeals _____ Zoning Board _____

Petition No. BA 15-040V Map No. _____ Block _____ Parcel _____ Lot _____

Petitioner: Charles Kyler

Petitioner's Address: _____

Address of Property: _____

Return Comments by February 1, 2016 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
 - _____ Resource Conservation Division – Beth Burgess
 - _____ Route 1 Cases – DCCP – Dace Blaumanis
 - _____ Telecommunication Towers – Josh Levy (Comm. Dept.)

COMMENTS:
see memo



SIGNATURE



OCT - 7 2015

DPZ Office use only:	
CASE NO.	<u>BA 15-040V</u>
DATE FILED	<u>10/7/15</u>

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

1. VARIANCE REQUEST

SECTION 107.O.D.1.a(2) of the Zoning Regulations (describe) _____
structure(s) in excess of height limitation

2. PETITIONER'S NAME Charles Kyler

TRADING AS (IF APPLICABLE) _____

ADDRESS 3570 Sylvan Lane, Ellicott City MD 21043

PHONE NO. (W) 410-925-2410 (H) 410-750-7434

EMAIL kyler.iv@verizon.net

3. COUNSEL FOR PETITIONER _____

COUNSEL'S ADDRESS _____

COUNSEL'S PHONE NO. _____

EMAIL _____

4. PROPERTY IDENTIFICATION

ADDRESS OF SUBJECT PROPERTY 3570 Sylvan Lane, Ellicott City MD 21043

ELECTION DISTRICT 2-01 ZONING DISTRICT R-ED ACREAGE 2.62

TAX MAP # 25 GRID # 8 PARCEL # 242 LOT # _____

SUBDIVISION NAME (if applicable) _____

PLAT NUMBER AND DATE _____

5. 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.

**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: Historic nature of existing home and neighborhood.

2. The uniqueness of the property prevents me from making a reasonable use of the property because: Topography limits placement of accessory structures.

B) The intended use of the property, in the event the petition is granted:

Single Family Home with Playhouse, carriage house/garage and shed/workshop

C) Any other factors which the Petitioner desires to have considered: The historic setting of the site.

D) Explain why the requested variance is the minimum necessary to afford relief:

See Attachment 1

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.): _____

Single 10' wide, 180' long, asphalt driveway.

J) Describe the topography of the site: Ridge top surrounded by steep slopes.

K) Will the existing or proposed structure be visible from adjacent properties? Y__ N__; if yes, describe any proposed buffering or landscaping: The Playhouse have been standing for six years, can only be seen by next door neighbor in the winter. no additional buffering planned. Carriage house will be partially visible due to the topography. Only one adjacent property will be able to see the complete rear of the structure, in the winter, from the back/side of their home.

L) Describe any existing buffering or landscaping: none

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 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 (applics)~~
- 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

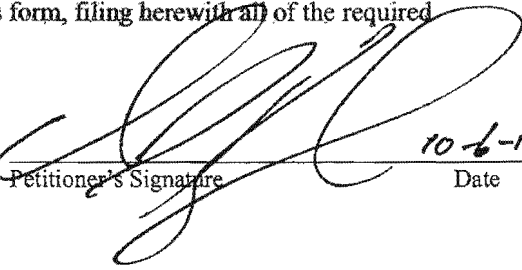
The Hearing Examiner may, at its discretion, refer a residential district variance petition to the Planning Board for review and a recommendation.

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.

CHARLES KYLER
Petitioners Name (please print)


Petitioner's Signature

10-6-15
Date

Counsel's Name (please print)

Counsel's Signature

Date

For DPZ office use only: (Filing fee is \$300.00 plus \$25.00 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: 07/12

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Attachement 1

Part D

Maximum height restrictions for accessory structures.

Existing playhouse -

As a building permit was/is not required for the structures size, I did not realize the height restriction applied until I received the the violation notification.

The playhouse was built over six years ago. After that, I built an addition and durring all the inspections, not a single inspector said anythig about it, including those that went inside the playhouse. But, ignoracne of the law is not an excuse.

The playhose has subsequently been approved by the Historic District Commission subject to obtaining a varience for the height. One of the Commissioners noted that in its setting, the playhouse is not out of proportion.

Carriage House/ Garrage -

The proposed Carriage House/Garrage design and sizing is in keeping with the historic nature of the home site and neighborhood.

While new homes would typically have a single story, attached garrage, a home of this nature would have had a detached multi-story carriage house.

Due to the typography of our proprty, the carriage house would be that of a bank barn style with the barn doors on the front, a hay loft above and an exposed foundation/lower stable to the rear.

The design matches that of a similar home in the neighborhood at 3565 Church Rd.

Per the Ellicott City Historic District Design Guidelines, Chapter 7. New Constuction: Additions, Porches and Outbuildings, Part C:

Construction of New Garages, Sheds and Other Outbuildings

Garages, sheds and other outbuildings exist in a variety of forms in Ellicott City. In residential neighborhoods with larger lots, many are unobtrusively located in a side or rear yard. In other areas, garages and other outbuildings are sometimes adjacent to a public road. Attached garages and carports are rare in the historic district. Most outbuildings in Ellicott City are of frame construction with painted wood siding. New garages and sheds should follow the historic pattern of being detached from the main building and, if practical, located in a side or rear yard. Outbuildings should be located adjacent to a public street or in a front yard only in neighborhoods where there is historic precedent. Carports are generally not appropriate.

1. Design and Location

- If allowed by the size and shape of the property, place new outbuildings to the side or rear of the main building, separated from the main building by a substantial setback.
- Do not place a new outbuilding where it blocks or obscures views of a historic building.
- Do not attach a new outbuilding to the principal building.
- Design outbuildings visible from a public way to be compatible in scale, form and detailing with historic structures and outbuildings in the neighborhood.
- Design outbuildings to be subordinate in size and detail to principal buildings in the immediate vicinity

At the presentation of the preliminary plans to the Historic District Commission, they noted that the design was completely in keeping with the nature of the area and complemented me on keeping with the historic nature of the home. The overall design has been approved by the Historic District Commission subject to obtaining a variance for the height and providing samples of foundation materials.

As the placement of the Carriage house is such that it is not visible from public roads while leaves are on the trees, and is only partially visible during the winter months, it will have little to no impact on any of the adjacent properties.

The hardship therefore, is being created by the limitation of height that would prevent the construction of an appropriate carriage house in keeping with the historic nature of the home/area.

As Per Zoning Regulation 103.0 Hearing Authority,
B.2.a.(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.

Maximume Outbuilding Square Footage Varience -

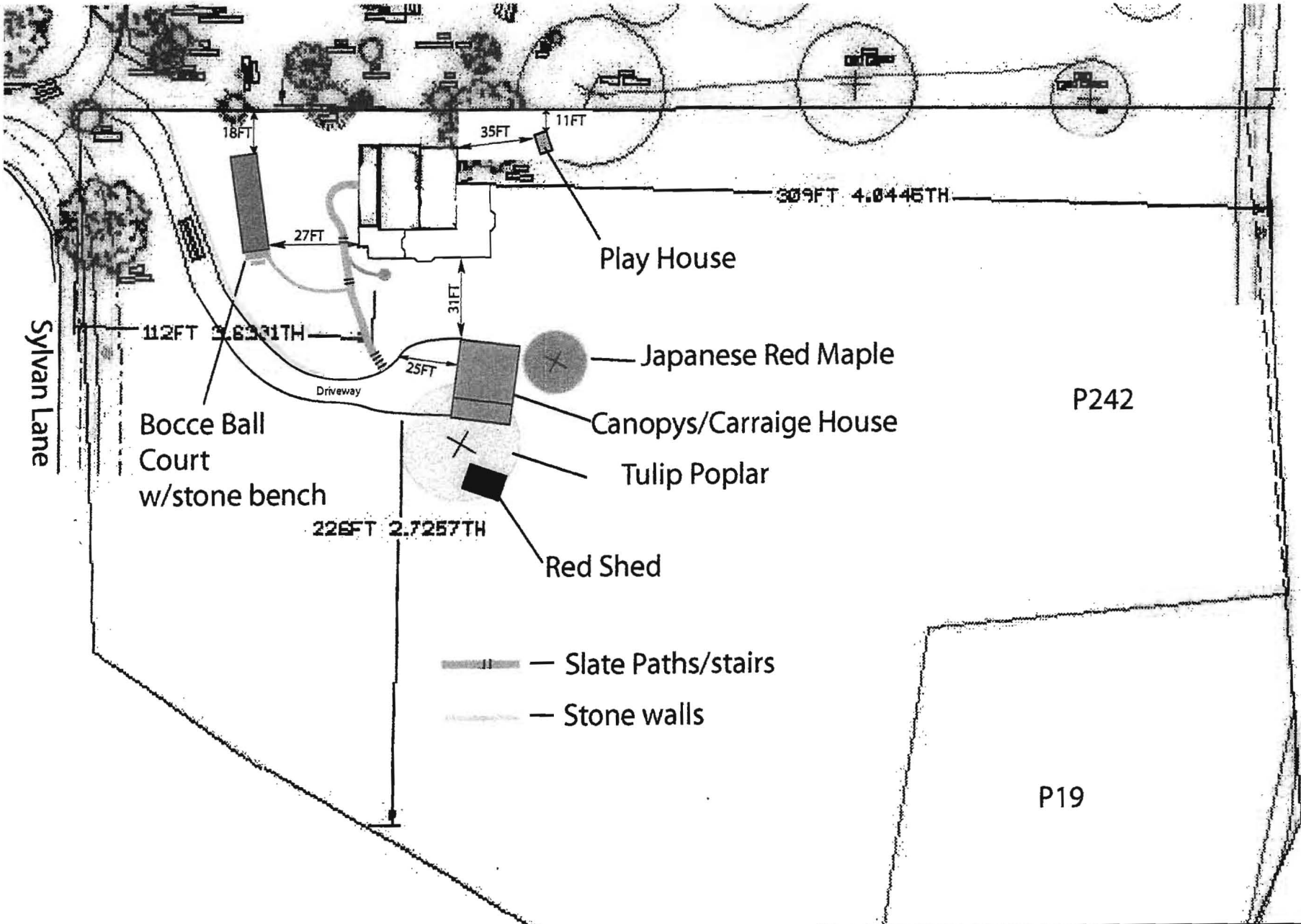
Per section **128.0 A 12 Supplementary Zoning District Regulations**

A "600 square feet for a lot in the planned public water and sewer service area." Limit for my propert. With the planned carriage house foundation of 24' x 24' yielding 576 sqr ft, the existing play house being 92 sqr ft, and the existing shed at 192 sqr ft, the new total will come to 760 sqr ft.

As our property is 2.6 acres and that the carriage house, shed and the play house will not be visible from any vantage point at one time, not even from my own home. Additionally, the Historic Distric commission has no objections to the additional structure.

I am requesting a variance of the limit.

SUCKER BRANCH



Sylvan Lane

Play House

Japanese Red Maple

Canopys/Carraige House

Tulip Poplar

Red Shed

P242

P19

— Slate Paths/stairs

— Stone walls

Kyler Residence
 3570 Sylvan Lane
 Ellicott City MD 21043

Parcel
 P242

May 10, 2015

not to scale

MAGNETIC
ASSUMED HORIZONTAL DA.

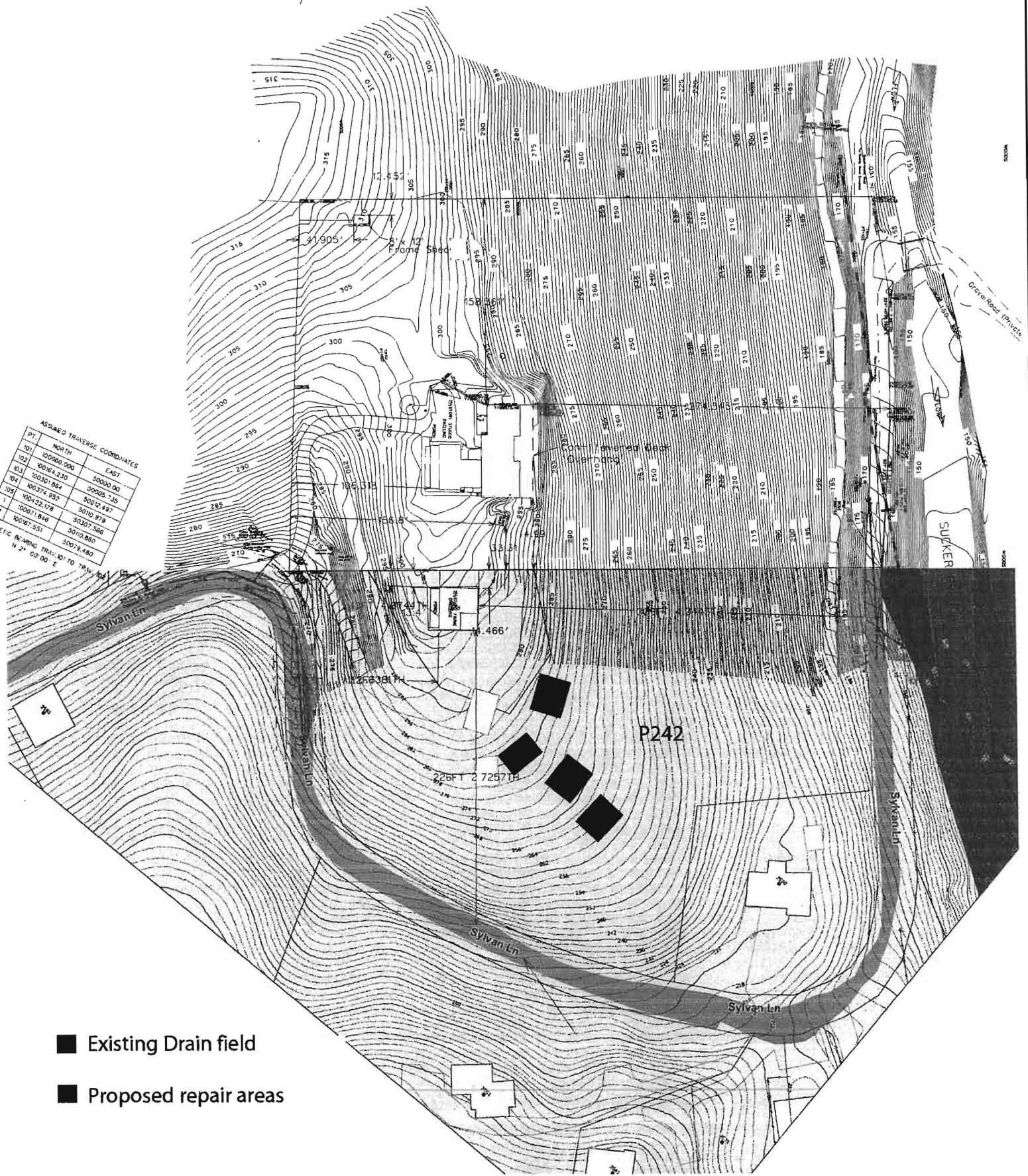
Proposed septic repair areas for 3570 Sylvan Lane Ellicott City MD 21043

Prepared by: Charles Kyler

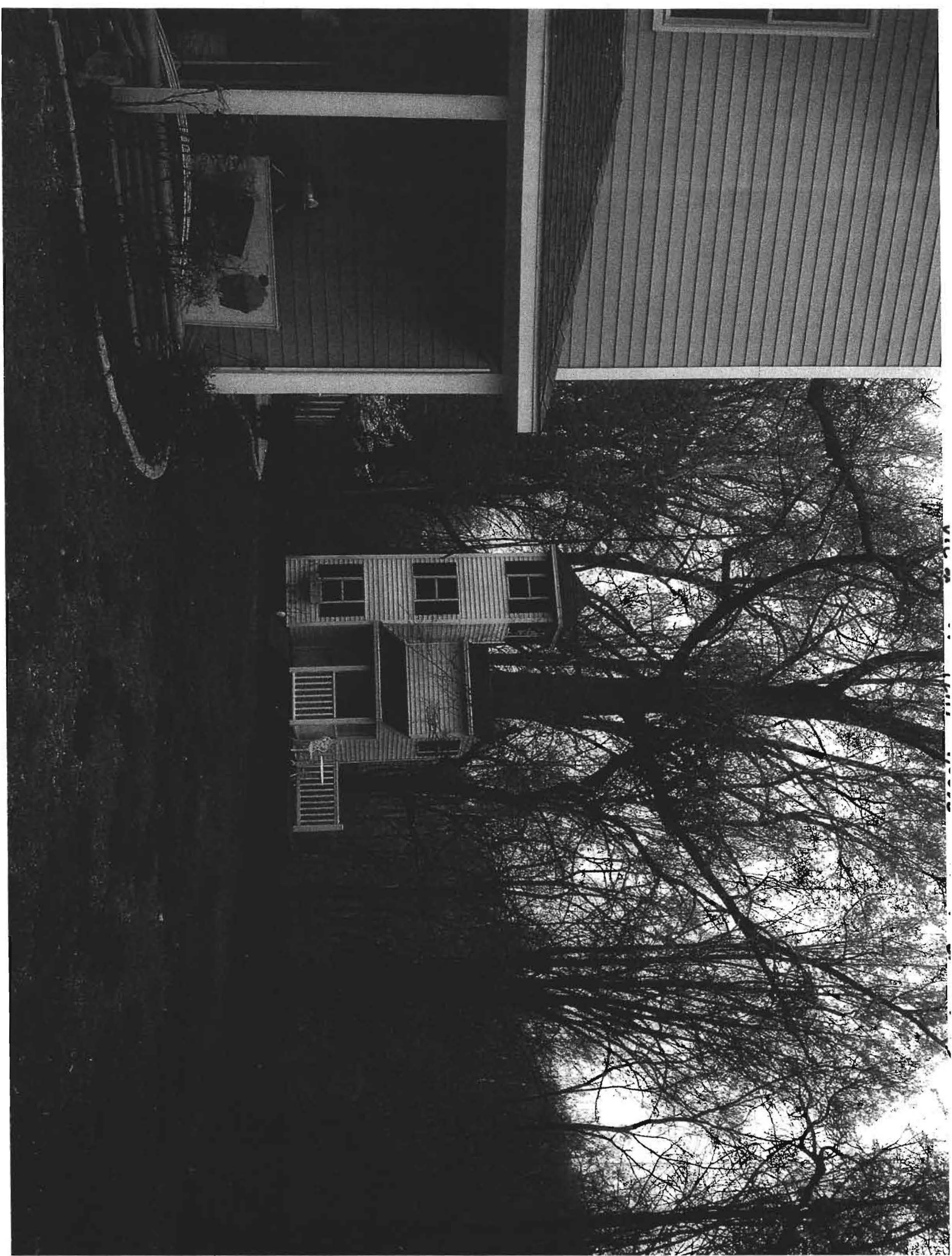
Date 8/29/09 Scale 1"=100'

ASSUMED TRAVERSE COORDINATES		
PT.	NORTH	EAST
101	500000.000	500000.000
102	500164.230	500000.000
103	500330.864	500005.735
104	500374.862	500012.497
105	500422.178	500017.978
1	500471.848	500021.586
2	500517.557	500024.860

MAGNETIC BEARING TRAVEL TO TRAVEL
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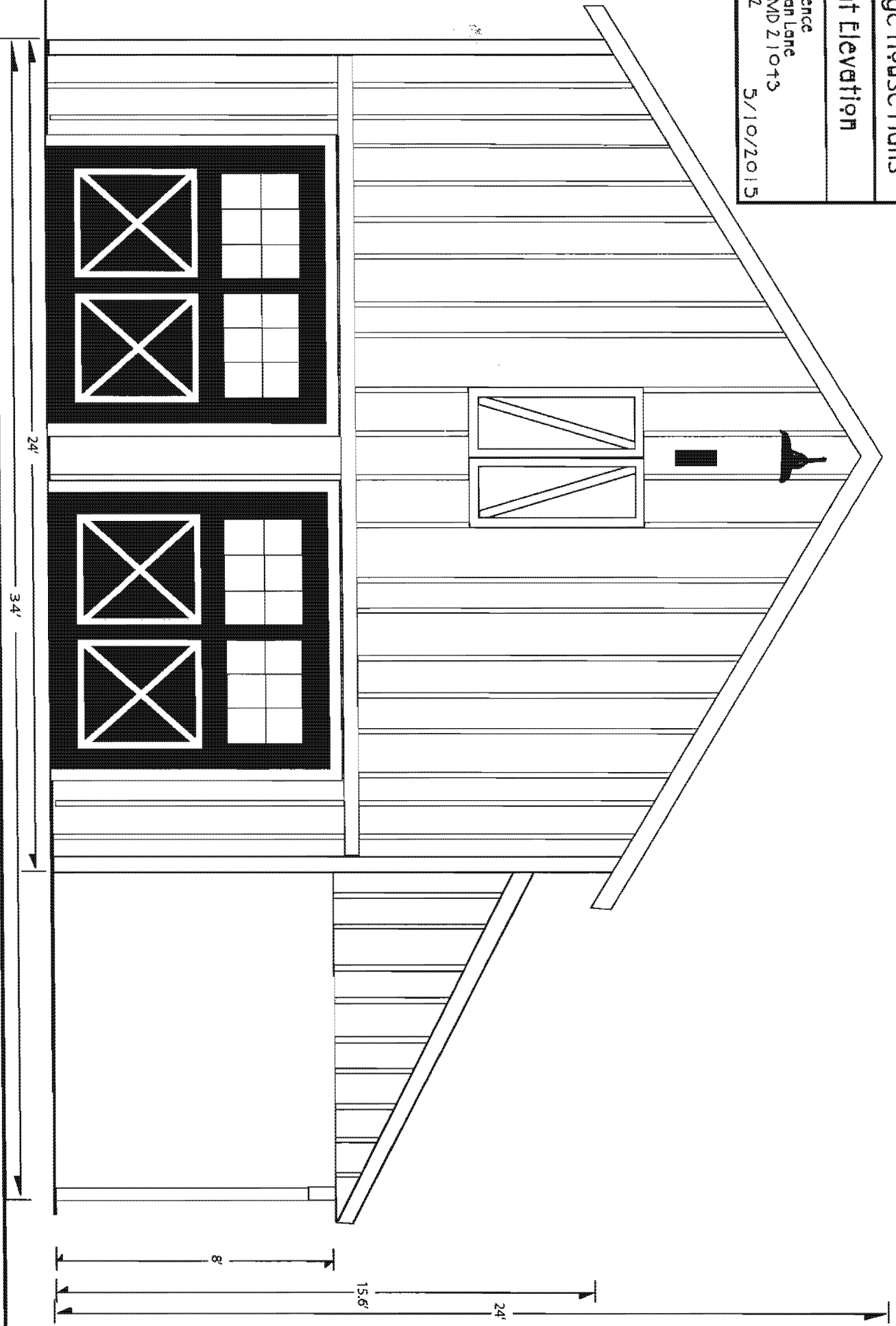
- Existing Drain field
- Proposed repair areas



Carriage House Plans

Front Elevation

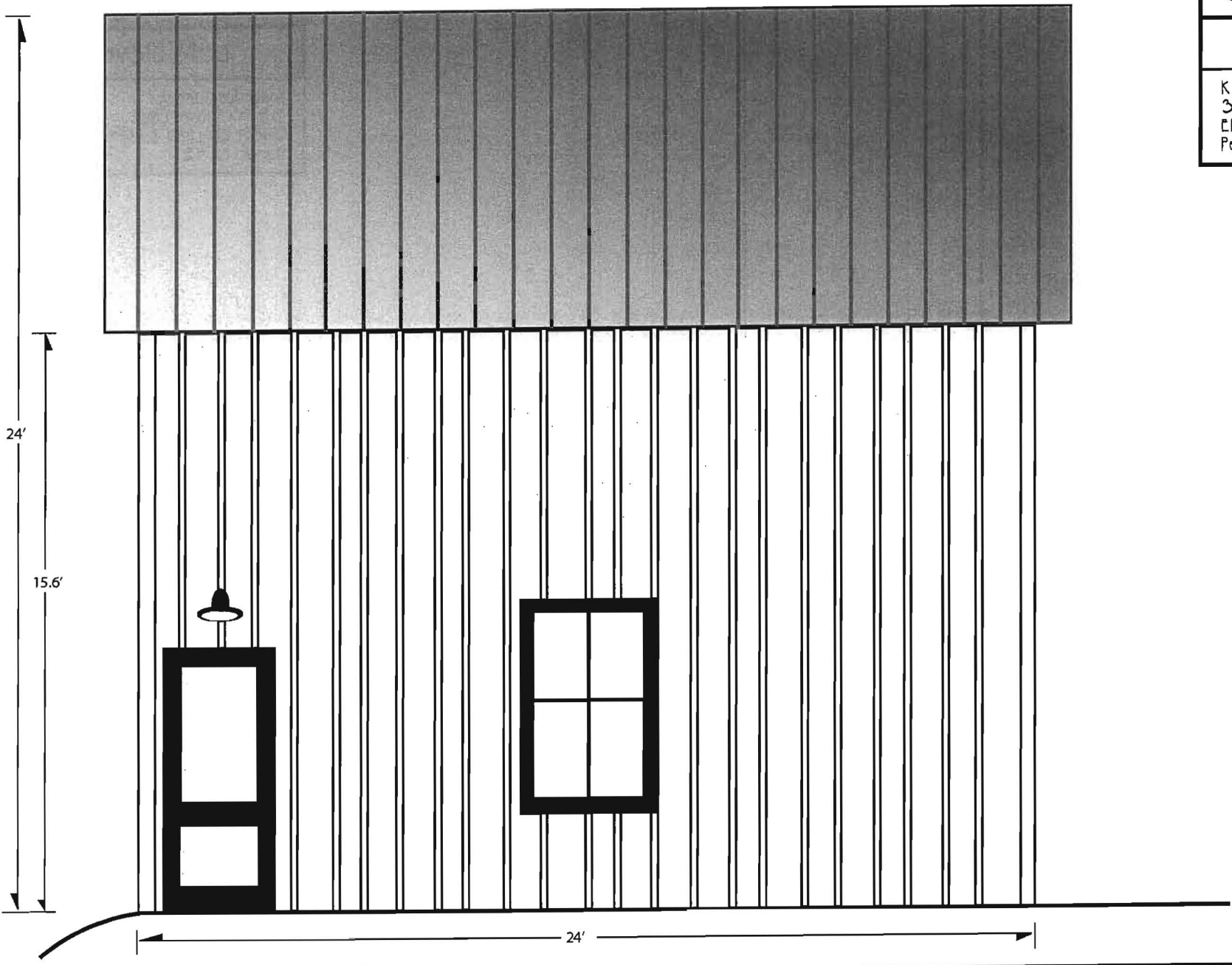
Kyller Residence
3570 Sylvan Lane
Ellicott City MD 21043
Parcel PZ 42
5/10/2015



Carriage House Plans

Left Elevation

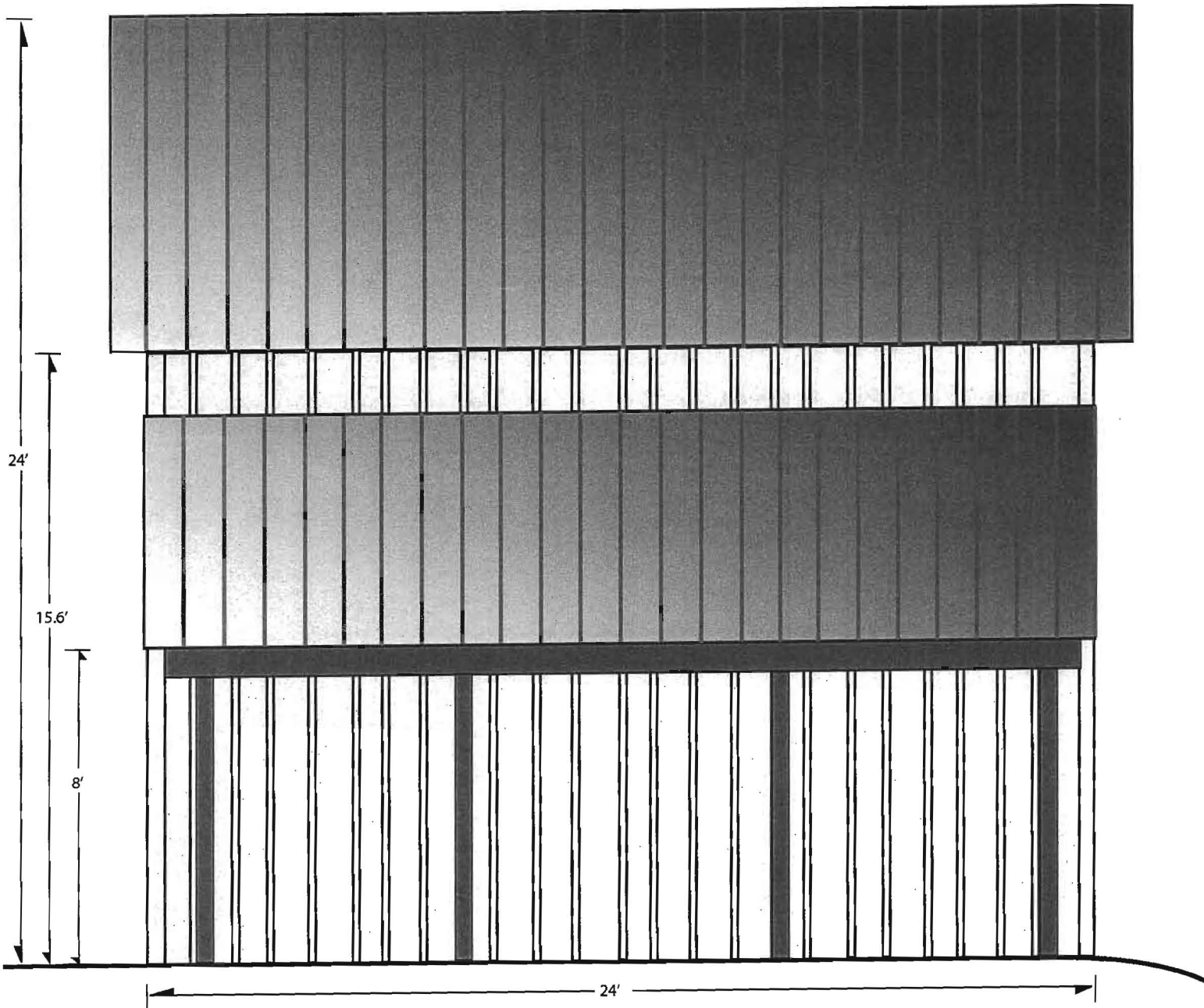
Kyler Residence
3570 Sylvan Lane
Ellicott City MD 21043
Parcel P2 12 5/10/201



Carriage House Plans

Right Elevation

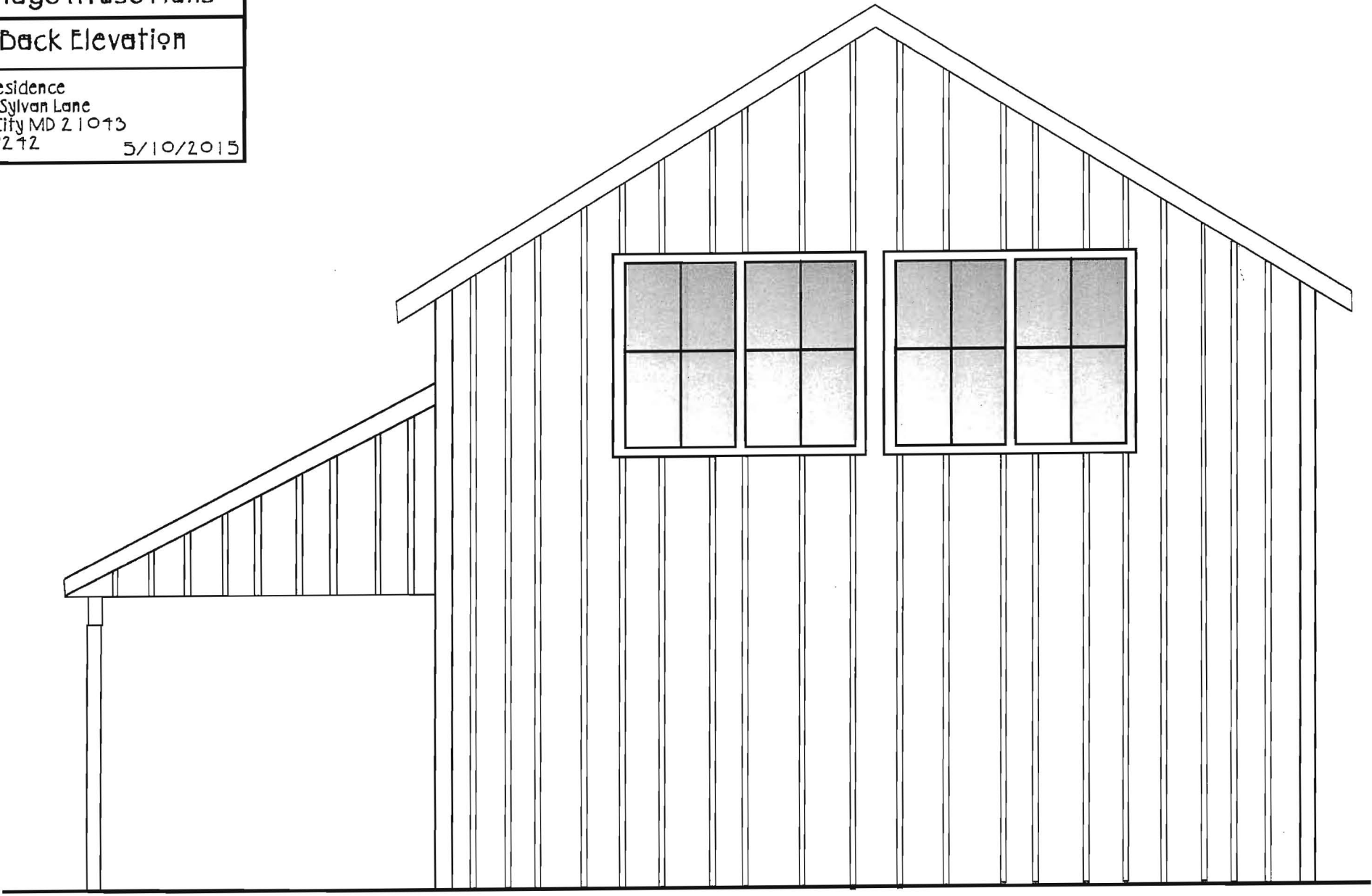
Kyler Residence
3570 Sylvan Lane
Ellicott City MD 21043
Parcel PZ 12 5/10/201

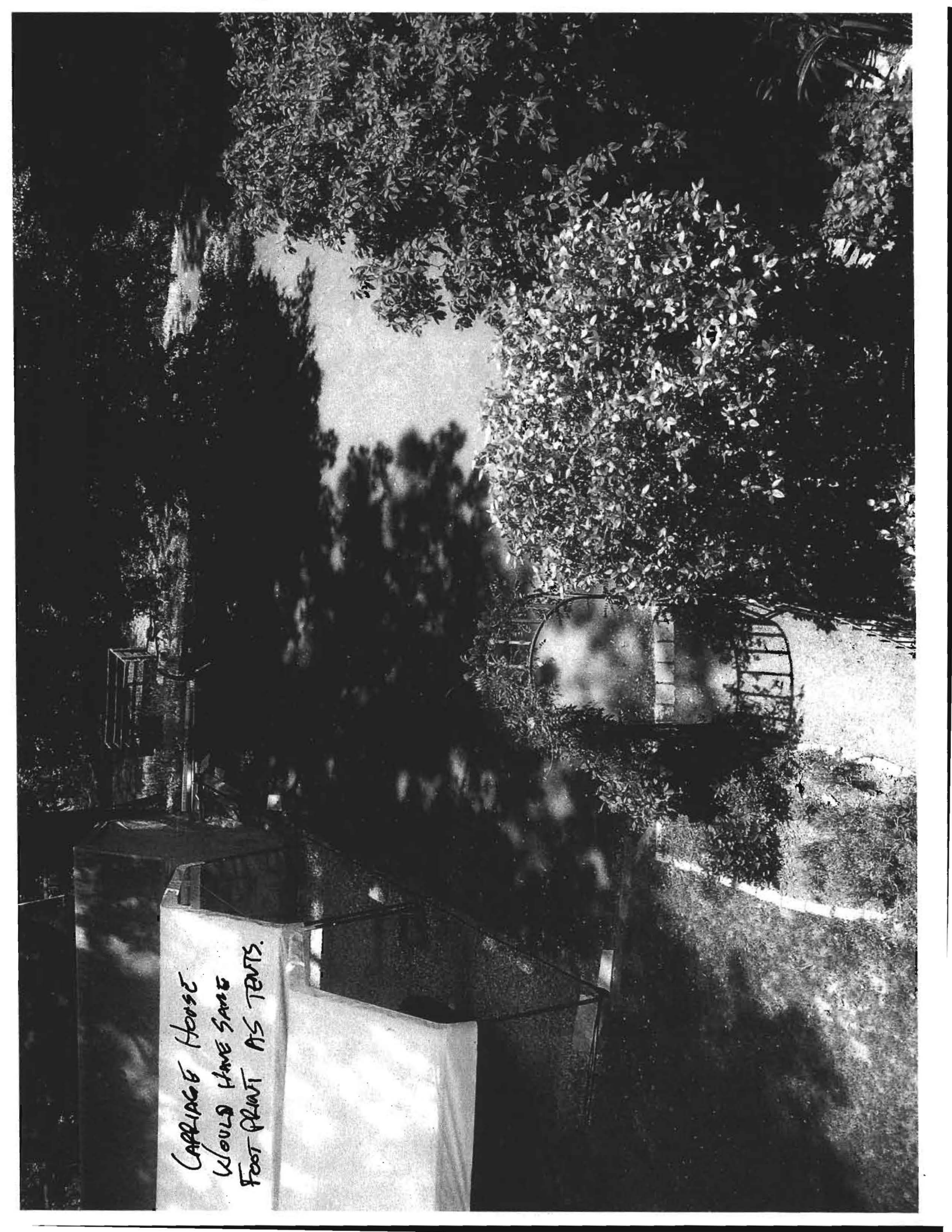


Carriage House Plans

Back Elevation

Kyler Residence
5570 Sylvan Lane
Ellicott City MD 21043
Parcel P2 12 5/10/2015

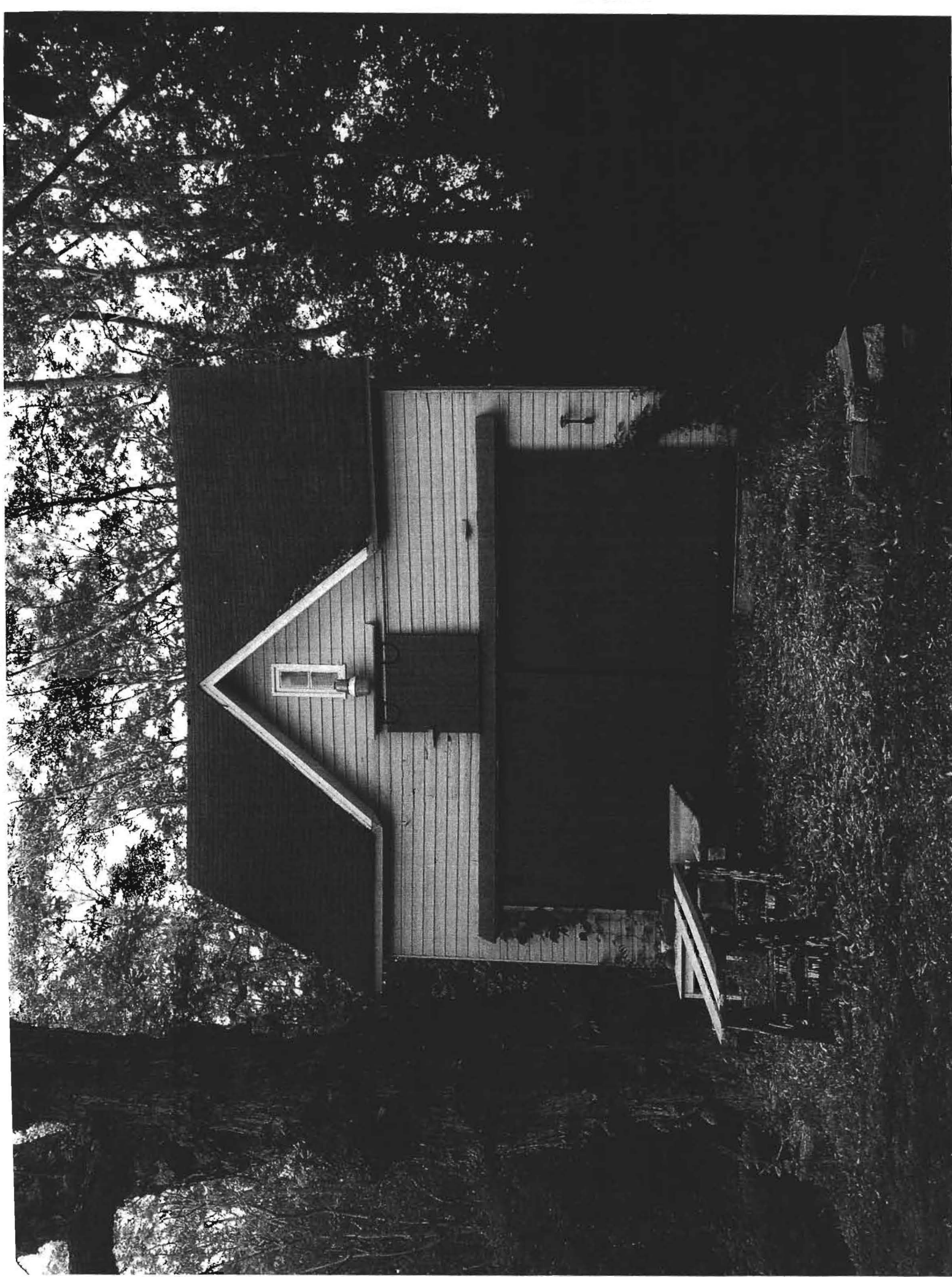


A black and white photograph of a garden path. In the foreground, a sign is attached to a metal railing. The sign has handwritten text. The path leads through a garden with various plants and trees. In the background, there are arched trellises and a building. The lighting is bright, creating strong shadows.

CARRIAGE HOUSE
WOULD HAVE SAME
FOOT PLANT AS TENTS.



11/20/2000 10:00 AM
11/20/2000



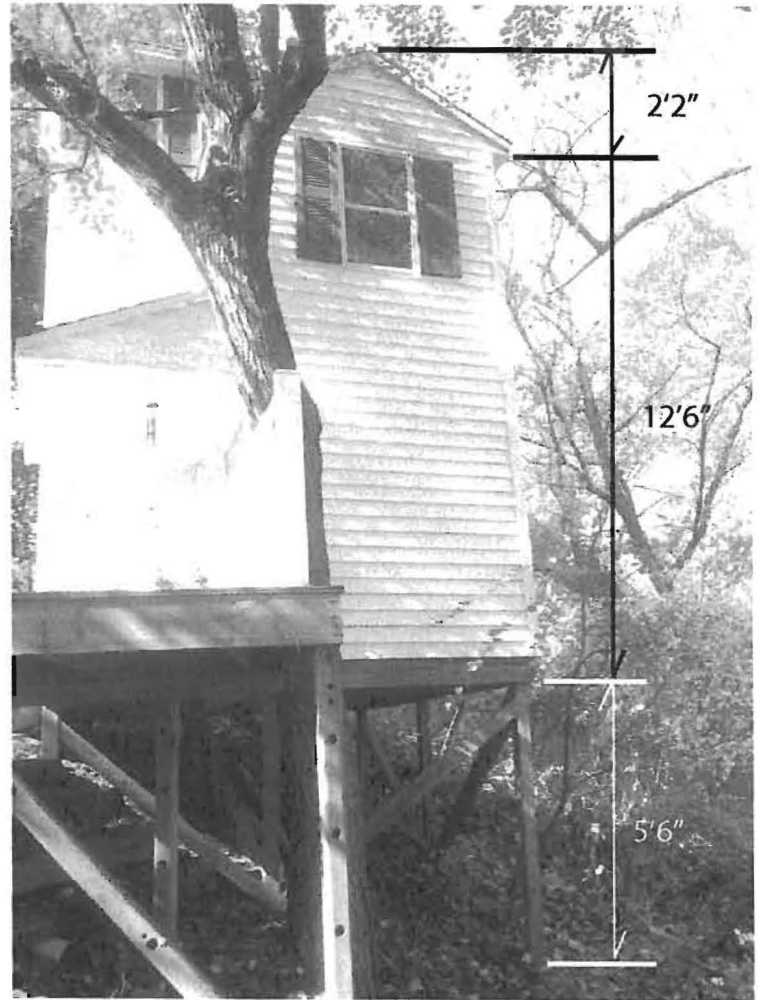
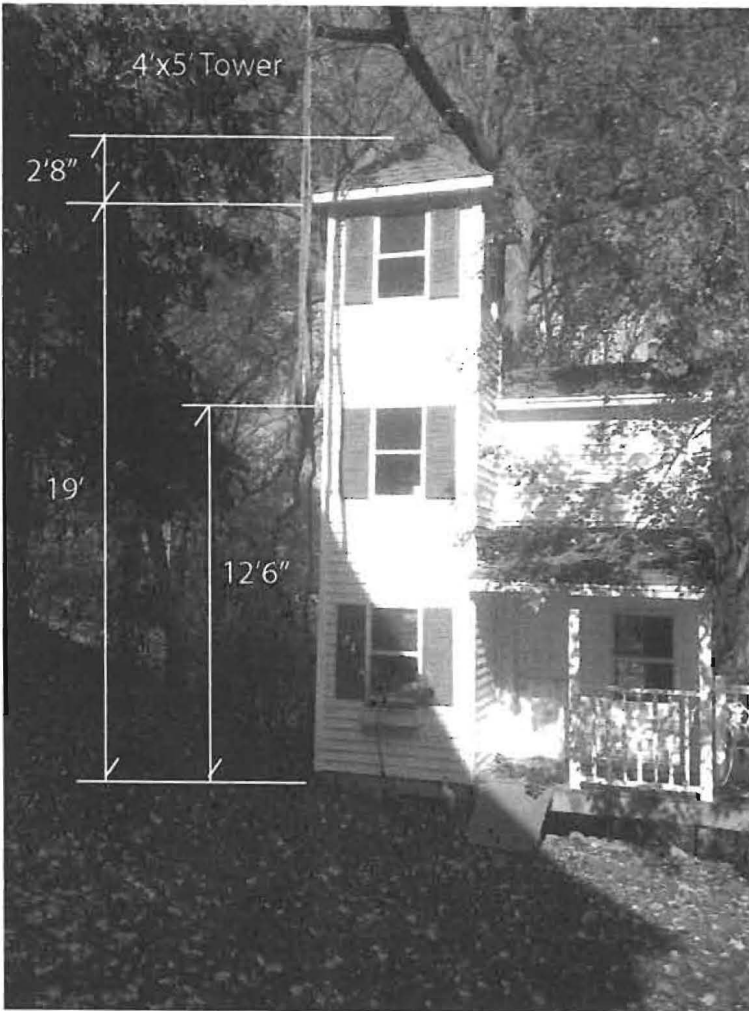
Example on Market Rd. #1

RANDOL D. 1942



EXAMPLES ON OLD COVERING PILES





Playhouse -

The main structure (less the 4'x5' tower) is 12'6" with a 2'2" gable, average height 13'7.

The pier foundation goes from 0" to 5'6", the average being 2'9"

That brings the average main structure to a an average height of 16' 3"

Including the tower, the structure rises to 19' with 2'8" roof, or an average of 20'4"+2'9" for a total of 23' 1"

NOV 5 2015



Carriage House -

The Carriage house structure will be 15'6" from ground to eve, and 8'6" eve to peak.

So 15'6"+4'3"= 19'9"

The foundation will covered everywhere except at the back where there will be a sub-level entrance, similar to a root cellar, with retaining walls on either side (see attachment).

The average height of the retaining walls will be 3'6".

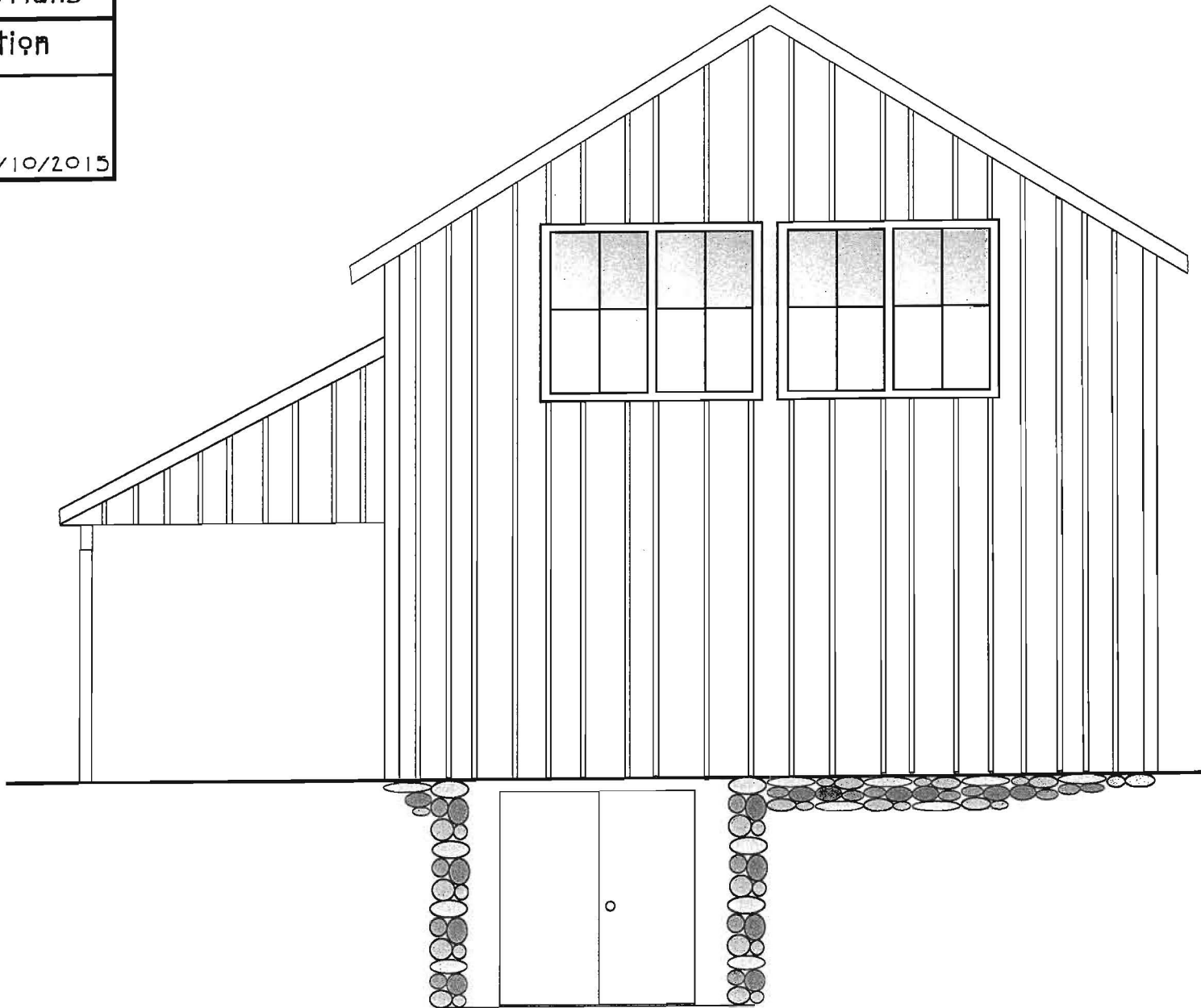
If the height of the back entrance is to be included, it wold bring the average height of the structure to 19'9"+3'6"= 23'3".

Carriage House Plans

Back Elevation

Kyler Residence
3570 Sylvan Lane
Ellicott City MD 21043
Parcel PZ 42

5/10/2015



Carriage House Plans

Left Elevation section

Kyler Residence
3570 Sylvan Lane
Ellicott City MD 21043
Parcel P212 5/10/201

