



Howard County Maryland
Department of Planning and Zoning
3430 Courthouse Drive, Ellicott City, MD 21043

(410) 313-2350

DPZ Office Use only:

Case No BA-23-016V

Date Filed 8/21/23

Residential District Variance Petition To the Howard County Hearing Examiner

1. Variance Request

Section Reference No: REAR: 107.0.D.4.d.1.c, SIDE: 107.0.D.4.D.1.b

Request (Describe):

To install a deck I am requesting that I be able to go 15' into the rear yard 25' setback and 2.5' into the side 7.5' setback.

2. Petitioner Information

Petitioner's Name: Marcel Mileo

Trading As (if applicable)

Address: 209 Daisy Drive, Mechancisburg PA 17050

Phone No. (W) 717-802-1486

(H)

Email Address: marcel@lazolandscaping.com

3. Council Information

Council for Petitioner: N/A

Counsel's Address:

Council Phone No.:

Email Address:

4. Property Identification

Address of Subject Property: 11051 Martha Way, Fulton MD 20759

Property Acreage: 13,490 SF

Election District: 05

Zoning District: R-ED-MXD-3

Tax Map # 0046

Grid 0002

Parcel/Lot No: 0113/ LOT 47

Subdivision Name: (if applicable) Maple Lawn South, Phase 1, Sec. 1

Plat number and date:

5. Petitioner's Interest in Subject Property:

☐

Owner (including joint ownership)

☒

Other (describe and give name and address of owner and attach owner's authorization)

REVISED



DATA TO ACCOMPANY PETITION

6. Variance plan:

No application for a variance shall be considered complete unless the plan indicates the required setback or other requirement, and the requested variance from the subject setback or other requirement. The submitted plans shall be folded to approximately 8 ½ x 14 inches. **The plan must be drawn to scale and must include the items listed below.**

- ☒ (a) Courses and distances of outline boundary lines and the size of the property
- ☒ (b) North Arrow
- ☒ (c) Zoning of subject property and adjoining property
- ☒ (d) Scale of Plan
- ☒ (e) Existing and proposed uses, structures, natural features and landscaping
- ☒ (f) Location and surface material of existing and proposed parking spaces, driveways, and points of access; number of existing and proposed parking spaces
- ☒ (g) Location of all building and use restriction lines
- ☒ (h) Same as (a) through (g) above, of any adjoining, confronting and vicinal properties as necessary for proper examination of the petition, or, if applicable, a copy of the subdivision plat for the community
- ☒ (i) Location of well and private sewerage easement area, if property is to be served by private water and sewer
- ☒ (j) Election district in which the subject property is located
- ☒ (k) Tax Map and parcel number on which the subject property is located
- ☒ (l) Name of local community in which the subject property is located or name of nearby community
- ☒ (m) Name, mailing address, telephone number (and e-mail address, if any) of the petitioner
- ☒ (n) Name, mailing address, telephone number (and e-mail address, if any) of attorney, if any
- ☒ (o) Name and mailing address of property owner
- ☒ (p) Floor area and height of structures, setback distances from property lines, and other numerical values necessary for the examination of the petition
- ☒ (q) Location of subject property in relation, by approximate dimension, to the center line of nearest intersection of two public roads
- ☒ (r) Ownership of affected roads
- ☒ (s) A detailed description of all exterior building materials for all proposed structures
- ☒ (t) Any other information as may be necessary for full and proper consideration of the petition

7. Variance

- (a) Describe why the application of the Zoning Regulations in question to your particular property would result in practical difficulties or unnecessary hardships in complying strictly with the bulk requirements:

1. The physical character of the property is different from the character of the surrounding properties because of its

☐ Narrowness ☐ Shallowness ☒ Shape ☐ Topography

Other (explain)

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

Being a corner lot the 2 front yard setbacks force the home to rear (southeast) corner of the lot, and in very close proximity to the rear and side property lines. The setbacks keep me from adding a usable deck to the southeast corner of the home.

- (b) The intended use of the property, in the event the petition is granted:

Residential. The deck is for passive recreation.

- (c) Any other factors which the Petitioner desires to have considered:

None.

- (d) Explain why the requested variance is the minimum necessary to afford relief:

Rear Yard: The proposed deck encroaches 15' into the 25' rear yard setback. 10' is allowed. I am requesting 5 additional feet. Side Yard: The proposed deck encroaches 2.5' into the 7.5' side yard setback. I am requesting to go 2.5' into the 7.5' side yard.

- (e) If the requested variance is granted, would it increase traffic to or from the site?

☒ No ☐ Yes, if yes, explain:

- (f) Describe in detail all means of vehicular access onto the site (i.e. width, type of paving, etc.)

Access to the home off of Martha Way. The driveway is 20' wide and is asphalt.

- (g) Describe the topography of the site:

The 2 front yards are relatively flat. The elevation drops 6' as you approach the rear southeast corner of the home.

- (h) Will the existing or proposed structure be visible from adjacent properties? ☐ No ☒ Yes, if yes, explain:

Yes. Both of neighbors will be able to see the deck. They have been notified and have signed a form as part of the HOA approval.

- (i) Describe any existing buffering or landscaping:

Presently none.

8. Prior Petitions

Has any petition for the same variance, or substantially the same variance as contained herein, for the same property as the subject of this petition, been disapproved by the Hearing Examiner within twenty-four (24) months of the date of this petition? ☒ No ☐ Yes

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 3 copies (application & plans)**
 - *If the subject property adjoins a County road* – **original and 8 copies (applicant & 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.
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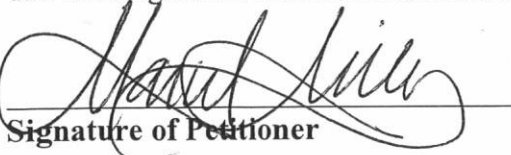
10. Planning Board Review

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.


Signature of Petitioner

8/21/23
Date

Signature of Attorney

Date

For DPZ office use only:

Filing fees are \$820.00 plus \$25.00 per poster

Hearing fee: \$ Poster fee: \$ Total: \$ Receipt No.

Make checks payable to the "Director of Finance" County Website: www.howardcountymd.gov

TO SUBMIT YOUR APPLICATION, PLEASE CALL (410) 313-2350.

PETITIONER:

PROPERTY ADDRESS:

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 REFERNCED ABOVE.

I WE, DO SOLEMNLY DECLARE AND AFFIRD 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.

Debra Mileo
WITNESS


SIGNATURE

8/21/23
DATE

WITNESS

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 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.