



Howard County  
Health Department

7178 Columbia Gateway Drive, Columbia MD 21046  
(410) 313-2640 Fax (410) 313-2648  
TDD (410) 313-2323 Toll Free 1-866-313-6300  
website: [www.hchealth.org](http://www.hchealth.org)

Peter L. Beilenson, M.D., M.P.H., Health Officer

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**MEMORANDUM**

TO: J. Robert Lalush, Acting Chief  
Division of Planning & Zoning Administration

FROM: Sara Sappington, R.S.  
Well and Septic Program

RE: File Number: BA 09-042V  
Title: 1540 Long Corner Rd.

DATE: December 11, 2009

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At this time the Health Department does not object to the variance petition for the referenced property.

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

Date: 11/20/09

Hearing Examiner 1/11/10  
Planning Board \_\_\_\_\_ Board of Appeals \_\_\_\_\_ Zoning Board \_\_\_\_\_

Petition No. BA 09-042 Map No. 6 Block 10 Parcel 83 Lot 3

Petitioner: Thomas & Leslie Fraley

Petitioner's Address: 5705 Landing Road, Elkridge, MD 21075

Address of Property: see application

Return Comments by 12/14, 2009 to Public Service and Zoning Administration

Owner: (if other than applicant) \_\_\_\_\_

Owner's Address: \_\_\_\_\_

Petition: See application

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- 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
  - \_\_\_\_\_ Economic Development
  - \_\_\_\_\_ Route 1 Cases – DCCP – Dace Blaumanis

COMMENTS:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**DPZ Office use only:**  
CASE NO. BA 09-042V  
DATE FILED \_\_\_\_\_

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

**1. VARIANCE REQUEST**

SECTION 104.E.4.b.(1) of the Zoning Regulations to reduce the 75' setback for principal structure from collector or arterial public street right-of-way to 35'.

**2. PETITIONER'S NAME** Main Street Builders, Inc.

TRADING AS (IF APPLICABLE) \_\_\_\_\_

ADDRESS 5705 Landing Road, ElkrIDGE, Maryland 21075

PHONE NO. (W) (410) 796-2003 (H) \_\_\_\_\_

EMAIL \_\_\_\_\_

**3. COUNSEL FOR PETITIONER** Sang W. Oh, Talkin & Oh, LLP

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

COUNSEL'S PHONE NO. (410) 964-0300

EMAIL soh@talkin-oh.com

09 NOV -2 PM 2 32

**4. PROPERTY IDENTIFICATION**

ADDRESS OF SUBJECT PROPERTY 1540 Long Corner Road, Mt. Airy, Maryland 21771

ELECTION DISTRICT 4<sup>th</sup> ZONING DISTRICT RC-DEO ACREAGE 1.49

TAX MAP # 6 GRID # 10 PARCEL # 83 LOT # 3

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.

**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, ( ) shape, ( ) topography, (X) other; explain: The subject property is 1.49 acres, which is a smaller RC-DEO property. More significantly, the lot is oddly shaped. Being a triangular lot, the building envelope is grossly reduced. Further, the subject property is also burdened by having frontage on Long Corner Road with the likelihood of having to dedicate a portion of the property for a future right-of-way as well as a 75' setback to that possible right-of-way.

2. The uniqueness of the property prevents me from making a reasonable use of the property because: Given the smaller size of the subject property, its odd shape, the future right-of-way dedication, and the size and location of the septic fields, the building box is inordinately small and results in unnecessary hardship in accommodating a structure that would adequately utilize the subject property.

B) The intended use of the property, in the event the petition is granted: a 2,700 square foot residential dwelling unit is proposed.

C) Any other factors which the Petitioner desires to have considered: Grant of variance would have no adverse impact on the neighborhood. Other factors will be set forth at the hearing on this matter.

D) Explain why the requested variance is the minimum necessary to afford relief: A lesser variance would not allow the property to be properly utilized.

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.):  
Access to the site is gained by way of Long Corner Road

J) Describe the topography of the site: generally flat.

K) Will the existing or proposed structure be visible from adjacent properties?  Y  N; if yes, describe any proposed buffering or landscaping: Landscaping will be in accordance with the Howard County Landscape Manual.

L) Describe any existing buffering or landscaping: There is an existing tree line along the perimeter of the property and landscaping will be in accordance with the Howard County Landscape Manual.

**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.

Main Street Builders, Inc.  
 Petitioners Name (please print)

Joseph Snodgrass  
 Joseph Snodgrass, President

10-30-09  
 Date

Sang W. Oh  
 Counsel's Name (please print)

Sang W. Oh

10-30-09  
 Date

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**For DPZ office use only: (Filing fee is \$300.00 plus \$20.00 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](http://www.howardcountymd.gov)**

Revised: 10/07  
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PETITIONER Main Street Builders, Inc.

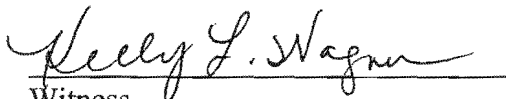
PROPERTY ADDRESS 5705 Landing Road, Elkridge, Maryland 21075

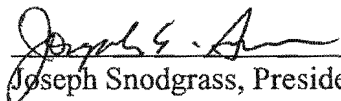
Affidavit made pursuant to the pertinent provisions of Title 22 of the Howard County Code as amended.

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.

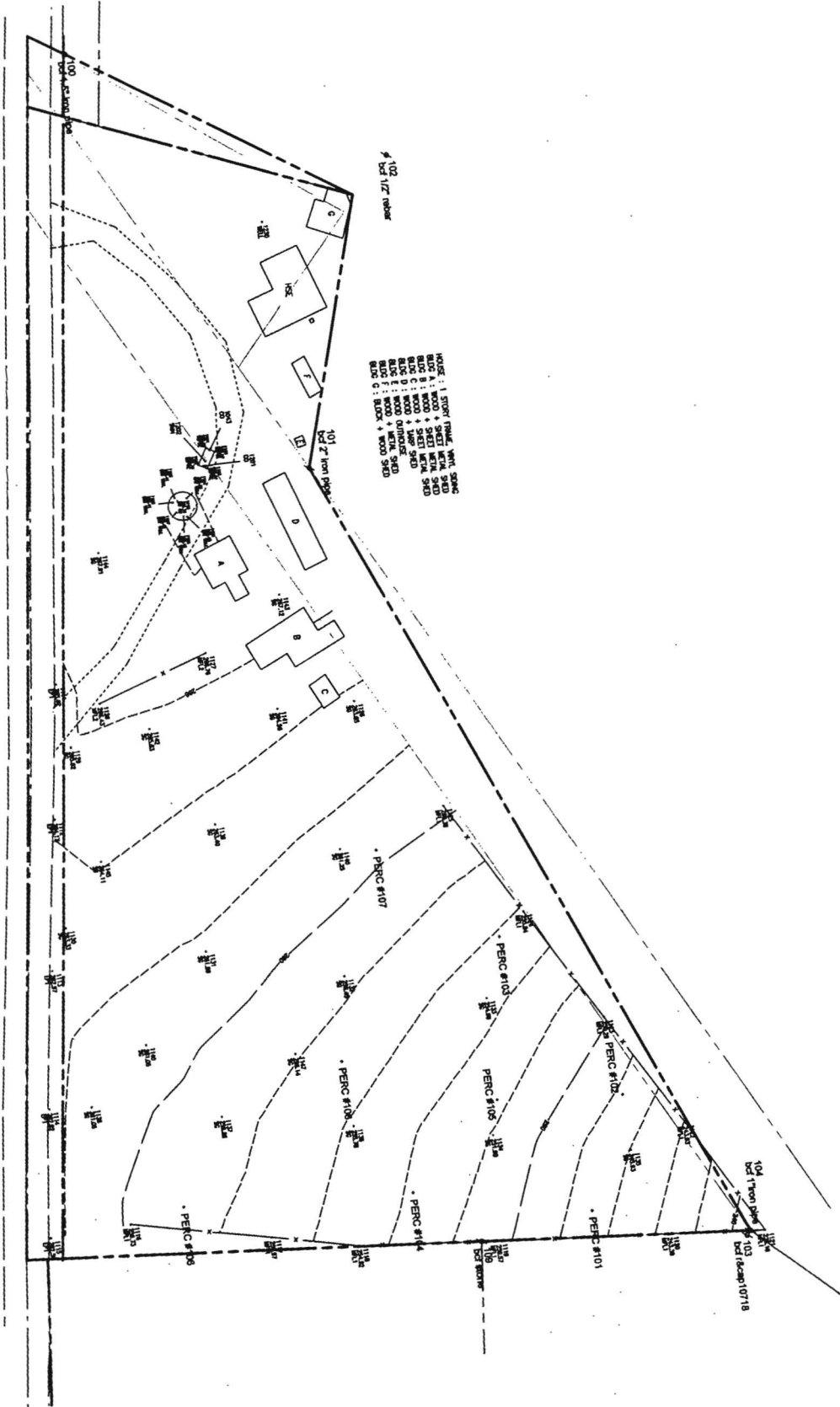
MAIN STREET BUILDERS, INC.

  
\_\_\_\_\_  
Witness

  
\_\_\_\_\_  
Joseph Snodgrass, President

\_\_\_\_\_  
Date

K. PROSPECTS / A-33 / SWN / Louis CORNER / TF OSIDA, DUA



-77°9.22"



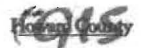
39°19'58"



39°19'58"

Disclaimer: Howard County, Maryland assumes no responsibility for the accuracy of this report or the information contained herein or derived therefrom. The user assumes all risks and liabilities whatsoever resulting from or arising out of the use of this information. There are no oral agreements or warranties relating to the use of this report.

-77°9.22"



  
**Howard County**  
M A R Y L A N D

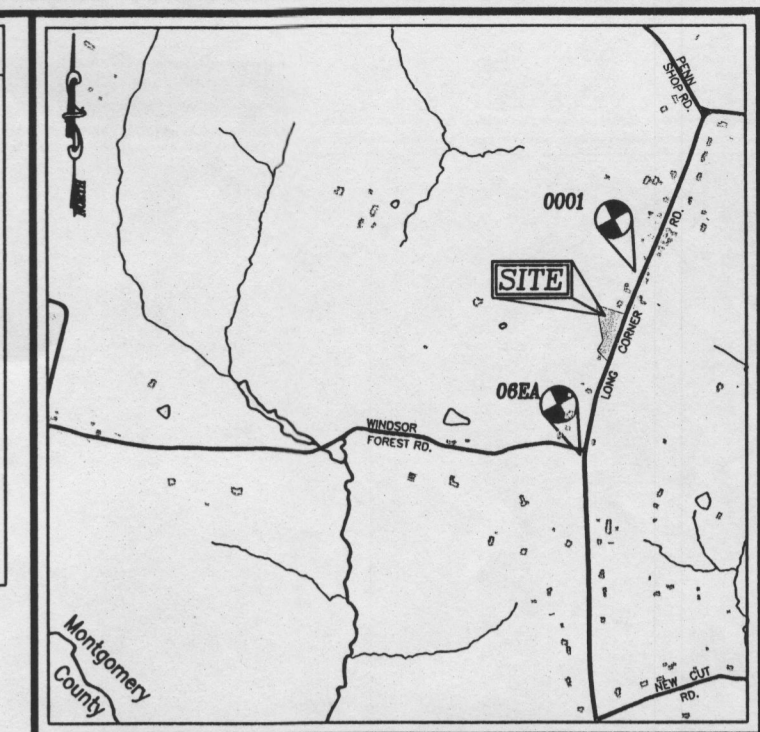
By:  
Office:  
Map Width: 910.00 ft.  
Print Date: 2/20/2009  
Scale: 1 in. = 100 ft.

**GENERAL NOTES:**

1. THE BOUNDARY LINES SHOWN HEREON ARE BASED ON A BOUNDARY SURVEY PREPARED BY ROBERT H. VOGEL ENGINEERING, INC., DATED OCTOBER 15, 2009.
2. THE TOPOGRAPHY SHOWN HEREON BASED ON SURVEY BY ROBERT H. VOGEL ENGINEERING, INC. DATED MARCH 2009.
3. EXISTING SEPTIC LOCATIONS SHOWN ARE BASED ON A FIELD SURVEY.
4. WELL TO BE DRILLED PRIOR TO SUBMITTAL OF BUILDING PERMIT.
5. HEALTH DEPARTMENT HAS WAIVED SETBACK OF SDA FROM PROPERTY LINE FROM 10' TO 5'.
6. APPLICATION A-530253, PRIVATE SEWAGE EASEMENT APPROVED IN ACCORDANCE WITH APPLICATION A-530253.
7. THE OFF-SITE SEPTIC EASEMENT TO SERVE 1564 LONG CORNER ROAD CONTAINS THE EXISTING DRY WELL AND HAS AREA ADEQUATE FOR 2 REPAIR SYSTEMS.
8. THE ACCESS EASEMENT TO THE REPAIR AREA SERVING 1564 LONG CORNER ROAD MUST BE RECORDED PRIOR TO BUILDING PERMIT APPROVAL.
9. THE SUBJECT PROPERTY IS ZONED RC-DEO, AND IS LOCATED IN THE 4TH ELECTION DISTRICT.
10. PROPOSED HOUSE TO BE BRICK, STONE, AND/OR VINYL SIDING.
11. PROPERTY SERVED BY PRIVATE WELL AND SEWER.
12. THE SUBJECT PROPERTY IS LOCATED IN THE MT. AIRY COMMUNITY OF HOWARD COUNTY, MARYLAND.

**LEGEND**

---	RIGHT-OF-WAY
---	BOUNDARY LINE
---	ADJACENT BOUNDARY LINE
---	EXISTING TREELINE
---	EXISTING UTILITY POLE
---	EXISTING SIGN
---	EXISTING WATER LINE
---	EXISTING SEWER LINE
---	EXISTING GAS LINE
---	EXISTING OVERHEAD LINES
---	CENTERLINE OF EXISTING ROAD
---	EXISTING EDGE OF PAVING
---	EXISTING 10' CONTOUR
---	EXISTING 2' CONTOUR
W	EXISTING WELL LOCATION
W	PROPOSED WELL LOCATION



**VICINITY MAP**  
SCALE: 1"=2000'  
ADC COORDINATE: 2 C11

**BENCHMARKS**  
HOWARD COUNTY BENCHMARK 0001 (CONCRETE MONUMENT)  
N 607303.2145 E 1268306.1165 ELEV. 812.778  
HOWARD COUNTY BENCHMARK 006A (CONCRETE MONUMENT)  
N 605662.2772 E 1267824.3235 ELEV. 785.452

TAX MAP: 6  
PARCEL: 24  
TRUMAN L. KELLEY SR.  
LAVINIA W. KELLEY T/C  
L 479 / F 63  
L 4038 / F 285  
ZONING: RC-DEO  
USE: AGRICULTURAL  
AREA: 97.40 AC.

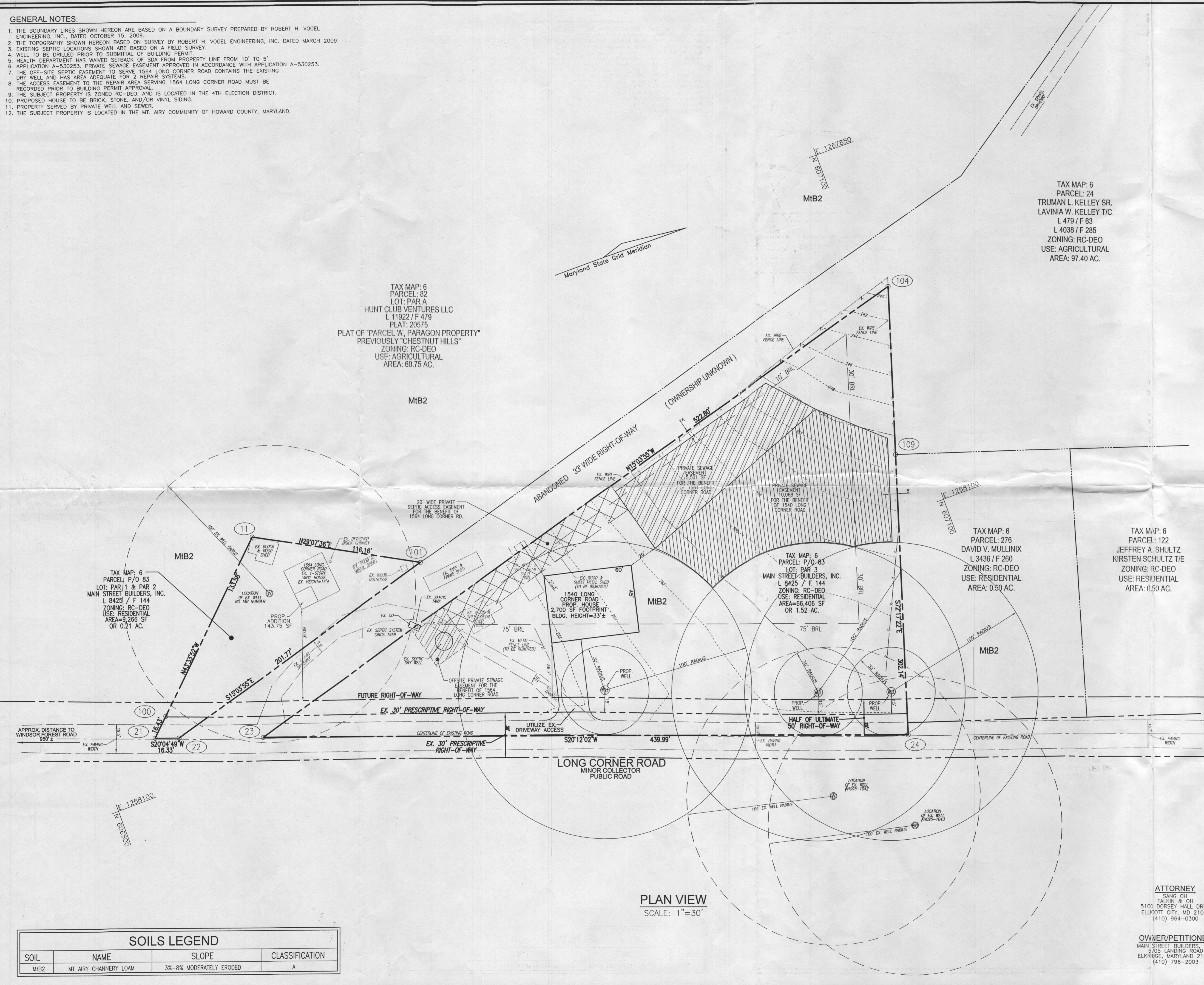
TAX MAP: 6  
PARCEL: 82  
LOT: PAR A  
HUNT CLUB VENTURES LLC  
L 11922 / F 479  
PLAT: 20575  
PLAT OF "PARCEL 'A', PARAGON PROPERTY"  
PREVIOUSLY "CHESTNUT HILLS"  
ZONING: RC-DEO  
USE: AGRICULTURAL  
AREA: 60.75 AC.

TAX MAP: 6  
PARCEL: 276  
DAVID V. MULLINIX  
L 3436 / F 260  
ZONING: RC-DEO  
USE: RESIDENTIAL  
AREA: 0.50 AC.

TAX MAP: 6  
PARCEL: 122  
JEFFREY A. SHULTZ  
KIRSTEN SCHULTZ T/E  
ZONING: RC-DEO  
USE: RESIDENTIAL  
AREA: 0.50 AC.

TAX MAP: 6  
PARCEL: P/O 83  
LOT: PAR 1 & PAR 2  
MAIN STREET BUILDERS, INC.  
L 8425 / F 144  
ZONING: RC-DEO  
USE: RESIDENTIAL  
AREA=9,256 SF  
OR 0.21 AC.

TAX MAP: 6  
PARCEL: P/O-83  
LOT: PAR 3  
MAIN STREET BUILDERS, INC.  
L 8425 / F 144  
ZONING: RC-DEO  
USE: RESIDENTIAL  
AREA=66,406 SF  
OR 1.52 AC.



**PLAN VIEW**  
SCALE: 1"=30'

**SOILS LEGEND**

SOIL	NAME	SLOPE	CLASSIFICATION
MIB2	MT AIRY CHANNERY LOAM	3%-8% MODERATELY ERODED	A

**VARIANCE REQUEST:**  
SECTION 104.E.4.b.(1): REDUCE 75' SETBACK FOR PRINCIPAL STRUCTURE FROM COLLECTOR OR ARTERIAL PUBLIC STREET RIGHT-OF-WAY TO 36.7'.

EXHIBIT TO ACCOMPANY VARIANCE PETITION

1540 LONG CORNER ROAD

TAX MAP 6 GRID 10  
4TH ELECTION DISTRICT

PARCELS 83  
HOWARD COUNTY, MARYLAND

**ROBERT H. VOGEL ENGINEERING, INC.**  
ENGINEERS • SURVEYORS • PLANNERS  
8407 MAIN STREET ELLICOTT CITY, MD 21043 TEL: 410.461.7666 FAX: 410.461.8961

**PROFESSIONAL CERTIFICATE**  
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND. LICENSE NO. 16183 EXPIRATION DATE: 08-27-2010

DESIGN BY: R/HV  
DRAWN BY: JCO  
CHECKED BY: R/HV  
DATE: OCTOBER 2009  
SCALE: 1"=30'  
W.O. NO.: 04-33.05

1 SHEET OF 1

**ATTORNEY**  
SANG OH  
TALKIN & OH  
5100 DORSEY HALL DRIVE  
ELLICOTT CITY, MD 21042  
(410) 964-0300

**OWNER/PETITIONER**  
MAIN STREET BUILDERS, INC.  
5703 LANDING ROAD  
ELKRIEGE, MARYLAND 21075  
(410) 796-2003