

Building Address 3450 Sharp Rd.
Glenwood, M.D. 21738

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

Census Tract _____ Subdivision Glenwood Estates

Section _____ Area 2 Lot Par 1

Tax Map 21 Parcel 172 Grid 5

Zoning _____ Map Coordinates _____ Lot Size 5.81 Ac

Existing Use deckspace

Proposed Use Deck/poich

Estimated Construction Cost \$ 11,351.00

Description of Work 16x18 wood deck w/steps

Occupant or Tenant _____

Contact Name Jay Geinzer

Address 3450 Sharp Rd

City Glenwood State MD Zip Code 21738

Phone 410 489 5062 Fax _____

Property Owner's Name Jay Geinzer + Lucie Pe-His

Address 3450 Sharp Rd

City Glenwood State MD Zip Code 21738

Home Phone 410-489-5062 Work Phone _____

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

Phone _____ Fax _____

Contractor Company American Design + BUILD

Contact Person Melissa DiPietro

Address 221 Gateway Drive

City Bel Air State MD Zip Code 21014

License No. H10549

Phone 410-557-0555 Fax 410-142-5475

Engineer or Architect Company Same

Contact Person _____

Address _____

City _____ State _____ Zip Code _____

Phone _____ Fax _____

BUILDING DESCRIPTION - COMMERCIAL

Building Characteristics	Utilities
Height: _____	Water Supply: _____ Public _____ Private _____
No. of stories: _____	Sewage Disposal: _____ Public _____ Private _____
Gross area, sq. ft. per floor: _____	Electric Yes <input type="checkbox"/> No <input type="checkbox"/>
Use group: _____	Gas Yes <input type="checkbox"/> No <input type="checkbox"/>
Construction type: _____ Reinforced Concrete _____ Structural Steel _____ Masonry _____ Wood Frame _____ State Certified Modular _____	Heating System: _____ Electric <input type="checkbox"/> Oil <input type="checkbox"/> Natural Gas <input type="checkbox"/> Propane Gas <input type="checkbox"/>
	Sprinkler system: N/A <input type="checkbox"/> Full _____ Partial _____ Other Suppression _____ # of Heads _____

BUILDING DESCRIPTION - RESIDENTIAL

Building Characteristics	Utilities
SF Dwelling <input checked="" type="checkbox"/> SF Townhouse <input type="checkbox"/>	Water Supply: _____ Public _____ Private <input checked="" type="checkbox"/>
Depth _____ 1 st floor: _____ 2 nd floor: _____ Basement: _____	Sewage Disposal: _____ Public _____ Private <input checked="" type="checkbox"/>
Finished Basement <input type="checkbox"/> Unfinished Basement <input type="checkbox"/> Crawl space <input type="checkbox"/> Slab on Grade <input type="checkbox"/>	Electric Yes <input type="checkbox"/> No <input type="checkbox"/>
No. of Bedrooms _____	Gas Yes <input type="checkbox"/> No <input type="checkbox"/>
Multi-family dwellings: _____ No. of efficiency units: _____ No. of 1 BR units: _____ No. of 2 BR units: _____ No. of 3 BR units: _____	Heating System: _____ Electric <input type="checkbox"/> Oil <input type="checkbox"/> Natural Gas <input type="checkbox"/> Propane Gas <input type="checkbox"/>
Other Structure: _____ Dimensions: _____ Footings: _____ Roof: _____	Sprinkler system: N/A <input type="checkbox"/> NFA #13D _____ NFA #13R _____ Other: _____
State Certified Modular _____ Manufactured Home _____	

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.

Applicant's Signature [Signature]

Email Address _____

Title/Company American Design + BUILD

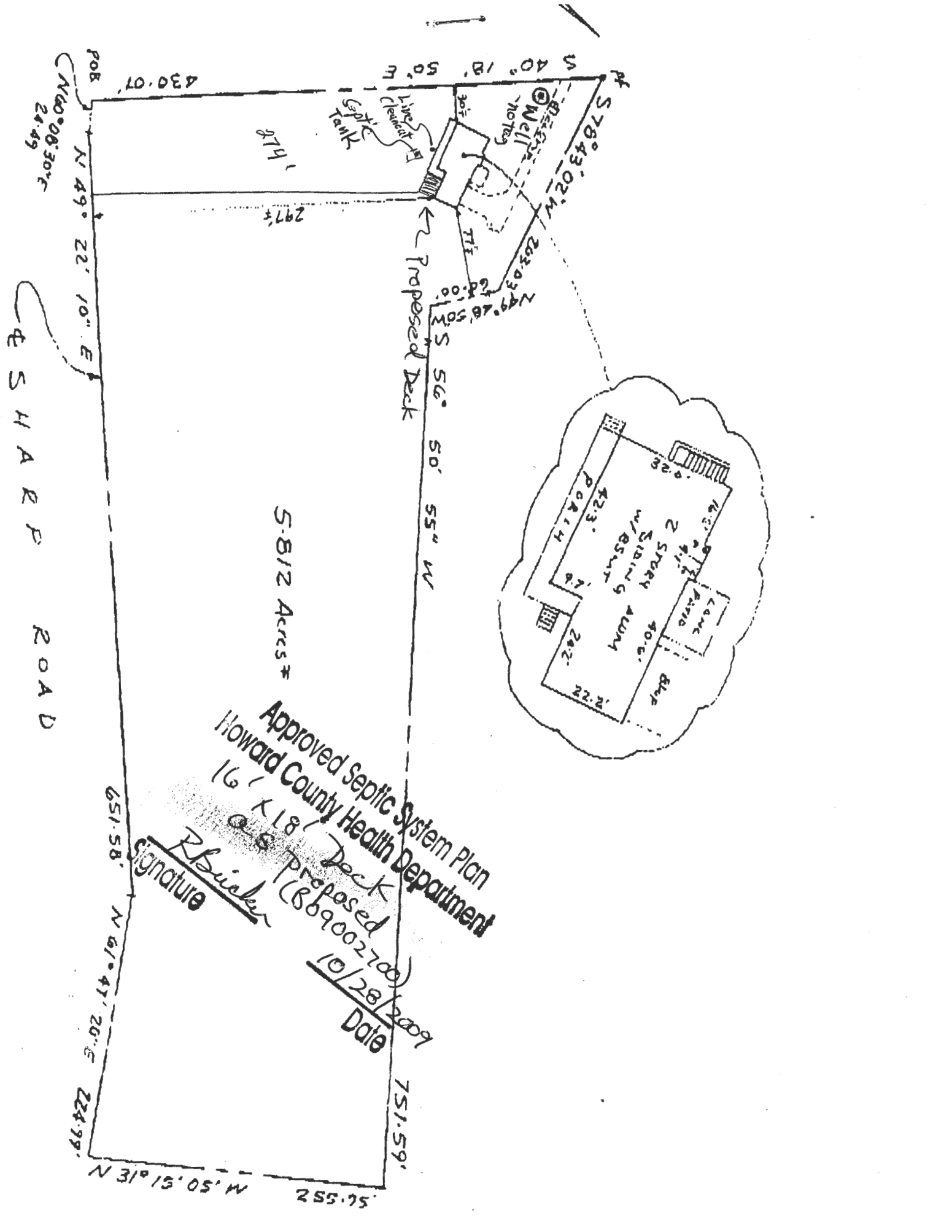
Print Name Mark Szabo

Date 10/13/09

Checks payable to: DIRECTOR OF FINANCE OF HOWARD COUNTY

PLEASE WRITE NEATLY AND LEGIBLY

AGENCY		DATE	SIGNATURE	APPROVAL	FOR OFFICE USE ONLY	PROPERTY ID #
Land Development, DPZ					DPZ SETBACK INFORMATION	55-00
State Highways					Front: _____	Filing fee \$
Building Officials					Rear: _____	Permit fee \$
Dev. Engineering, DPZ					Side: _____	Excise tax \$
Fire Protection					Side St: _____	Add'l per fee \$
Is Sediment Control approval required prior to issuance?	YES <input type="checkbox"/> NO <input type="checkbox"/>				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>40603</u>
					Historic District?	Validation #
					YES <input type="checkbox"/> NO <input type="checkbox"/>	
CONTINGENCY CONSTRUCTION START: <input type="checkbox"/>					Lot Coverage for New Town Zone	
ONE STOP SHOP: <input type="checkbox"/>					SDP/Red-line approval date	Accepted by



5.812 Acres ±

Approved Septic System Plan
 Howard County Health Department

Signature

R. Buischer

Date
 10/28/2009

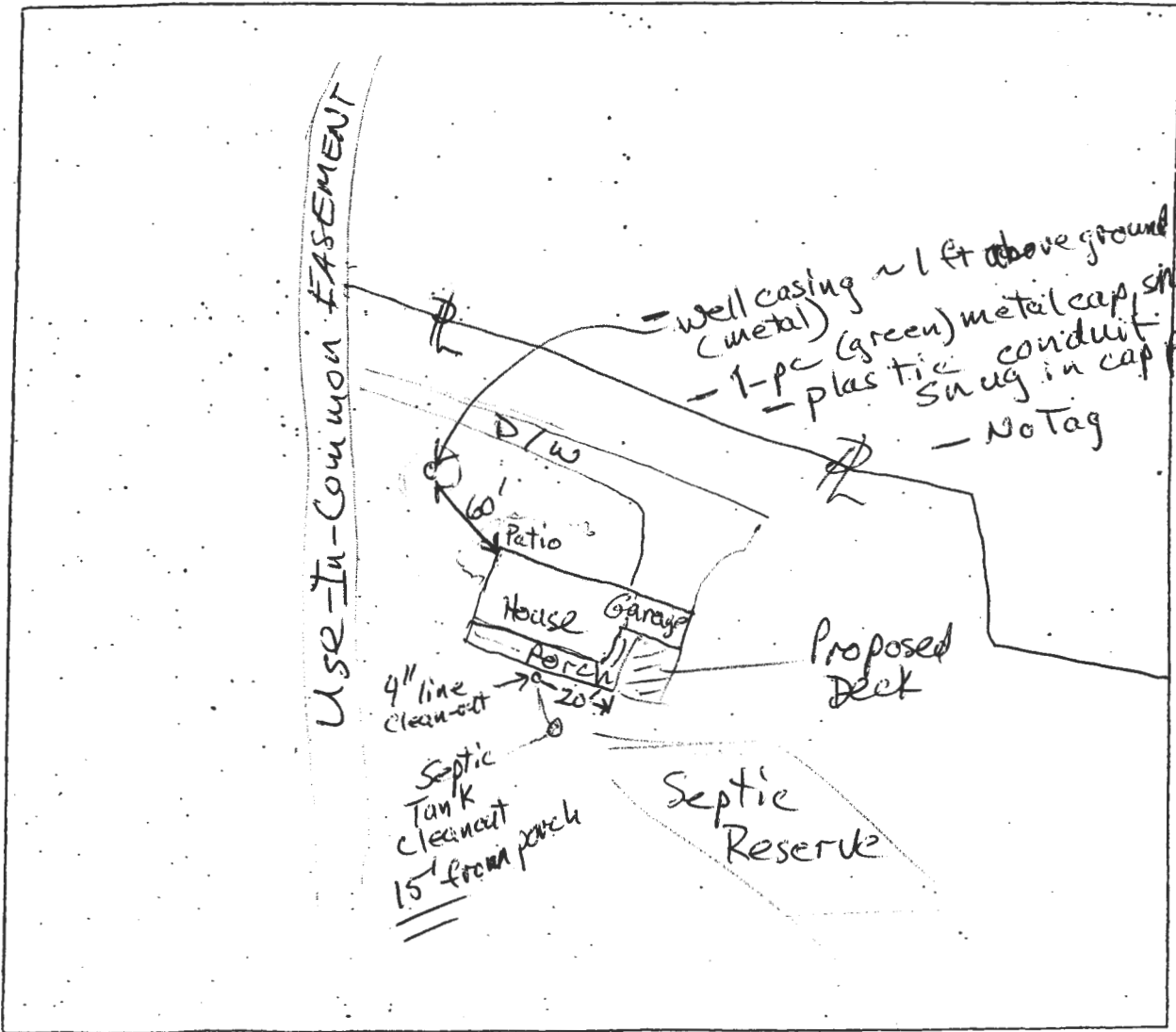
16' x 18' Deck
 Proposed
 (869002700)

ESHARP ROAD

SITE INSPECTION SHEET

OWNER: Jay Geinzer & Lucie Pettis PHONE #: 410-489-5662
ADDRESS: 3450 Sharp Rd. CONTRACTOR: _____
SUBDIVISION: Glenwood Est. LOT: Par 1 COUNTY #: Howard
PROPOSAL: 16' x 18' Wood Deck w/Steps
B09002700

LOCATION DIAGRAM



COMMENTS: No evidence of septic failure.
Well appears in 'good' condition.

**RESIDENTIAL DISTRICT VARIANCE PETITION
TO THE HOWARD COUNTY BOARD OF APPEALS**

For DPZ office use only:
CASE NO. BA 03-058V
DATE FILED _____
DATE ACCEPTED FOR
SCHEDULING _____

1. PETITIONER'S NAME Brandon Scott Pettis + Lucie Menassa Pettis

TRADING AS (IF APPLICABLE) _____

ADDRESS 3450 Sharp Rd Glenwood MD 21045

PHONE NO. (W) 410 313 5577 (H) 410 489 5662

2. COUNSEL FOR PETITIONER none

COUNSEL'S ADDRESS _____

COUNSEL'S PHONE NO. _____

3. PROPERTY IDENTIFICATION:

ADDRESS OF SUBJECT PROPERTY 3450 Sharp Rd Glenwood, MD

TOTAL ACREAGE OF PROPERTY 5.812 acres

PROPERTY LOCATION:

ELECTION DISTRICT: 4 ZONING DISTRICT: RR-DE0

TAX MAP # 21 BLOCK # 6 PARCEL/LOT # 172

SUBDIVISION NAME (if applicable): _____

4. 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.

NOTE: Completed petition forms must be submitted before the first day of the month in order to be heard on the last Tuesday of the Month. Incomplete petitions may result in postponement.

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

PLEASE READ CAREFULLY
DATA TO ACCOMPANY PETITION:

5. 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 1/2 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) Same as (e) and (f) above, of any adjoining property as necessary for proper examination of the petition.
- (h) Location of well and private sewerage easement area, if property is to be served by private water and sewer.
- (i) Election District in which the subject property is located.
- (j) Tax Map and parcel number on which the subject property is located.
- (k) Name of local community in which the subject property is located or name of nearby community.
- (l) Name and mailing address of the petitioner.
- (m) Name and mailing address of attorney, if any.
- (n) Name and mailing address of property owner.
- (o) Floor area and height of structures, setback distances from property lines, and other numerical values necessary for the examination of the petition.
- (p) Location of subject property in relation, by approximate dimension, to the center line of nearest intersection of two public roads.
- (q) Ownership of affected roads.
- (r) A detailed description of all exterior building materials for all proposed structures.
- (s) Any other information as may be necessary for full and proper consideration of the petition.

6. OTHER DATA TO ACCOMPANY PETITION:

The Petitioner must also submit with the petition an area location map (tax map) of the subject property, indicating the street address of the site, the zoning district of the site and the zoning district of all adjacent properties.

7. VARIANCE REQUEST:

The undersigned hereby petition the Board of Appeals for a variance from the requirement(s) of section 130.8.2.a.(1)-(5) of the Zoning Regulations to: (describe) reduce the 3 acre minimum lot size to approximately 2.9 acres in order to subdivide the 5.812 acre property into two lots.

A) Describe why the Zoning Regulations in question would result in practical difficulties or unnecessary hardships in complying strictly with the bulk requirements:

() narrowness, () shallowness, () shape, topography, other; explain: extremely wide lot - 651.58 Feet wide by 430 feet long (where my house is) + narrows to 256 feet at other end. Topography: rolling hills with moderate slope.

B) If exceptional narrowness, shallowness or shape of the property is claimed, give the date of the recording of the plat of present subdivision, if any: 10/7/1987, or if property is not subdivided, give the date on which a deed conveying the identically bounded tract was first recorded: 10/7/1987

C) The intended use of the property, in the event the petition is granted: To subdivide into two lots and build one house on second lot.

D) Any other factors which the Petitioner desires to have considered: Our 5.812 acre parcel is surrounded by subdivisions with homes on 2 acres or less. The two lots which would be created would still be much

E) Explain why the requested variance is the minimum necessary to afford relief: larger than all adjacent lots. We are only requesting a variance of 1/10th of an acre.
Please see attachment #1, Page 1.

F) Is the property connected to: public water?: Y ___ N ; public sewer?: Y ___ N

G) If the requested variance is granted, would it impact the water and/or septic/sewer on the site?
Y ___ N Perc approved by Health Dept. for second lot.

H) If the requested variance is granted, would it increase the intensity of uses on the site? Y N ; if yes, explain: One more house would exist

I) If the requested variance is granted, would it increase traffic to or from the site? Y N ; if yes, explain: No use of current common driveway.

J) Describe in detail (i.e. width, type of paving, etc.) all means of vehicular access onto the site: A single asphalt driveway.

K) Describe the topography of the site: Rolling hills with gentle to moderate slope.

L) Will the existing or proposed structure be visible from adjacent properties? Y N ; if yes, describe any proposed buffering or landscaping: The natural forest buffer will be predominantly maintained.

M) Describe any existing buffering or landscaping: Natural forest

8. **PRIOR PETITIONS:** Has any petition for the same, or substantially the same, variance as contained herein for the same property as the subject of this petition been disapproved by the Board of Appeals within twenty four (24) months of the date of this petition? NO

() 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:

- 23 copies if the subject property adjoins a State road.
- 19 copies if the subject property adjoins a County road.

Petition for Variance Approved but expired because of Health Dept delays, caused by drought. Please see attachment #1, Page 2

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 Board of Appeals in connection with the filing of this petition.

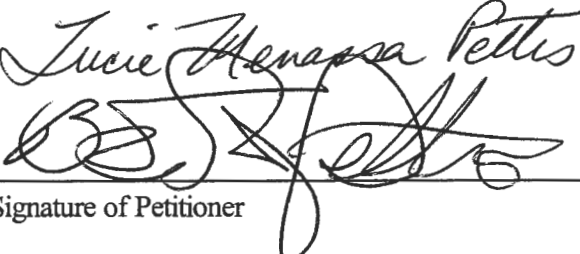
The undersigned agrees to pay all costs in accordance with the current schedule of fees.

The undersigned also 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 also 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. 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.

Lucie Menassa Pettis


Signature of Petitioner

Signature of Attorney

For DPZ office use only: (Filing fee is \$300 plus \$15.00 per poster.)

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

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

We are asking for a variance of 1/10 of an acre from the minimum lot size of three acres in order to do a minor subdivision and create two parcels of 2.9 acres each. We purchased the 5.8-acre parcel in question in 1998, and we live in the home, which is in the extreme left-hand section of the lot as shown on the map we have submitted with this petition. I would like to address the five standards that all variance requests must conform to in order to be granted by the Board:

1. Our site has unique physical conditions that make it reasonable for us to subdivide. As you can see from the survey we have submitted, the lot's shape is exceptionally wide: 651.58 feet wide by 430 feet (on the side where our home is) and by 256 feet on the other end. Unlike most lots, our home is not situated anywhere near its center. Our home is at the top left corner of the lot, making it reasonable for us to divide our parcel approximately in half to create a second lot. We want to create a second lot and sell it because, from where our home is positioned, it is difficult for us to police and maintain the whole 5.8-acre parcel.
- 2.a.) The variance, if granted, will not alter the essential character of the neighborhood in which the lot is located. The lot is surrounded by subdivisions with homes on 2 acres or less. The homes in the subdivisions are in view of each other. In fact, our patch of remaining woods is the anomaly. The two lots which would be created from subdividing our 5.8-acre parcel would still be much larger than all adjacent lots and would still be bordered by trees. Only one additional home, of approximately the same size as the existing homes, would be added to the neighborhood.
b.) The variance, if granted, will not substantially impair the appropriate use of adjacent property. All adjacent properties are lots with single-family homes on them. They all have trees along their periphery with our parcel. There would simply be one more lot with a single-family home on it ringed by trees. Adjacent properties could continue to be used in exactly the same way they always have been.
c.) The variance, if granted, will not be detrimental to the public welfare. The neighborhood would benefit in terms of security and maintenance if an additional homeowner could share the burden of supervision and upkeep of the newly created parcel.
3. The practical difficulties and hardships stated above that we have with the lot as is have not been created by us as owners. The house was built ten years before we bought it.
4. Within the intent and purpose of the Zoning Regulations, the variance, if granted, is the minimum variance necessary to afford relief. The subdivided lots will each only be a tenth of an acre less than the three-acre minimum lot size.
5. Our request for a variance is not for a conditional use.

Therefore we respectfully request permission to subdivide our 5.8-acre lot into two parcels of 2.9 acres each.

It should be noted that this petition has been approved in a prior case before the Board. After convening on July 12, 2001, to hear our original petition, the Board of Appeals granted our petition on September 6, 2001 based on the following conclusions of law:

1. "The Board concludes that the irregular shape of the lot combined with the topography of the lot constitute unique physical conditions that result in practical difficulties in complying strictly with the minimum lot size requirement of the Regulations, in accordance with Section 130.B.2.a.(1) of the Regulations."
2. "The granting of the variance will enable the Petitioner to subdivide a 5.8 acre parcel into two 2.9 acre lots. The variance would allow the Petitioners to create a second lot for a new home to be built. The 2.9 acre lots which would be created by subdividing the 5.8 acre parcel would be larger in size than other adjacent residential lots. The Board concludes that the variance, if granted, will therefore not alter the character of the neighborhood in which the Property is located, nor substantially impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare as required in accordance with Section 130.B.2.a.(2) of the Regulations."
3. "The practical difficulty in complying strictly with the minimum lot size requirement arises from the irregular shape of the lot and topography of the lot and were not created by the Petitioner, in accordance with Section 130.B.2.a.(3) of the Regulations."
4. "The Petitioner's proposal to reduce the minimum lot size from 3 acres to approximately 2.9 acres in order for a new home to be built is the minimum variance necessary to afford relief, in accordance with Section 130.B.2.a.(4) of the Regulations."¹

After receiving approval for our variance request, on November 2, 2001, we officially requested that the Howard County Health Department conduct a percolation test to establish a sewage disposal area to accommodate an additional single-family dwelling. The Health Department determined that a wet season percolation test was required for our property.

Our region was experiencing a drought, so the Health Department cancelled wet season percolation testing for 2002. In the meantime, we advertised the potentially subdividable opportunity and found a buyer, who entered into an Unimproved Land Contract of Sale with us. An engineering firm was then hired to begin the subdivision process.

The Howard County Health Department did not perform our percolation test until April 16, 2003, nearly 18 months after it was first requested. After passing the percolation test, the above named engineering firm diligently worked to prepare all the requirements for subdividing our land.

We had been prompt in taking action during the time we had the variance. We relied on having the variance to pay for a percolation test, find a buyer, and begin subdivision planning. On September 1, 2003, we requested an extension of our variance in order to account for the delay caused by the Howard County Health Department's prohibition against wet season percolation testing during the drought. Unfortunately, it was denied because there are no provisions in the law for an extension. So, we are asking for a variance once again.

¹ BA Case No. 01-18V, pp. 3-4.

ZB or BA CASE # _____

PETITION _____

ADDRESS 3450 Sharp Rd, Glenwood, MD 21738

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 WITHIN APPLICATION OR PETITION IN ZB OR BA CASE # _____ FOR A ZONING CHANGE AS REQUESTED.

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

KELSEY FRALICK *Kelsey Fralick*
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires January 24, 2005
KELSEY FRALICK

NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires January 24, 2005

Kelsey Fralick

Witness

Lucie Mercedes Pettis 9/29/03

Signature

Date

Brandon [Signature] 9/29/03

Signature

Date

Witness

Signature

Date

August 21, 2003

Ms. Marsha McLaughlin, Director
Department of Planning and Zoning
3430 Court House Drive
Ellicott City, MD 21043

RE: Pettis Property
Waiver Petition

Dear Ms. McLaughlin:

On behalf of our client, Ms. Lucie and Brandon Pettis, and in accordance with Section 16.104 of Howard County's Subdivision and Land Development Regulations, we are requesting a waiver to the minimum requirements stipulated within the following section:

- Section 16.120(b)(4)(iii)(b), which prohibits the placement of environmental features on residential lots less than 10 acres in size.
- Section 16.116(a)(2)(i), which prohibits grading, removal of vegetative cover and trees, paving, and new structures from being placed within 50 feet of a stream bank for intermittent streams.
- Section 16.116(a)(1), which prohibits grading, removal of vegetative cover and trees, paving, and new structures within 25' of wetlands.
- Section 16.115 (c)(2), which prohibits clearing, grading, filling, altering drainage, impervious paving or placement of structures in floodplain land.

We are enclosing the following package for your review and approval:

1. Fourteen (14) copies of the completed Waiver Petition Application and the waiver exhibit.
2. Check made payable to the *Director of Finance* for the applicable fee.

Thank you for your time and effort. Should you have any questions or comments concerning this matter, please do not hesitate to call.

Very truly yours,
Mildenberg, Boender & Associates, Inc.


Samer Alomer
Project Manager

cc: Patrick Costello, w/enc.
Lucie Pettis, w/enc

History and site Characteristics:

The site can be identified as Tax Map 21 Parcel 172. There is an existing house known as 3450 NW Sharp Road, which is to remain. An intermittent stream flows along side sharp road in the southern part of the property. The stream splits into two branches as soon as it enters the property; it combines again into one channel. A small area of wetlands is located in the center of the site. The septic area that passed the Health Department requirements is located in the western part of proposed Lot 2.

The existing house located in the northern part of the property accesses Sharp Road via a private road (Pony Cart Lane). This private road is commonly owned by seven homeowners that use the road. It is not possible to use this road for access because not all of the owners are willing to grant an easement access for the new lot. (See attached letter from Mr. and Mrs. Pettis).

On September 6, 2001 the Howard County Board of appeals granted a variance request to reduce the required 3 acre minimum lot size to approximately 2.9 acres to subdivide the property into 2 lots. (See attached decision and order).

Our request to waive the above mentioned sections is based on the following justification:

Section 16.120(b)(4)(iii)(b)

The purpose of this waiver is to allow wetlands, streams, and their buffers to be placed on Lots 1 and 2, both of which are less than 10 acres in size.

- Strict compliance with Section 16.120(b)(4)(iii)(b) of the regulation will impose an extraordinary hardship due to the following:
 1. Due to the narrow nature of the property, and the scarcity of available septic areas, providing a non-buildable open space parcel that would contain the environmental features would severely restrict the development ability of the property.
 2. Strict compliance with the Section 16.120(b)(4)(iii)(b) will result in failure to subdivide the property.
- The intent of the regulation will be better served through implementation of the proposal, as outlined below:
 1. All the proposed improvements for Lot 2 (except the crossing which creates minimal disturbance to the stream buffer 2,400 sq.ft.) are located outside the stream and wetland buffers. 35' setbacks from the stream and wetland buffer have been maintained. This will provide more protection to these environmental features.
 2. A note will be placed on the record plat explaining the restrictions and the responsibilities of the future owner towards the streams, wetlands and their buffers.

- Granting this request will not in any way be detrimental to the public interest based on the following:
 1. All of the floodplain, wetlands, streams and their buffers are enclosed within the property. No adjacent properties will be impacted by this waiver.
 2. The subdivision is a low density subdivision. None of the adjoining property owners will be affected by the approval this waiver request.

The approval to waive this section will not nullify the intent of the regulations. It will have no impact on the adjoining neighbors or the well-being of the residents of Howard County.

Section 16.116(a)(2)(ii)

The purpose of this waiver is to allow grading and paving within the stream buffer for a residential driveway. This driveway would access a proposed house as shown on Lot 2.

- Strict compliance with Section 16.116(a)(2)(ii) of the regulation will impose an extraordinary hardship due to the following:
 1. No other access point is available to service proposed Lot 2. The private road (Pony Cart Lane) could not be used for access. (see letter from Mr. and Mrs. Pettis)
 2. Strict compliance with Section 16.116(a)(2)(ii) will result in failure to subdivide the property. The stream must be crossed in order to access the property.
- The intent of the regulation will be better served through implementation of the proposal, as outlined below:
 1. A bottomless arch culvert is proposed to cross the stream (A more environmentally sensitive approach). All hydraulic characteristics of the stream and floodplain will be maintained. The culvert design and specifications will be submitted to both the county and MDE for approval along with the final subdivision plans.
 2. The proposed crossing will cause minimal disturbance (2,400 sq.ft. ±.).
 3. The use of the bottomless culvert will insure that stream bed will be intact.
- Granting this request will not in any way be detrimental to the public interest based on the following:
 1. The subdivision is a low density subdivision. None of the adjoining property owners will be affected by the approval of this waiver request.
 2. Stream Buffer will be restored to its original condition after construction is completed.

The approval to waive this section will not nullify the intent of the regulations. It will have no impact on the adjoining neighbors or the well-being of the residents of Howard County.

Section 16.115(c)(2)

The purpose of this waiver is to allow clearing, grading, filling, altering drainage, impervious paving or placement of structures in floodplain land.

- Strict compliance with Section 16.115(c)(2) of the regulation will impose an extraordinary hardship due to the following:
 1. No other access point is available to service proposed Lot 2. The private road (Pony Cart Lane) could not be used for access. (see letter from Mr. and Mrs. Pettis)
 2. Strict compliance with Section 16.116(a)(2)(ii) will result in failure to subdivide the property.
- The intent of the regulation will be better served through implementation of the proposal, as outlined below:
 1. A bottomless arch culvert is proposed to cross the Floodplain (A more environmentally sensitive approach). All hydraulic characteristics of the stream and floodplain will be maintained. The culvert design and specifications will be submitted to both the county and MDE for approval.
 2. The floodplain elevations for the pre and post development conditions will be maintained on all adjoining properties.
 3. The proposed crossing will cause minimal disturbance of the floodplain land (2,000 sq.ft. ±.).
 4. The use of the bottomless culvert will insure that stream bed will be intact.
- Granting this request will not in any way be detrimental to the public interest based on the following:
 1. The subdivision is a low density subdivision. None of the adjoining property owners will be affected by approving this waiver.
 2. The hydraulic characteristics of the floodplain will be maintained via the use of the bottomless arch culvert.
 3. The pre and post development elevations will be maintained on all adjacent properties.

The approval to waive this section will not nullify the intent of the regulations. It will have no impact on the adjoining neighbors or the well-being of the residents of Howard County.

Section 16.116(a)(1)

The purpose of this waiver is to allow grading, clearing and paving within the 25' of a wetland for the purpose of constructing a private driveway. This driveway would access a proposed house as shown on Lot 2.

- Strict compliance with Section 16.116(a)(1) of the regulation will impose an extraordinary hardship due to the following:
 1. No other access point is available to service proposed Lot 2. The private road (Pony Cart Lane) could not be used for access. (see letter from Mr. and Mrs. Pettis)

2. Strict compliance with Section 16.116(a)(1) will result in failure to subdivide the property. The stream must be crossed in order to access the property.
- The intent of the regulation will be better served through implementation of the proposal, as outlined below:
 1. Minimal disturbance to the wetlands is proposed (1,200 sq.ft.). The location of the proposed crossing will cause the least amount of disturbance.
 2. Grading is negligible. The proposed driveway will be placed on grade.
 - Granting this request will not in any way be detrimental to the public interest based on the following:
 1. The subdivision is a low density subdivision. None of the adjoining property owners will be affected by the approval of this waiver request.
 2. All the wetlands disturbed are on the owner's property. No disturbance is proposed offsite.

The approval to waive this section will not nullify the intent of the regulations. It will have no impact on the adjoining neighbors or the well-being of the residents of Howard County.

August 4, 2003

Mr. Samer Alomer
Mildenberg Boender and Associates
5072 Dorsey Hall Drive
Ellicott City, MD 21042

RE: Our subdivision on Sharp Road

Dear Mr. Alomer:

Through various conversations with my neighbors who share our private road, Pony Cart Lane, it was my understanding that they would not agree to the idea of using the private road to access the future lot on my parcel.

I am therefore requesting a waiver from the county to cross the stream to access the future lot on my parcel. It seems that at this point it will be a more realistic approach since it is the only point of access on the public road.

Thank you,

Lucie Pettis
3450 Sharp Road
Glenwood, MD 21738

FINDINGS OF FACT

Based upon the evidence presented at the hearing, the Board makes the following Findings of Fact:

1. The subject property, 3450 Sharp Road, Glenwood, Howard County, Maryland, is located on the west side of Sharp Road, approximately 400 feet south of Burntwoods Road. The subject property is situated in the Fourth Election District. The property is designated as Parcel 172, Block 6 on Tax Map 21(the "Property").

2. The Petitioners are the owners of the Property which is a 5.812 acre parcel. The Petitioners are seeking a variance to reduce the required 3 acre minimum lot size from 3 acres to approximately 2.9 acres in order to subdivide the 5.812 acre property into two lots.

3. Lucie Pettis testified that she and her husband Brandon Scott Pettis purchased the 5.8 acre parcel in 1998. The Petitioners home is situated in the extreme northwestern portion of the 5.8 acre parcel. They are requesting a variance of one tenth of an acre from the minimum lot size of 3 acres in order to do a minor subdivision and create two parcels of 2.9 acres each.

4. Lucie Pettis testified that the 5.8 acre site has unique physical conditions that make it reasonable for the Petitioners to subdivide the 5.8 acre into two lots. Ms. Pettis stated that the lot's shape is exceptionally wide. The 5.8 acre parcel is 651.58 feet wide by 430 feet long (on the side where her home is) and narrows to 256 feet on the other end. The petition describes the topography of the 5.8 acre parcel as extremely wide with rolling hills that lead to a small stream which is parallel to and adjacent to Sharp Road.

5. Lucie Pettis testified that the 5.8 acre parcel is surrounded by subdivisions with homes on 2 acres or less. Ms. Pettis stated that the two lots which would be created by subdividing the 5.8 acre parcel would still be much larger than all adjacent lots. By subdividing the 5.8 acre parcel into

two 2.9 acre lots the Petitioners could sell the newly created second lot for a single family home to be built.

4. Opponents to the variance petition testified that they were opposed to the Petitioners request to reduce the required minimum lot size from 3 acres in order to create a minor subdivision of two parcels. Opponents were concerned that the welfare of the community would be sacrificed if the 5.8 acre parcel is divided into two lots.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board concludes as follows:

1. The Board concludes that the irregular shape of the lot combined with the topography of the lot constitute unique physical conditions that result in practical difficulties in complying strictly with the minimum lot size requirement of the Regulations, in accordance with Section 130.B.2.a.(1) of the Regulations.

2. The granting of the variance will enable the Petitioner to subdivide a 5.8 acre parcel into two 2.9 acre lots. The variance would allow the Petitioners to create a second lot for a new home to be built. The 2.9 acre lots which would be created by subdividing the 5.8 acre parcel would be larger in size than other adjacent residential lots. The Board concludes that the variance, if granted, will therefore not alter the character of the neighborhood in which the Property is located, nor substantially impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare as required in accordance with Section 130.B.2.a.(2) of the Regulations.

3. The practical difficulty in complying strictly with the minimum lot size requirement arises from the irregular shape of the lot and topography of the lot and were not created by the Petitioner, in accordance with Section 130.B.2.a.(3) of the Regulations.

4. The Petitioner's proposal to reduce the minimum lot size from 3 acres to approximately 2.9 acres in order for a new home to be built is the minimum variance necessary to afford relief, in accordance with Section 130.B.2.a.(4) of the Regulations.

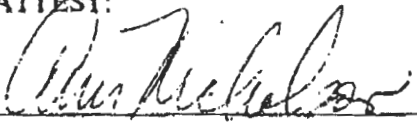
ORDER

Based upon the foregoing, it is this 6th day of September, 2001, by the Howard County Board of Appeals, **ORDERED**:

That the Petition of Brandon Scott Pettis and Lucie M. Pettis, Petitioners, for a variance to reduce the required 3 acre minimum lot size to 2.9 acres in order for a proposed subdivision of a 5.81 acre parcel into two lots, in an RR-DEO (Rural Residential - Density Exchange Option) Zoning District be, and the same are hereby, **GRANTED**, subject to the following conditions:

1. The variance shall apply only to the proposed subdivision as described in the petition and plan dated April 30, 2001, and not to any other activities, uses, or structures on the subject property.
2. The Petitioner shall comply with all applicable Federal, State, and County laws and regulations.

ATTEST:


Ann Nicholson, Secretary

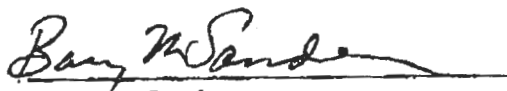
HOWARD COUNTY BOARD OF APPEALS


Dissent
Robert C. Sharps, Chairperson

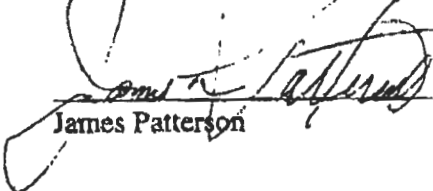

James W. Pfeifferkorn, Vice Chairperson

PREPARED BY:
HOWARD COUNTY OFFICE OF LAW
BARBARA M. COOK


Jacquelin Scott


Barry M. Sanders
Assistant County Solicitor


William Waff


James Patterson

Howard County Department of Planning and Zoning
Division of Land Development

WAIVER PETITION APPLICATION

AUG 22 2003

Date Submitted/Accepted _____ DPZ File Number WP04032

I. Site Description

Subdivision Name/Property Identification: Pettis Property.
Location of property: Sharp Road.
(Street Address and/or Road Name)

Residential
(Existing Use)

Residential
(Proposed Use)

21
(Tax Map No.)

5
(Grid/Block No.)

172
(Parcel No.)

4th
(Election District)

RR-DEO
(Zoning District)

5.81
(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.)

BA Case No 01-18V to grant a variance to reduce
Minimum Lot Size to approx. 29 Ac to create 2 lots.
Variance granted on Sep, 6, 2001

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>16.120 (b)(4)(iii)(b)</u>	<u>Prohibits Placement of environmental features on lots less than 10 Ac.</u>
2. <u>—</u>	<u>which Prohibits grading, removal of vegetative cover and trees, Paving ... within 50' stream buffer.</u>
3. <u>16.116 (a)(2)(i)</u>	
4. <u>16.116 (a)(1)</u>	
5. <u>16.115 (c)(2)</u>	<u>Which Prohibits grading in floodplain Land.</u>

- ✓ 1. Vicinity map scale 1" = 2,000' indicating and identifying the total boundary of the property, exact site location, vicinity roads and north arrow.
- ✓ 2. Bearings and distances of property boundary lines for the entire tract and size of tract area.
- ✓ 3. North arrow and scale of plan.
- ✓ 4. Location, extent, boundary lines and area of any proposed lots.
- ✓ 5. Any existing or proposed building(s), structures, points of access, driveways, topography, natural features and other objects and/or uses on the subject and adjacent properties which may be relevant to the petition; i.e. historic structures, cemeteries or environmentally sensitive areas.
- ✓ 6. Delineation of building setback lines.
- ✓ 7. Delineation of all existing public road and/or proposed street systems.
- ✓ 8. Identification and location of all easements.
- ✓ 9. Approximate delineation of floodplain, wetland and forested areas, if applicable.
- NA 10. Road profile to evaluate sight distance, if the application includes a request for direct access to a major collector or more restrictive roadway classification.
- ✓ 11. Any additional information to allow proper evaluation (e.g. for waivers to wetland buffers an alternative analysis and mitigation proposal are needed; for waivers to SDP requirements where there is no subdivision of land, an APFO Roads Test evaluation may be needed).
- ✓ 12. Photographs, perspective sketches or cross-sections as necessary to adequately portray the waiver request.
- ✓ 13. The exhibit plans should be highlighted to accurately illustrate the requested waiver(s) to allow proper evaluation (i.e. proposed grading, tree clearing or other disturbances within environmentally sensitive areas or buffers).

V. 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.

VI. 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.**

Lucie Pettis 6/18/03
 (Signature of Property Owner) (Date)
 (Fee Simple Owner Only)

Lucie Pettis
 (Name of Property Owner)

3450 Sharp Road
 (Address)

Glenwood, MD 21738
 (City, State, Zip Code)

(E-mail) -

(Telephone) _____ (Fax) _____

Contact Person: Lucie Pettis

~~_____~~ Sameer Alomer 8/20/03
 (Signature of Petition Preparer) * (Date)

Mildenberg Boender
 (Name of Petition Preparer, Surveyor/Engineer or Agent/Developer)

5072 Dorsey Hall Drive
 (Address)

Ellicott City, MD 21042
 (City, State, Zip Code)

(E-mail) Salomer@Mba-Eng.com

410 997 0296 410 997 0298
 (Telephone) (Fax)

Contact Person: Sameer Alomen

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

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.

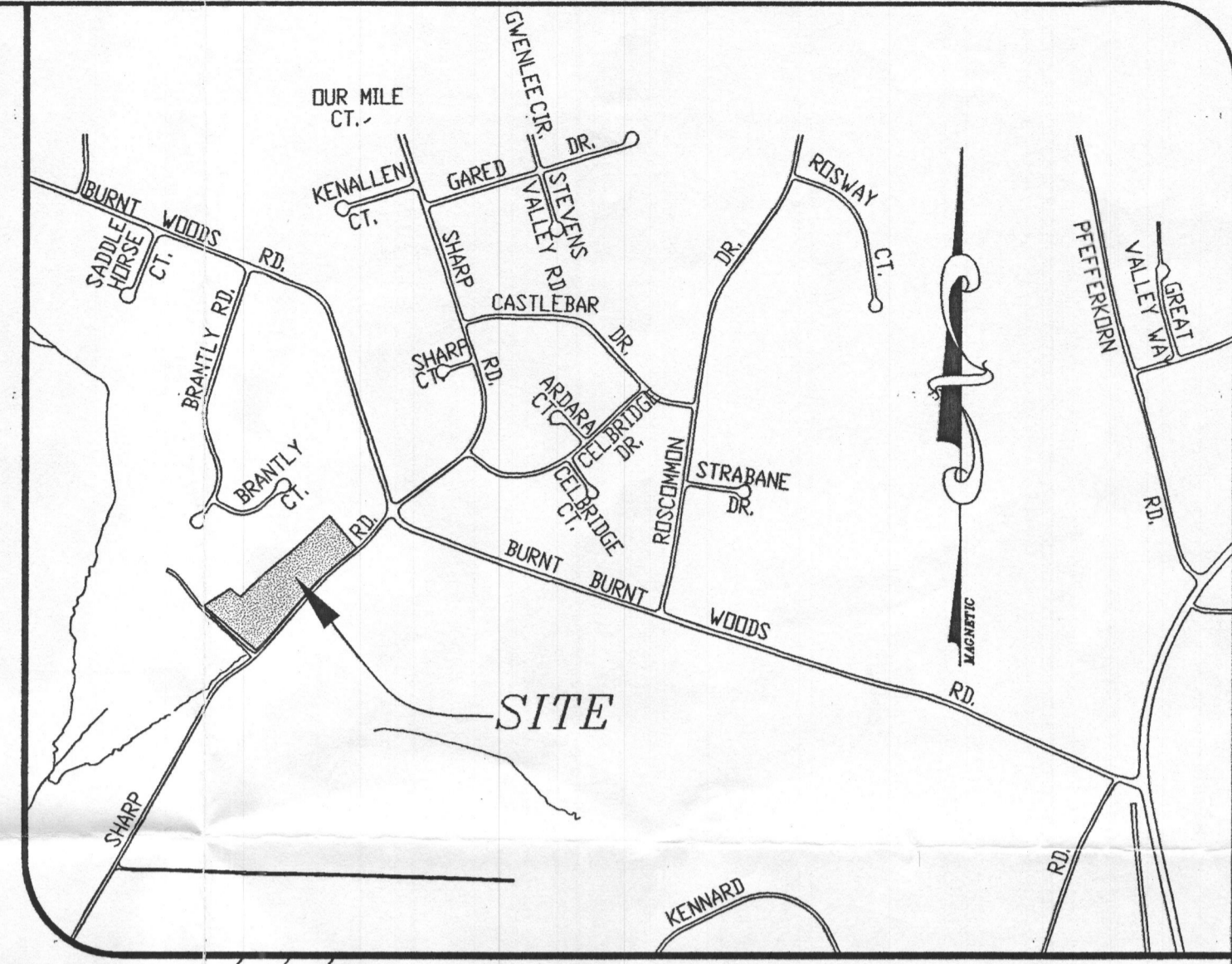
___ Waiver petition application is rejected.

Reason: _____

___ Resubmission is accepted. Date _____ Staff initials _____

Comments/Notes _____

02074.DWG\01074\WAIVER.DWG



VICINITY MAP
1"=1000'

GENERAL NOTES:

- SUBJECT PROPERTY ZONED RR-DEO PER THE 10/18/93 COMPREHENSIVE ZONING PLAN.
- THIS PLAN IS BASED ON A FIELD RUN MONUMENTED BOUNDARY SURVEY PERFORMED APRIL 2003 MILDENBERG, BOENDER & ASSOC, INC.
- SITE LOCATION :
TAX MAP 21, PARCEL 172
DEED REFERENCE : 4447/80
SITE AREA : 5.81 ACRES ±
- TOPOGRAPHIC DATA SHOWN HEREON IS BASED ON A FIELD RUN SURVEY DONE BY MILDENBERG BOENDER AND ASSOCIATES ON OR ABOUT APRIL 2003.
- BASED ON AVAILABLE COUNTY DATA, NO HISTORIC STRUCTURES OR BURIAL GROUNDS EXIST ON SITE.
- SOILS DATA BASED ON HOWARD COUNTY SOIL SURVEY DATED 1968, SHEET 13.
- PRIVATE WATER AND PRIVATE SEWERAGE WILL BE UTILIZED.
- THIS AREA DESIGNATES A PRIVATE SEWERAGE EASEMENT OF AT LEAST 10,000 SQ. FT. AS REQUIRED BY THE MARYLAND STATE DEPARTMENT OF ENVIRONMENT FOR INDIVIDUAL SEWERAGE DISPOSAL. IMPROVEMENTS OF ANY NATURE IN THIS AREA ARE RESTRICTED UNTIL PUBLIC SEWERAGE IS AVAILABLE. REACHING THE STREAM, NO ADJACENT PROPERTY INFORMATION IS REQUIRED. THIS EASEMENT SHALL BECOME NULL AND VOID UPON CONNECTION TO A PUBLIC SEWERAGE SYSTEM. THE COUNTY HEALTH OFFICER SHALL HAVE THE AUTHORITY TO GRANT VARIANCES FOR ENCROACHMENTS INTO THE PRIVATE SEWERAGE EASEMENT, & RECORDATION OF A MODIFIED EASEMENT SHALL NOT BE NECESSARY.

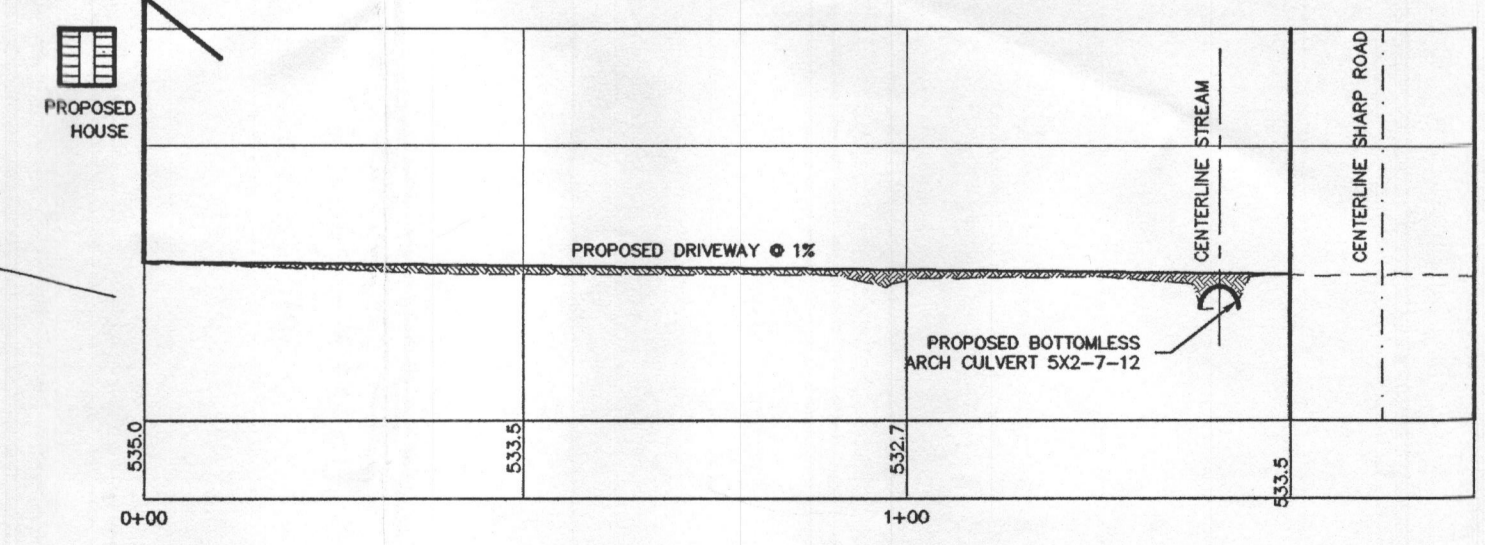
ENVIRONMENTAL FEATURE	AREA DISTURBED
WETLANDS	1,250 SQ.FT.
STREAM BUFFER	2,400 SQ.FT. ±
FLOODPLAIN	2,000 SQ.FT. ±

LEGEND

- EID3 ELLOOK SILTY CLAY LOAM, 15 TO 25 PERCENT SLOPES, MODERATLY ERODED (C TYPE).
- GnB2 GLENVILLE SILT LOAM, 3 TO 8 PERCENT SLOPES, MODERATLY ERODED (C TYPE).
- Ha HOTBORA SILT LOAM (D TYPE).
- ChC2 CHESTER SILT LOAM, 8 TO 15 PERCENT SLOPES, MODERATLY ERODED (B TYPE).
- ChB2 CHESTER SILT LOAM, 3 TO 8 PERCENT SLOPES, MODERATLY ERODED (B TYPE).
- ChD2 CHESTER SILT LOAM, 15 TO 25 PERCENT SLOPES, MODERATLY ERODED (B TYPE).

LEGEND

- ⊙ DENOTES A PROPOSED WELL LOCATION
- ⊙ DENOTES AN EXISTING WELL LOCATION
- ⊙ DENOTES EXISTING SEPTIC FIELDS
- ▨ DENOTES WETLANDS
- ▨ DENOTES 100 YR FLOODPLAIN
- DENOTES EX. TREELINE
- DENOTES AREA TO BE DISTURBED INSIDE THE BUFFERS.



DRIVEWAY & CULVERT PROFILE

SCALE: 1"=5'

Project	date	approval
02074	JUNE 2003	SA
illustration	engineering	approval
SA	SA	RH
scale	1"=50'	

no.	description	date
	revisions	

PETTIS PROPERTY
 TAX MAP 21, PARCEL 172
 HOWARD COUNTY, MARYLAND
 ELECTION DISTRICT
 EXHIBIT TO ACCOMPANY WAIVER

MILDENBERG, BOENDER & ASSOC., INC.
 Engineers Planners Surveyors
 5072 Dorsey Hall Drive, Suite 202, Ellicott City, Maryland 21042
 (410) 997-0286 Fax: (301) 621-5521 Wash. (410) 997-0288 Fax.