



DPZ Office use only:
CASE NO. <u>BA-24-012V</u>
DATE FILED <u>June 20, 2024</u>

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

1. VARIANCE REQUEST SECTION 108.0.10.4.C (i) (b) & (c) (ii) of the Zoning Regulations (describe) side yard set Back
AS Approved within BA-15-011V (7' Foot Setback)

2. PETITIONER'S NAME Timmy Martins
 TRADING AS (IF APPLICABLE) - 0 -
 ADDRESS 10688 Harding Rd Laurel md 20723
 PHONE NO. ~~410~~ 240-484-1450 (H) - 0 -
 EMAIL Captian over Board I @ Gmail.com

3. COUNSEL FOR PETITIONER - 0 -
 COUNSEL'S ADDRESS NA
 COUNSEL'S PHONE NO. NA
 EMAIL NA

4. PROPERTY IDENTIFICATION
 ADDRESS OF SUBJECT PROPERTY 10688 Harding Rd Laurel md 20723
 ELECTION DISTRICT 6th ZONING DISTRICT R20 ACREAGE 0.9928
 TAX MAP # 46 GRID # 18 PARCEL # 152 LOT # _____
 SUBDIVISION NAME (if applicable) Pine way ?
 PLAT NUMBER AND DATE _____

5. PETITIONER'S INTEREST IN SUBJECT PROPERTY
 OWNER (including joint ownership)
 OTHER (describe and give name and address of owner)

If the Petitioner is not the owner of the subject property, documentation from the owner authorizing the petition must accompany this petition.

**PLEASE READ CAREFULLY
DATA TO ACCOMPANY PETITION**

6. VARIANCE PLAN

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

The plan must be drawn to scale and must include the items listed below:

- (a) Courses and distances of outline boundary lines and the size of the property
- (b) North arrow
- (c) Zoning of subject property and adjoining property
- (d) Scale of plan
- (e) Existing and proposed uses, structures, natural features and landscaping
- (f) Location and surface material of existing and proposed parking spaces, driveways, and points of access; number of existing and proposed parking spaces
- (g) Location of all building and use restriction lines
- (h) Same as (a) through (g) above, of any adjoining, confronting and vicinal properties as necessary for proper examination of the petition, or, if applicable, a copy of the subdivision plat for the community
- ~~NA~~ (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
- ~~NA~~ (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: I am already using this property

B) The intended use of the property, in the event the petition is granted: Keep Just as is my private Garage Please see 2015 (BA 15 011V)

C) Any other factors which the Petitioner desires to have considered: See Attached (T) in the variance plan. I made a honest mistake I hope we can resolve this without moving wall.

D) Explain why the requested variance is the minimum necessary to afford relief: I will not have to move a 34' Long wall over 9" this is my fault the County has already helped me once

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.): see Attached drawing (1)

J) Describe the topography of the site: Fairley Level Slopes to Back

K) Will the existing or proposed structure be visible from adjacent properties? Y N; if yes, describe any proposed buffering or landscaping: NO already Big trees & Fence / in the very Back of Property

L) Describe any existing buffering or landscaping: Big trees & Fence

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.

PETITIONER Timmy Martins

PROPERTY ADDRESS 10688 Harding Rd Laurel md 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.

Dab Martins
Witness

Tim Martins
Signature

5/16/24
Date

Witness

Signature

Date

Witness

Signature

Date

Reference: Variance Plan, Page 2 number 6.

- A. See drawing 1 or 2.
- B. See drawing 1 or 2.
- C. See drawing 1.
- D. Drawing 1 1"= 40', Drawing 2 1" = 30'.
- E. Existing is a beautiful hobby and workshop. No changes.
Proposed use will stay the same. Private use only. All landscaping will stay the same.
- F. There are no proposed parking or points of access.
See drawing 1. 4 Existing, no proposed parking.
- G. See drawing 1 or 2.
- H. See drawing 1.
- I. We have City sewer and water. See drawing 2.
- J. 6th Election District, see drawing 1.
- K. #46 Tax Map, see drawing 1.
- L. Pinewood Estates?
- M. Timothy Martins 240 484-1450 Captainoverboard1@gmail.com
10688 Harding Road
Laurel, Md. 20723
- N. N/A. No extra help.
- O. Same as M.
- P. See drawing 1.
- Q. 210' +/- 5' to Stanfield Road and Harding Road.
- R. County Roads.
- S. Building is existing, 8" Split-face block with every other cell filled solid. This will stay just as it is. Nothing further will be done in this area if the variance is granted. If the variance is not granted, I would have to reduce the size of the building to meet the 7' setback. Right now it is 6' 3" per violation. I would have to build the wall back using 2x6 lumber for wall studs and vinyl siding.
- T. In 2015 (BA-15-OIIV) Howard County gave me a variance to change the set back from 10' to 7'. I was very grateful for that as we did not have the funds to hire a survey company. Howard County said I could give all the dimensions and that made it very easy as I am familiar with a tape measure and string. I even wrote "I was very very accurate" on my paperwork.
This discrepancy came to light in 2019 when attempting to get a permit to do a bedroom addition which we are no longer planning on doing.
In 2017 we paid \$2800.00 for a boundary survey. This put our property on a new plat, as advised by the person I was working with in the Howard County permits office, thus creating an issue with the 6' 3" versus 7' setback. I spoke with Geoff Goins (name spelling?) and he told me there was no need to worry about it at that time. Howard County was not going to take any action. He did say it would have to be corrected at some point.

I have had several heart problems, two heart surgeries and two total knee replacements. I am getting better now and finally able to resume driving thus now attempting to resolve these issues.

I have a letter from Kristin J. Russell, with Howard County, dated August 27, 2019 indicating there were two issues with my garage rear yard setback. One was I had a 3'x8' shed in the rear yard that did not touch the ground. I assumed it was a cantilever building but I was told by zoning that would not work. The shed has been removed. See attached picture labeled #1. With the shed gone I now have a 10' 9" setback along the rear of the property.

Reference: Variance Plan, Page 2 number 6.

T. Continued

The second issue was the side yard setback is 6' 3" per notice of violation. When the building was built I used the original survey pin that is in a very large tree in the corner of the property. The area was heavily wooded so this was a little difficult. After the boundary survey was done the pin was moved. I believe as the tree grew it actually moved the survey pin thus creating the discrepancy I now have.

I am now seeking your help and hopefully the variance to allow this Building to remain in its current location. The building has been there for 14 years now without complaint from any adjoining property owners.

How a Request for a variance

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1. I built Garage in 2010 not following the setbacks,
2. If granted nothing will change. This will not change the look of the property,
3. I caused this hardship, and I am trying to make the adjustments to put my property in compliance.
4. If I'm not granted my variance moving that wall over 9" can be done. I will not put back in split face block no longer available. Will use 2 x 6 vinyl siding. The building was put up in 2010 and has not caused any problems with the neighbors. I made a honest mistake when I applied for first variance in 2015. In 2017 we got a accurate boundary survey. Drawing 1 has surveyors name on it. If granted the variance the building will not be modified.
5. I don't think this applies,