



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: Geoff Goins
Division of Zoning Administration and Public Service

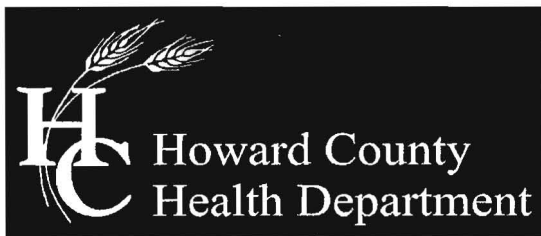
FROM: Jeff Williams
Program Supervisor, Well & Septic Program
Bureau of Environmental Health

RE: **BA-16-005V**

DATE: November 4, 2016

The Health Department commented on the above referenced petition in a memo dated August 3, 2016 based on information in the petition that the property was connected to public water and sewer. Since that time, it was discovered that the property is served by private onsite well and sewage system. With that new information, the following are Health Department revised comments for the petition:

- There is no objection to the variance. The Health Department will review any building permit for a deck to determine that it meets all applicable setbacks to wells and sewage disposal system components. The deck as shown on the petition exhibit meets those setbacks. Additionally, a recent site visit identified that the existing well cap is a loose one-piece cap. Prior to Health Department approval of a building permit, a two-piece cap must be securely fastened to the well.



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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-16-005V**

DATE: August 3, 2016

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

- There is no objection to the variance, however the petition indicates that the property is served by public water and sewer yet the variance plan shows a well, septic tank, and sewage disposal area on the property. All existing wells and sewage disposal system components remaining on the property must be properly abandoned with documentation submitted to the Health Department prior to Health approval of any building permit.

JRL

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

Date: July 20, 2016

Hearing Examiner 09/22/16

Planning Board _____ Board of Appeals _____ Zoning Board _____

Petition No. BA-16-005 V Map No. _____ Block _____ Parcel _____ Lot _____

Petitioner: _____ Jack & Diane Parzow _____

Petitioner's Address: _____

Address of Property: _____

Return Comments by September 5, 2016 to Public Service and Zoning Administration

Owner: (if other than applicant) _____

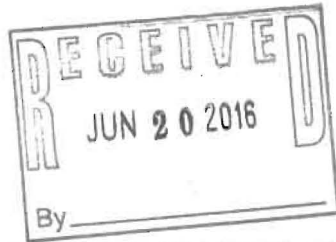
Owner's Address: _____

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



DPZ Office use only:	
CASE NO.	<u>BA 16-005V</u>
DATE FILED	<u>6/20/16</u>

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

1. VARIANCE REQUEST

SECTIONS 106.0.D & 128.0.A.12 of the Zoning Regulations 1) Reduce the 50' front structure and use setback from a public street right-of-way to 22.5' for a front porch; 2) Reduce the 50' front structure and use setback from a public street right-of-way to -0.85' for a garbage container shed; 3) Reduce the 10' side structure and use setback to 0' for a deck; 4) Reduce the 10' rear accessory structure setback to 6.7' for a barn; and 5) Increase the maximum cumulative lot coverage permitted for accessory structures on a residential lot from 600 square feet to 1,153 square feet to accommodate a barn & garbage container shed.

2. PETITIONER'S NAME Jack & Diane Parzow

TRADING AS (IF APPLICABLE) _____

ADDRESS 11401 Harding Road, Laurel, Maryland 20723

PHONE NO. (W) 443-995-8522 (H) _____

EMAIL parzowhouse123@gmail.com

3. COUNSEL FOR PETITIONER Thomas G. Coale

COUNSEL'S ADDRESS 5100 Dorsey Hall Drive, Ellicott City, Maryland 21042

COUNSEL'S PHONE NO. 410-964-0300

EMAIL tcoale@talkin-oh.com

4. PROPERTY IDENTIFICATION

ADDRESS OF SUBJECT PROPERTY 11401 Harding Road, Laurel, Maryland 20723

ELECTION DISTRICT 6th ZONING DISTRICT R-20 ACREAGE 0.968

TAX MAP # 46 GRID # 15 PARCEL # 73 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.

REVISED

**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, (X) shape, () topography, (X) other; explain: See attached Supplemental Statement

2. The uniqueness of the property prevents me from making a reasonable use of the property because: See attached Supplemental Statement

B) The intended use of the property, in the event the petition is granted: See attached Supplemental Statement

C) Any other factors which the Petitioner desires to have considered: See attached Supplemental Statement

D) Explain why the requested variance is the minimum necessary to afford relief: See attached Supplemental Statement

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.):
The Property is serviced by a driveway with frontage on Harding Road.
-
- J) Describe the topography of the site: Property is mostly flat.
-
- K) Will the existing or proposed structure be visible from adjacent properties? Y N; if yes, describe any proposed buffering or landscaping: Petitioners have constructed a fence along the eastern Property line that connects to their rear deck. There is existing landscaping between Petitioners' barn and the adjoining parcel to the west. There is a hedgerow between the Property and Howard County open space to the rear of the Property.
-
- L) Describe any existing buffering or landscaping: See above.
-

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 (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.

Diane Parzow / Jack Parzow
Petitioners Name (please print)

Diane Parzow / Jack Parzow 6/17/16
Petitioner's Signature Date

Thomas G. Cook
Counsel's Name (please print)

Thomas G. Cook 6/20/16
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

T:\shared\PubSer\Applications\ResVar

PETITIONER Jack & Diane Parzow

PROPERTY ADDRESS 11401 Harding Rd., Laurel, Maryland 20723

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.

Diane Parzow
Witness

Jack Parzow 6-17-16
Signature Date

Jack Parzow
Witness

[Signature] 6/17/16
Signature Date

Witness

Signature Date

HOW A REQUEST FOR A VARIANCE IS EVALUATED

All requests for variances are evaluated based upon the following criteria of Section 130.B.2.a.(1) through (5) of the Howard County Zoning Regulations:

- (1) That there are unique physical conditions, including irregularity, narrowness or shallowness of lot or shape, exceptional topography or other existing features peculiar to the particular lot; and that as a result of such unique physical conditions, practical difficulties or unnecessary hardships arise in complying strictly with the bulk provisions of these regulations.
- (2) That the variance, if granted, will not alter the essential character of the neighborhood or district in which the lot is located; will not substantially impair the appropriate use or development of adjacent property; and will not be detrimental to the public welfare.
- (3) That such practical difficulties or hardships have not been created by the owner provided, however, that where all other required findings are made, the purchase of a lot subject to the restrictions sought to be varied shall not itself constitute a self-created hardship.
- (4) That within the intent and purpose of these regulations, the variance, if granted, is the minimum variance necessary to afford relief.
- (5) That no variance be granted to the minimum criteria established in Section 131 for special exception uses, except where specifically provided therein or in an historic district. Nothing herein shall be construed to prevent the granting of variances in any zoning district other than to the minimum criteria established in Section 131 except as provided therein.

To be approved, a variance request must comply with all of the criteria noted above. For a general explanation of what the criteria mean from a legal standpoint and how they are viewed by the Hearing Examiner, please read the attached Variances: The Exception to the Zoning Rule.

For an explanation of the official procedures that are followed in the processing, hearing and decision-making of a variance request, you may obtain a copy of the Rules of Procedure of the Hearing Examiner from the Department of Planning and Zoning.

IN RE: * BEFORE THE
 *
 JACK & DIANE PARZOW * HOWARD COUNTY
 *
 REQUEST FOR * HEARING EXAMINER
 RESIDENTIAL VARIANCE *
 * BA _____
 *

***** **

SUPPLEMENT TO RESIDENTIAL DISTRICT VARIANCE PETITION

Statement of Variances Requested:

Given the unique physical conditions of the subject property (the "Property"), this petition seeks the approval of variances from Section 108.0.D of the Zoning Regulations to:

- 1) Reduce the 50' front structure and use setback from a public street right-of-way to 22.5' for a front porch.
- 2) Reduce the 50' front structure and use setback from a public street right-of-way to -0.85' for a garbage container shed.
- 3) Reduce the 10' side structure and use setback to 0' for a deck.
- 4) Reduce the 10' rear accessory structure setback to 6.7' for a barn.

Petitioners also seek a variance from Section 128.0.A.12 of the Zoning Regulations to:

- 5) Increase the maximum cumulative lot coverage permitted for accessory structures on a residential lot from 600 square feet to 1,153 square feet to accommodate a barn and garbage container shed.

7(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 shape and other reason; explain:

The Property is unique in four ways. First, the Property is unique in that a 30' prescriptive right-of-way intersects the front portion of Petitioners' land. Petitioners still own the property underneath the road and a sliver of land on the other side, yet the setback must be drawn from the edge of the right-of-way. This renders a significant portion (over 70') of Petitioners' Property unusable.

Second, the eastern Property line cuts in directly behind the Petitioners' house on the southeast corner. While the property lines for the surrounding residential parcels are straight, the line between these two parcels cuts in at approximately 90 degrees behind the house into the space that would ordinarily be used for a reasonably sized deck. As a result, the setback renders the area directly behind Petitioners' house unusable.

Third, in approximately 2003, Petitioners built a barn to house horses on their Property. Due to the fact that this was an agricultural structure, Petitioners did not require a building permit to construct the barn. Petitioners utilized a fence and hedgerow to the rear of the Property as a reference point for the rear property line when determining where the barn could be built. Upon removal of the fence, Petitioners have learned that the fence was actually 10-15 feet further back from the Property and the rear property line was much closer than it was earlier understood to be. Had this not been an agricultural structure, and Petitioners were required to obtain a building permit, they would have been notified of their error. While this barn is no longer used for agricultural purposes, the past use and resulting error with regard to the rear property line is a unique characteristic of the Property that has created practical difficulties in complying with the rear setback.

Finally, Petitioners have a number of accessory structures on the Property, including a 100 sf rear shed that will be incorporated into their house. While structures are not generally considered physical conditions, the total square footage of the existing structures on the Property are greater in square footage than the 1,125 sf barn and 28 sf garbage container shed that Petitioners wish to retain on site. The Hearing Examiner has previously recognized such conditions as unique physical characteristics of the Property that operate to create practical difficulties in complying with the bulk regulations. See In the Matter of Timmy Martins, BA Case No. 15-011V at 5-6; In the Matter of William E. Atkins, BA Case No. 14-034V at 4.

(2) The uniqueness of the property prevents me from making a reasonable use of the property because:

As noted above, the fact that a prescriptive right-of-way runs across the front of Petitioners' Property forecloses any reasonable use of the front portion of the parcel. Setbacks from the right-of-way completely preclude the use of Petitioners' Property on the other side of the right-of-way and drastically reduce their ability to provide any reasonable sized structures on their front yard.

The unusual eastern property line, and the fact that it cuts in directly behind Petitioners' house, prevents Petitioners from installing a deck that connects to their rear patio door. Petitioners have constructed a reasonable sized deck that abuts the eastern property line that they wish to retain upon the granting of the requested variance.

The unique circumstance in which a fence that was once understood to be the rear property line ended up not being so prompted Petitioners to build a barn that would now need to be demolished if the rear setback were strictly enforced. Petitioners' barn is not

close to any structures on adjacent properties. The property to the rear of Petitioners' Property is maintained as Howard County open space. As such, this is a reasonable location for the barn, despite the need for a variance.

Finally, while the barn is larger than allowed by right, the size is commensurate with the use and with other approved lot coverage variances cited above. The barn is well-designed and far exceeds the appearance of the majority of detached barns or garages that have come before the Hearing Examiner. Furthermore, this barn was constructed in approximately 2004, prior to fixed size limits on accessory structures.

Additional arguments may be set forth at the hearing on this matter.

7(C). Any other factors which the Petitioner desires to have considered:

Granting these requested variances would not alter the essential character of the neighborhood, would not substantially impair the appropriate use and development of adjacent properties, and would not be detrimental to the public welfare. The Property backs up to Howard County open space. It is unlikely that allowing the requested variances would have any noticeable effect on neighboring properties.

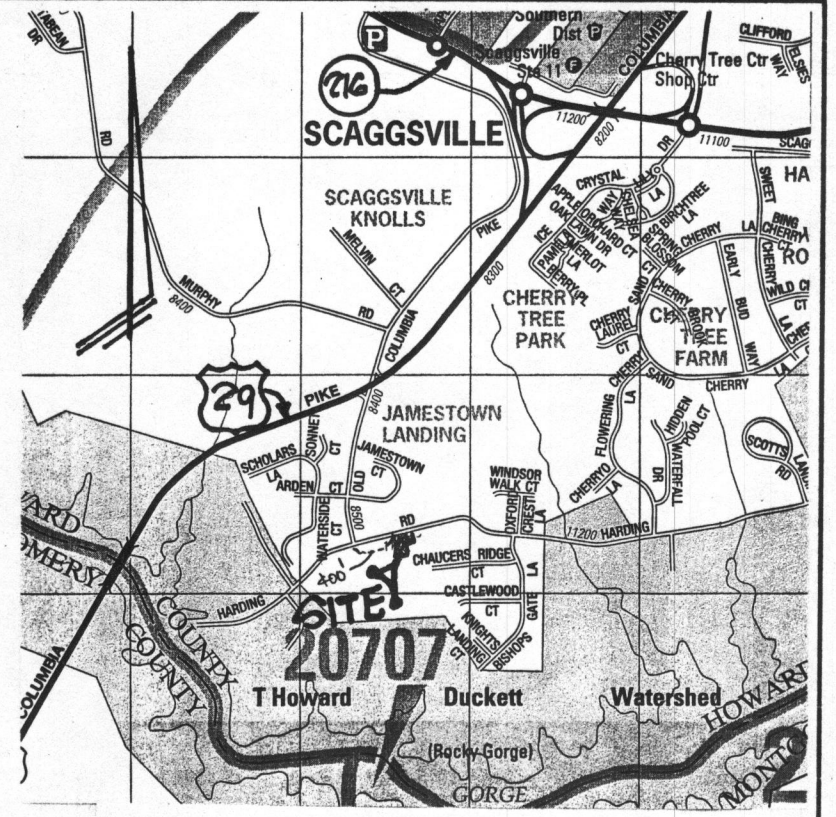
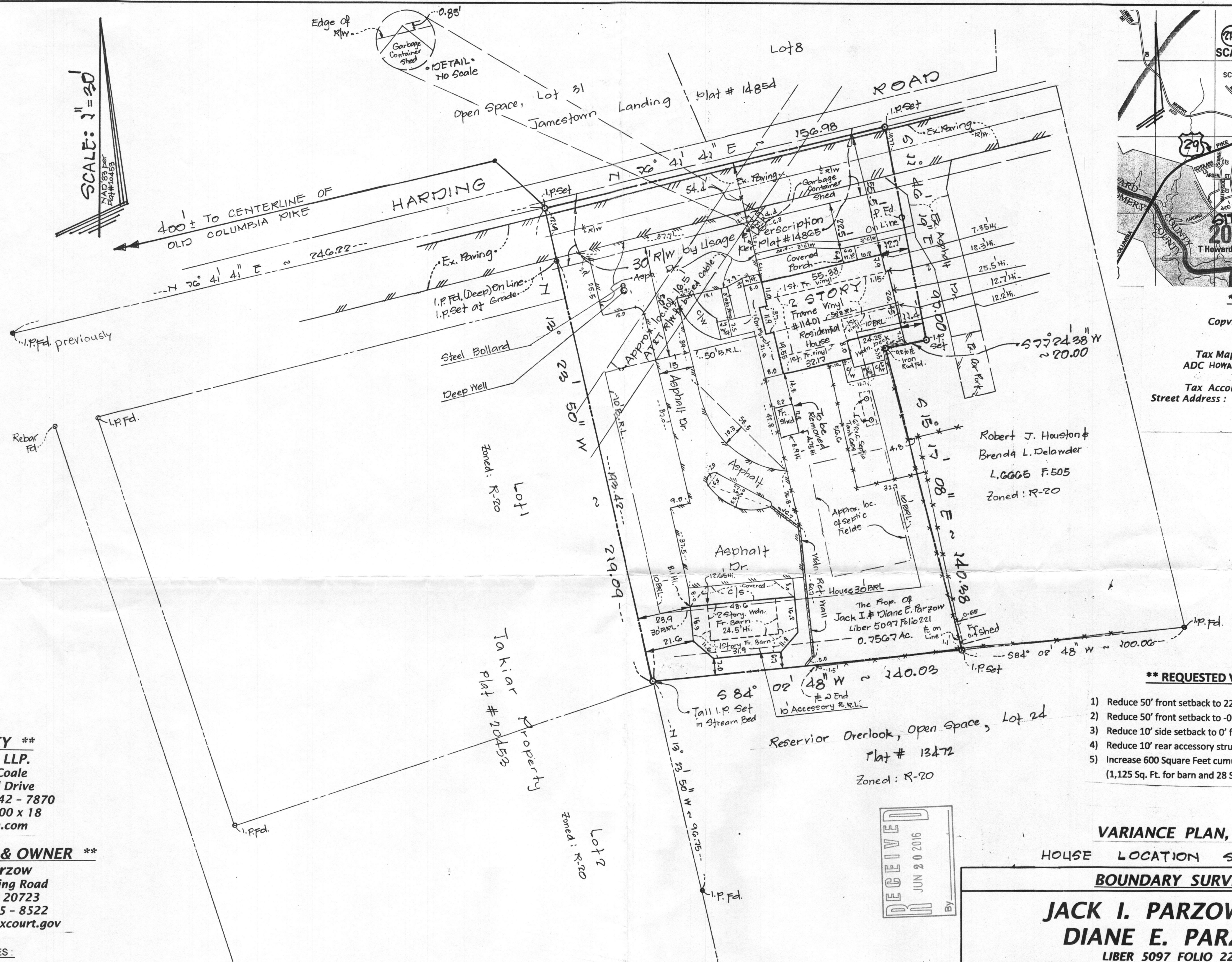
With regard to the character of the neighborhood, many of the surrounding properties have multiple accessory structures, including barns similar to that built by the Petitioners. While this area has been developed over the past two decades, at the time Petitioners' family bought the land it was much more agricultural and bucolic. Pockets of agricultural use continue and Petitioners' barn is consistent with the historical use of the surrounding land. In many respects, these structures have preexisted the surrounding neighborhoods and, as such, are entirely consistent with the "essential character" thereof.

The Petitioners did not subdivide the Property to create the unique physical conditions burdening the Property.

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

The requested variances are the minimum necessary to afford the Petitioners the relief needed to retain a reasonably sized and located deck on the rear of the house, an awning covering the threshold, a garbage container shed to protect trash from wildlife, and the aforementioned barn.

SCALE: 1" = 30'



**** VICINITY MAP ****
Scale: 1" = 2,000'
Copyright ADC The Map People

Tax Map # 46 Grid 15, Parcel # 73
ADC HOWARD CO. Street Map # 5052 Grid # 9
Zoning: R-20
Tax Account # 415520
Street Address: 11401 Harding Road
Laurel, MD 20723

Robert J. Houston &
Brenda L. Delawder
L.G.G.S. F.505
Zoned: R-20

**** REQUESTED VARIANCES ****

- 1) Reduce 50' front setback to 22.5' for Front Porch.
- 2) Reduce 50' front setback to -0.85' for garbage container shed.
- 3) Reduce 10' side setback to 0' for deck.
- 4) Reduce 10' rear accessory structure setback to 6.7' for barn.
- 5) Increase 600 Square Feet cumulative lot coverage to 1,153 Sq. Ft. (1,125 Sq. Ft. for barn and 28 Sq. Ft. for garbage container shed)

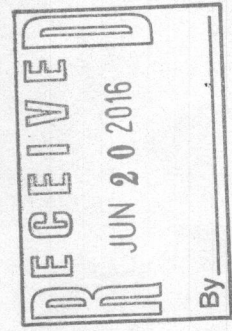
**VARIANCE PLAN,
HOUSE LOCATION SURVEY AND
BOUNDARY SURVEY**

**JACK I. PARZOW and
DIANE E. PARZOW**
LIBER 5097 FOLIO 221

6 TH ELECTION DISTRICT		HOWARD COUNTY, MD.	
DATE: 12-08-2015	SCALE: 1" = 30'	SHEET 1 OF 1	
REVISIONS			
Added House Location 01-27-2016			
Added Well And Septic Fields 4-30-2016			
Variance Plan 31 ST May 2016			
Rev. 06-15-2016.			
W. L. MEEKINS, INC.			
3101 RITCHIE ROAD FORESTVILLE, MD 20747 TEL: 301-736-6387 / 7115 email: meekins.meekins@verizon.net web: www.meekins.net			
REGISTRATIONS			
MD # 2134 & # 10833 VA # 576 DCLS # 900860			

**** NOTES ****

1. Community: South off Jamestown Landing
2. Ownership of Road: Howard County, Maryland (Public Road)
3. Tax Map # 46, Grid 15, Parcel # 73
4. Tax Account # 415520
5. Address of Property: 11401 Harding Road
Laurel, MD 20723
6. Floor Area: House ~ 2,234 Square Feet (First Floor)
Barn ~ 1,125 Square Feet (First Floor)
Frame Shed ~ 100 Square Feet



**** ATTORNEY ****
TALKIN & OH, LLP.
c/o Thomas G. Coale
5100 Dorsey Hall Drive
Ellicott City, MD 21042 - 7870
1 - 410 - 964 - 0300 x 18
tcoale@talkin-oh.com

**** PETITIONER & OWNER ****
Jack Parzow
11401 Harding Road
Laurel, MD 20723
1 - 443 - 995 - 8522
dparzow@ustaxcourt.gov

SURVEYOR'S CERTIFICATES:

I hereby certify that the position of the existing improvements on the above described property has been carefully established by a transit - tape survey and that unless otherwise shown, there are no visible encroachments.

DATE: 21ST January 2016 W.L.M.
31ST May 2016 W.L.M.

I hereby certify that I have carefully surveyed the property as shown by this plat and iron pipe are in place as shown.

DATE: 8TH December 2015 W.L.M.

NOTE: House location surveys do not include setting Iron Pipes on property corners.

NO TITLE REPORT FURNISHED
PLAT SUBJECT TO RESTRICTIONS & EASEMENTS OF RECORD OR OTHERWISE.



REVISED
Parzow, Jack & Diane
Howard Co.