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(410) 313-2640 Fax (410) 313-2648  
TDD (410) 313-2323 Toll Free 1-866-313-6300  
website: www.hchealth.org

Penny E. Borenstein, M.D., M.P.H., Health Officer

February 25, 2005

MEMORANDUM

TO: Jaime Field  
Barnesville Salvage Co.  
P.O. Box 451  
Barnesville, MD 20838

FROM: Brian Baker, R.S. *BB*  
Well & Septic Program  
Bureau of Environmental Health

RE: 16940 Frederick Road  
Tax Map 7, Grid 3, Parcel 220

This is to advise that the Howard County Health Department recommends issuance of the requested demolition permit for the referenced property. The following will be done during the demolition process per Jaime Field.

The hand dug well will be covered to prevent its contamination while the addition it is under is demolished. The well will then be sealed by Ralph Mayne. A scavenger truck will pump out the existing septic tank and drywell if necessary and then they will be filled with dirt or another suitable material. Documentation showing that the septic system has been abandoned properly and that the well has been sealed will be submitted to the health department.

Cc: File

*Diana Baker*

Barnesville Salvage Co., LLC  
Box 451  
Barnesville, MD 20838

02/14/05

To: Howard County Health Department  
Water and Sewage Program


From: Jaime Field  
Barnesville Salvage Co.  
Ph-240-338-2114

Memo: as previously discussed, Barnesville Salvage will be working with K&K Excavating to Deconstruct/Demo the building at 16940 Frederick Rd. Mt Airy.

Due to a late addition on the backside of the house covering both the well and septic the addition must first be removed to gain access to the systems. Our plan is to remove the addition, after removal K&K excavating will abandon the septic and Ralph Mayne will cap the well. Both parties will forward the appropriate paperwork to your office upon completion of each task.

Please contact me should you require any further information. Please send the release for Demo to the address above. Thanks for your assistance regarding my request.

Jaime Field



WP-05-025

# WAIVER PETITION APPLICATION

*Daines Family Mt. Airy Property*  
DPZ File Number \_\_\_\_\_

Date Submitted/Accepted September 20, 2004

I. **Site Description**

Subdivision Name/Property Identification: Parcels 473, 220 and 481 Lot 15BN-B, Tax Map 7

Location of property: 16940 and 16942 Frederick Road, MD Route 144, Mt. Airy  
(Street Address and/or Road Name)

Agricultural/Residential  
(Existing Use)  
7  
(Tax Map No.)

3  
(Grid/Block No.)

Agricultural/Residential  
(Proposed Use)  
473, 220, 481 Lot 15BN-B Fifth  
(Parcel No.) (Election District)

RC-DEO  
(Zoning District)

18.9018 Acres +-  
(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.)

The three parcels were created as distinct lots in or prior to the 1970's and maintained separately since. No known plans are on file. Three Daines immediate family members acquired these three parcels in 2004 for private residences and agricultural purposes.

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.

<u>Section Reference No.</u>	<u>Summary of Regulation</u>
1. <u>16.201 16.102 + 16.147</u>	<u>To waive the final plat requirement to allow adjourner deeds</u>
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____



## JUSTIFICATION FOR DAINES FAMILY WAIVER REQUEST

Three Daines immediate family members acquired the three subject parcels in 2004 for residences and agricultural uses. The parcels have been in existence from the 1970's and before (described in recorded deeds as follows, Parcel 473 L. 756 F. 230, Parcel 481 Lot 15BN-B L. 943 F. 566, Parcel 220 L. 430 F. 127). Two of the parcels are very difficult to develop in a way that conforms to current setback regulations because of their small size and poor spacial configuration which prevent attractive and usable residential and neighborhood assets. The objective of this waiver application is to add land to, and re-configure, the two small parcels so that they will more nearly approach conformity with the zoning regulations and will increase their value as attractive personal and neighborhood assets. The reconfiguration will not affect any environmental features or create any new parcels.

Strict compliance with current zoning setback regulations would require the demolition of the old home on parcel 220 which is only 22 feet from the current pavement of MD Route 144. The total size of parcel 220 would be increased from .775 acres to 2.0 acres in order to permit rebuilding a new home with fully conforming setbacks after demolition of a nonconforming old home.

Parcel 481 Lot 15BN-B was created in the 1970's and, as currently configured, would only permit the construction of an undesirably narrow home under current zoning setbacks. Such a home would be neither adequate for its owner nor an asset to the neighborhood. The waiver would permit expanding this lot to 1.0 acre, which is consistent with the surrounding subdivision lots, and re-configure it in a standard rectangular pattern which will allow the construction of an adequate and attractive single family residence.

Strict compliance with the Subdivision Regulations would result in extraordinary hardship and practical difficulties especially considering that no new lots are being created and the net result of the internal lot line adjustments will substantially increase the conformance of the current smaller and poorly shaped lots to zoning regulations. The reconfiguration does not involve any public roads or environmental features. Additionally, the reconfiguration will allow for the removal of the old home which is located too close to MD Route 144. The reconfiguration is in the public's interest as it improves the rural character of the neighborhood by reducing the density and proximity of dwellings on properties which have existed as separate parcels from the 1970's and before. If these objectives were achieved by plat, instead of adjoinder deed, then the same result would be obtained but with considerable hardship, delay, cost and inconvenience to the Daines family owners. Furthermore, the owners have agreed to dedicate the required highway widening area from the old home lot (parcel 220), which is also in the public interest and will conserve additional public funds that would have been expended without a waiver.

Respectfully Submitted

Daines Family

V. Plan Exhibit

A. Number of Copies Required

The waiver petition application must be accompanied by copies of a detailed plot plan, subdivision plat or site development plan (**14 sets of the completed waiver application and plan exhibit if the subject property adjoins a County road; 18 sets for properties adjoining a State road**). In instances where the waiver request concerns an approval extension or if an associated plan is in active processing, only 2 sets of plans are required along with 14 or 18 copies of the application form. **Plans must be folded to a size no larger than 7-1/2" x 12"**. The pre-packaging of plans and supplemental reports by SRC agency will be permitted by DPZ provided that each package contains a cover letter which itemizes all plans, reports and documents included in the package.

**Please be advised that all plan application submissions are ACCEPTED BY APPOINTMENT ONLY. All plan submission appointments must be scheduled with the Division of Land Development at (410) 313-2350.**

B. Plan Requirement Checklist

The detailed waiver petition exhibit, plot plan, subdivision plan or site development plan must indicate the following required information relevant to the waiver request to ensure acceptance of the waiver petition application for processing.

Legend:	<u>✓</u>	Information Provided	<u>X</u>	Information Not Provided,
	<u>NA</u>	Not Applicable		Justification Attached

- Y 1. Vicinity map scale 1" = 2,000' indicating and identifying the total boundary of the property, exact site location, vicinity roads and north arrow.
- Y 2. Bearings and distances of property boundary lines for the entire tract and size of tract area.
- Y 3. North arrow and scale of plan.
- Y 4. Location, extent, boundary lines and area of any proposed lots.
- Y 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.
- Y 6. Delineation of building setback lines.
- Y 7. Delineation of all existing public road and/or proposed street systems.
- Y 8. Identification and location of all easements.
- Y 9. Approximate delineation of floodplain, wetland and forested areas, if applicable.
- Y 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.
- NA 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).
- Y 12. Photographs, perspective sketches or cross-sections as necessary to adequately portray the waiver request.
- Y 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).
- Y 14. Submit 2 sets of photographs for all existing on-site structures.

Compliance with the Route 1 Manual is required for new development and some alterations or enlargements located in the CE, TOD and CAC zoning districts and for other zoning districts located within the Route 1 corridor. All plan submissions, beginning with the initial subdivision or site development plan, shall show all applicable streetscape, site and building designs responding to the Route 1 Manual's requirements and recommendations. All plan submissions shall provide a written summary of how the proposed design achieves the objectives of the Route 1 Manual. Also, building design and schematic architectural elevation details must be included with the initial subdivision or site development plan submission.

**VI. 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.

**VII. 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.**

Owner's authorization attached \*

*Maren Daines 07/20/04*  
*Samuel Daines Sept 20/04*  
 (Signature of Property Owner) (Date)  
 (Fee Simple Owner Only)

\_\_\_\_\_  
 (Signature of Petition Preparer) \* (Date)

Maren Daines, Samuel Daines, Amberly Daines

\_\_\_\_\_  
 (Name of Petition Preparer, Surveyor/Engineer or Agent/Developer)

16942 MD. Route 144

(Address)

\_\_\_\_\_  
 (Address)

Mt. Airy, MD 21771

(City, State, Zip Code)

\_\_\_\_\_  
 (City, State, Zip Code)

(E-mail) marendaines@yahoo.com

sam@srdresearch.com

amberlydaines@yahoo.com

(E-mail) \_\_\_\_\_

(Telephone)

(Fax)

410-489-7721

410-489-7721

(Telephone)

(Fax)

Contact Person: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Sam Daines

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 .....
  - d. Certification of pre-submission HDC advisory meeting for new projects in  
Historic District or listed in Historic Sites Inventory .....
  - e. Photographs of existing structures (for Historic Preservation Review) .....
  - f. MAA Approval Letter (if applicable) .....

- 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.

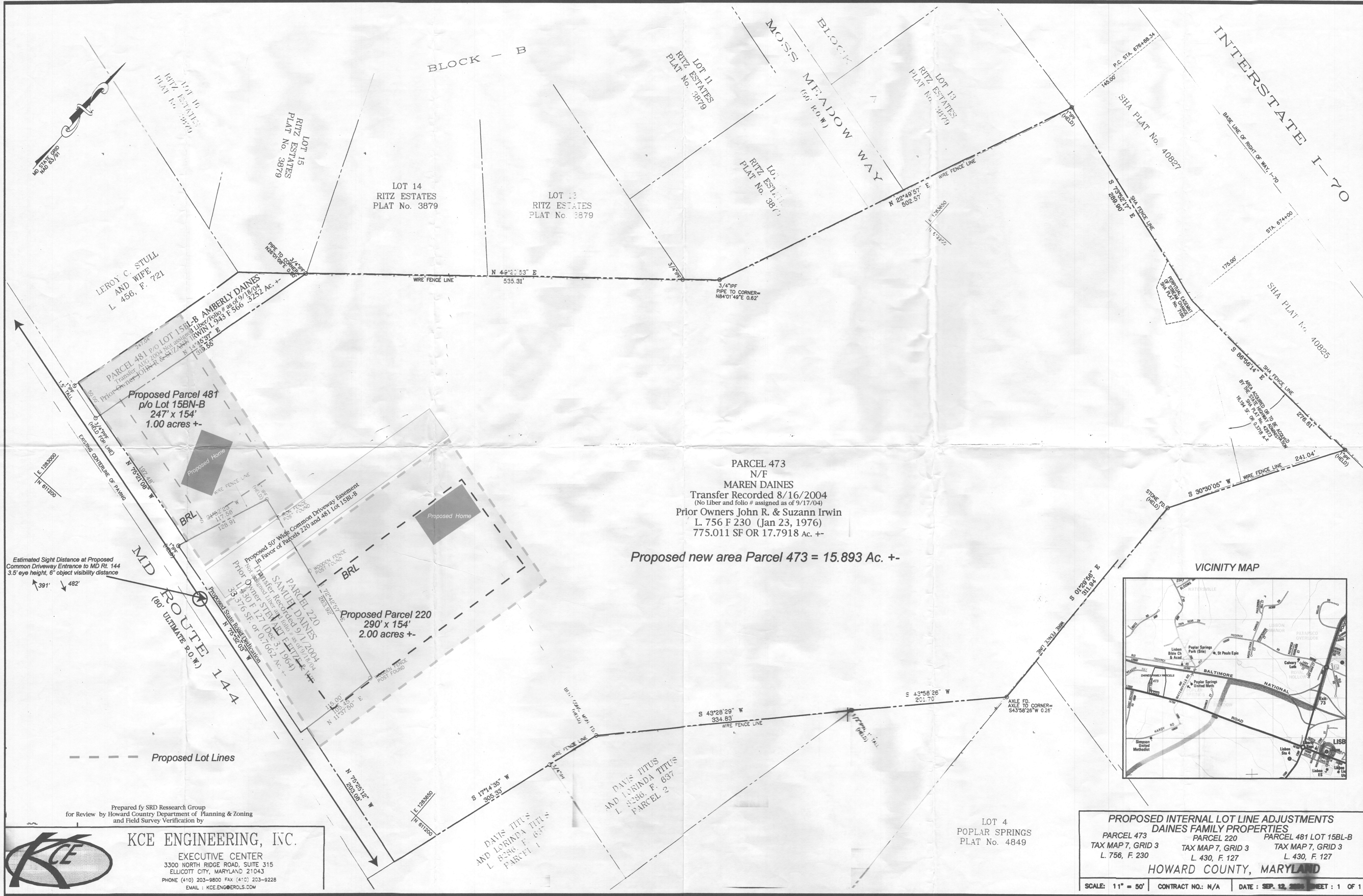
\_\_\_ Scheduled SRC meeting date.

\_\_\_ Waiver petition application is rejected.

Reason: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_ Resubmission is accepted. Date \_\_\_\_\_ Staff initials \_\_\_\_\_

Comments/Notes \_\_\_\_\_  
\_\_\_\_\_



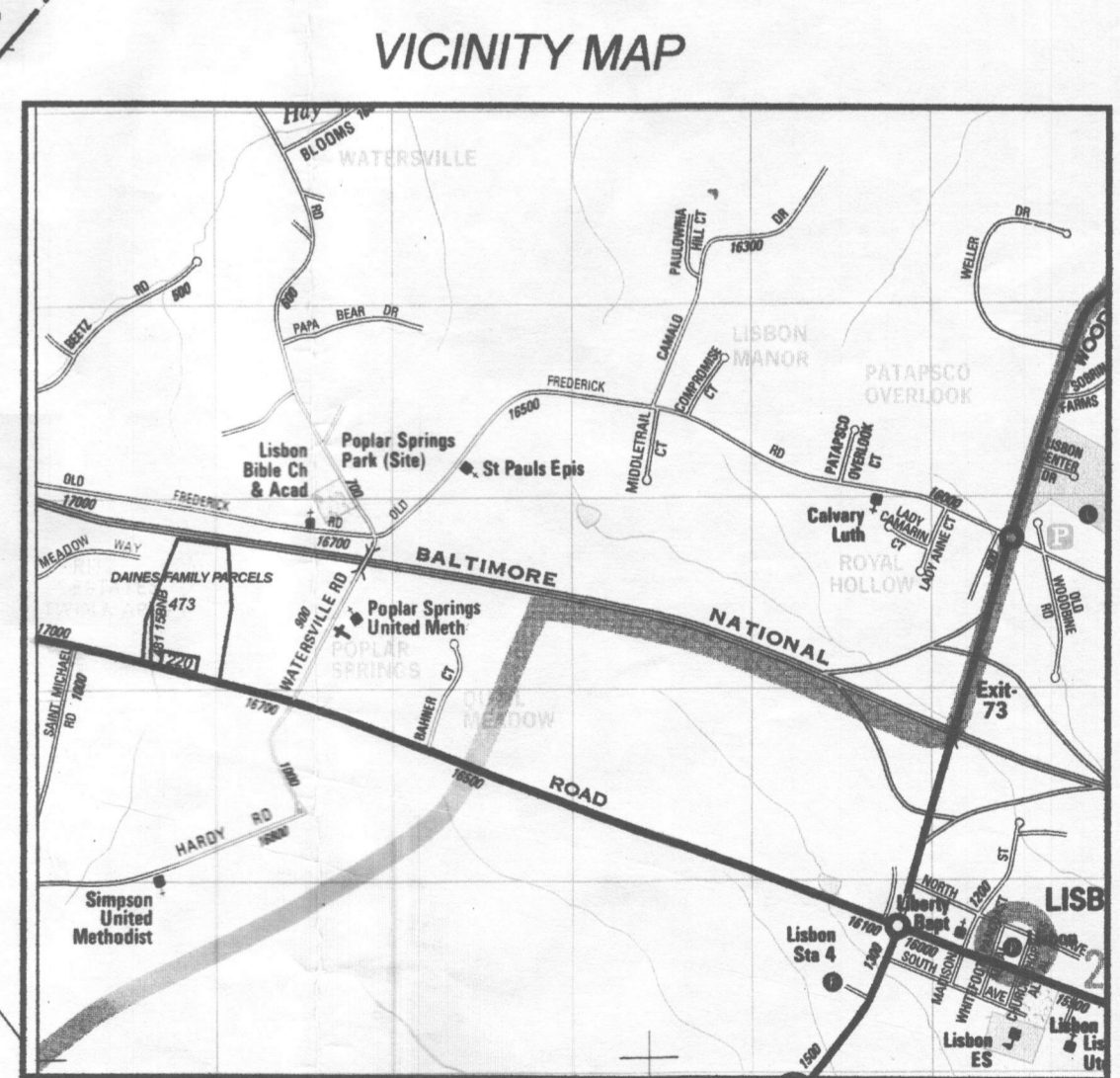
**PARCEL 473**  
 N/F  
**MAREN DAINES**  
 Transfer Recorded 8/16/2004  
 (No Liber and folio # assigned as of 9/17/04)  
 Prior Owners John R. & Suzann Irwin  
 L. 756 F 230 (Jan 23, 1976)  
 775,011 SF OR 17.7918 Ac. +-

**Proposed new area Parcel 473 = 15.893 Ac. +-**

**Proposed Parcel 481**  
 p/o Lot 15BN-B  
 247' x 154'  
 1.00 acres +-

**Proposed Parcel 220**  
 290' x 154'  
 2.00 acres +-

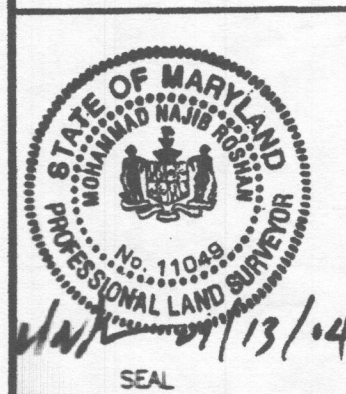
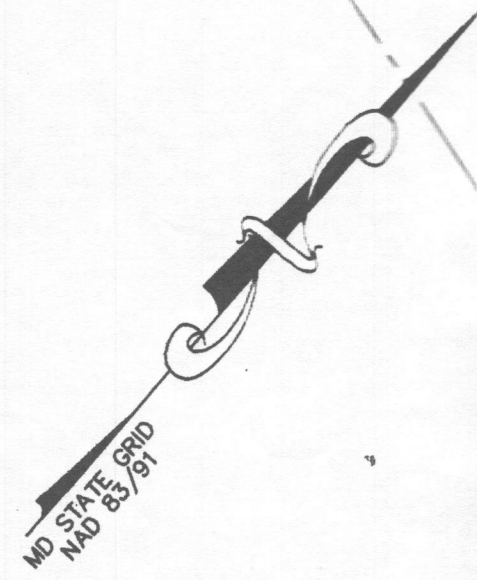
Estimated Sight Distance at Proposed  
 Common Driveway Entrance to MD Rt. 144  
 3.5' eye height, 6" object visibility distance  
 391' 482'



PROPOSED INTERNAL LOT LINE ADJUSTMENTS		
DAINES FAMILY PROPERTIES		
PARCEL 473	PARCEL 220	PARCEL 481 LOT 15BL-B
TAX MAP 7, GRID 3	TAX MAP 7, GRID 3	TAX MAP 7, GRID 3
L. 756, F. 230	L. 430, F. 127	L. 430, F. 127
<b>HOWARD COUNTY, MARYLAND</b>		
SCALE: 11" = 50'	CONTRACT NO.: N/A	DATE: SEP. 12, 2004 SHEET: 1 OF 1

Prepared by SRD Research Group  
 for Review by Howard County Department of Planning & Zoning  
 and Field Survey Verification by

**KCE ENGINEERING, INC.**  
 EXECUTIVE CENTER  
 3300 NORTH RIDGE ROAD, SUITE 315  
 ELLICOTT CITY, MARYLAND 21043  
 PHONE (410) 203-9800 FAX (410) 203-9228  
 EMAIL: KCE.ENG@GOLDS.COM



**KCE ENGINEERING, INC.**  
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 EMAIL: KCE.ENG@ROLLS.COM

**PARCEL 473**  
 N/F  
**MAREN DAINES**  
 Transfer Recorded 8/16/2004  
 (No Liber and folio # assigned as of 9/17/04)  
 Prior Owners John R. & Suzann Irwin  
 L. 756 F 230 (Jan 23, 1976)  
 775.011 SF OR 17.918 Ac. +-

**PARCEL 220**  
**SAMUEL DAINES**  
 Transfer Recorded 9/1/2004  
 Not assigned Liber and folio # as of 9/17/04  
 Prior Owner STEWART E FITZ & WF  
 L. 430 F 121 (Dec 3, 1964)  
 33,376 SF or 0.762 Ac. +-

**PARCEL 481 LOT 15BL-B**  
**AMBERLY DAINES**  
 Transfer Recorded 8/16/2004  
 Not assigned Liber and folio # as of 9/17/04  
 Prior Owner JOHN R. & SUZANN IRWIN  
 L. 756 F 230 (Jan 23, 1976)  
 318.53 Ac. +-

BOUNDARY SURVEYS: DAINES FAMILY PROPERTIES		
PARCEL 473	PARCEL 220	PARCEL 481 LOT 15BL-B
TAX MAP 7, GRID 3	TAX MAP 7, GRID 3	TAX MAP 7, GRID 3
L. 756, F. 230	L. 430, F. 127	L. 430, F. 127
<b>HOWARD COUNTY, MARYLAND</b>		
SCALE: 11" = 50'	CONTRACT NO.: N/A	DATE: SEP. 12, 2004 SHEET: 1 OF 1