STANDARD APPLICATION
Harford County Board of Appeals
Bel Air, Maryland 21014

APR 2 8 2006

HARFORD COUNTY COURTS

Case No. 5539
Date Filed 4/21/06
Hearing Date
Receipt
Fee $450.00

Shaded Areas for Office Use Only

Type of Application

- ____ Administrative Decision/Interpretation
- ____ Special Exception
- ____ Use Variance
- ____ Change/Extension of Non-Conforming Use
- ____ Minor Area Variance
- ____ Area Variance
- X Variance from Requirements of the Code
- ____ Zoning Map/Drafting Correction
- ____ _____

Nature of Request and Section(s) of Code

CASE 5539 **MAP** 61 **TYPE** Variance

ELECTION DISTRICT 01 **LOCATION** 3105 Abingdon Road, Abingdon 21009

BY 3105 Abingdon Road LLC, 405 E. Churchville Road, Bel Air 21014

Appealed because a variance pursuant to Section 267-22G(1) to allow two panhandle lots as part of a four lot subdivision in the R2 District requires approval by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Applicant/Owner (please print or type)

Name 3105 Abingdon Road LLC Phone Number 410-893-4710

Address 405 E.Churchville Road Bel Air MD 21014
Street Number *Street* *City* *State* *Zip Code*

Co-Applicant _____ Phone Number _____

Address _____
Street Number *Street* *City* *State* *Zip Code*

Contract Purchaser _____ Phone Number _____

Address _____
Street Number *Street* *City* *State* *Zip Code*

Attorney/Representative _____ Phone Number _____

Address _____
Street Number *Street* *City* *State* *Zip Code*

The Subject Property consists of two distinct and unique parcels. Parcel 36 is an unusually narrow yet deep lot. It has very limited road frontage on Abingdon Road, and cannot be developed in accordance with present day zoning standards. To the extent the property is capable of development, it would be developed with less than adequate road frontage, there would be a tight and restricted driveway from Abingdon Road, and would have a narrow and long building configuration. This lot and the type of unit which could be constructed on that lot do not meet current standards and would not be in keeping with the neighborhood. These unusual features, not of the Applicant's making, would cause the Applicant practical difficulty.

Parcel 37, while wider, is a sharply trapezoidal lot which presents developmental problems as well. Because of the angle the required lot setbacks become more difficult to comply with and the development potential is reduced. This physical configuration of the lot causes the Applicant additional difficulties.

In order to relieve the Applicant of the difficulties created by the configuration of these two parcels, a variance is requested to allow the parcels to be combined into one site, to be developed as a one project, four lot subdivision, with two standard road frontage lots and two panhandle lots. The road frontage lots would allow access to the individual units from a common panhandle, thereby providing only one access point to Abingdon Road, as opposed to three separate access points if the variance were not granted.

Additionally, the design of the project will require side entry garages which will allow the vehicles entering Abingdon Road to have head-on access. As a result, no vehicle will be required to back onto Abingdon Road which would be the result if this variance was not granted.

The variance, if granted, would promote safety at the access point of the project. It would enhance traffic and pedestrian safety along Abingdon Road, it would create a marketable project with meets Harford County Zoning Regulations. The variance, if granted, is the minimum necessary to relieve the Applicant of difficulties which he would otherwise suffer due to the configuration of these parcels.

Land Description

Address and Location of Property 3105 Abingdon Road, Abingdon, MD

Subdivision N/A Lot Number N/A

Acreage/Lot Size 1.73 Election District 1st Zoning R-2

Tax Map No. 61 Grid No. 1-F Parcel 37 Water/Sewer: Private [ ] Public [X]

List ALL structures on property and current use: Residence and Detached Garage

Estimated time required to present case: 20 minutes

If this Appeal is in reference to a Building Permit, state number N/A

Would approval of this petition violate the covenants and restrictions for your property? No

Is this property located within the County's Chesapeake Bay Critical Area? Yes [ ] No [X]

If so, what is the Critical Area Land Use designations:

Is this request the result of a zoning enforcement investigation? Yes [ ] No [X]

Is this request within one (1) mile of any incorporated town limits? Yes [ ] No [X]

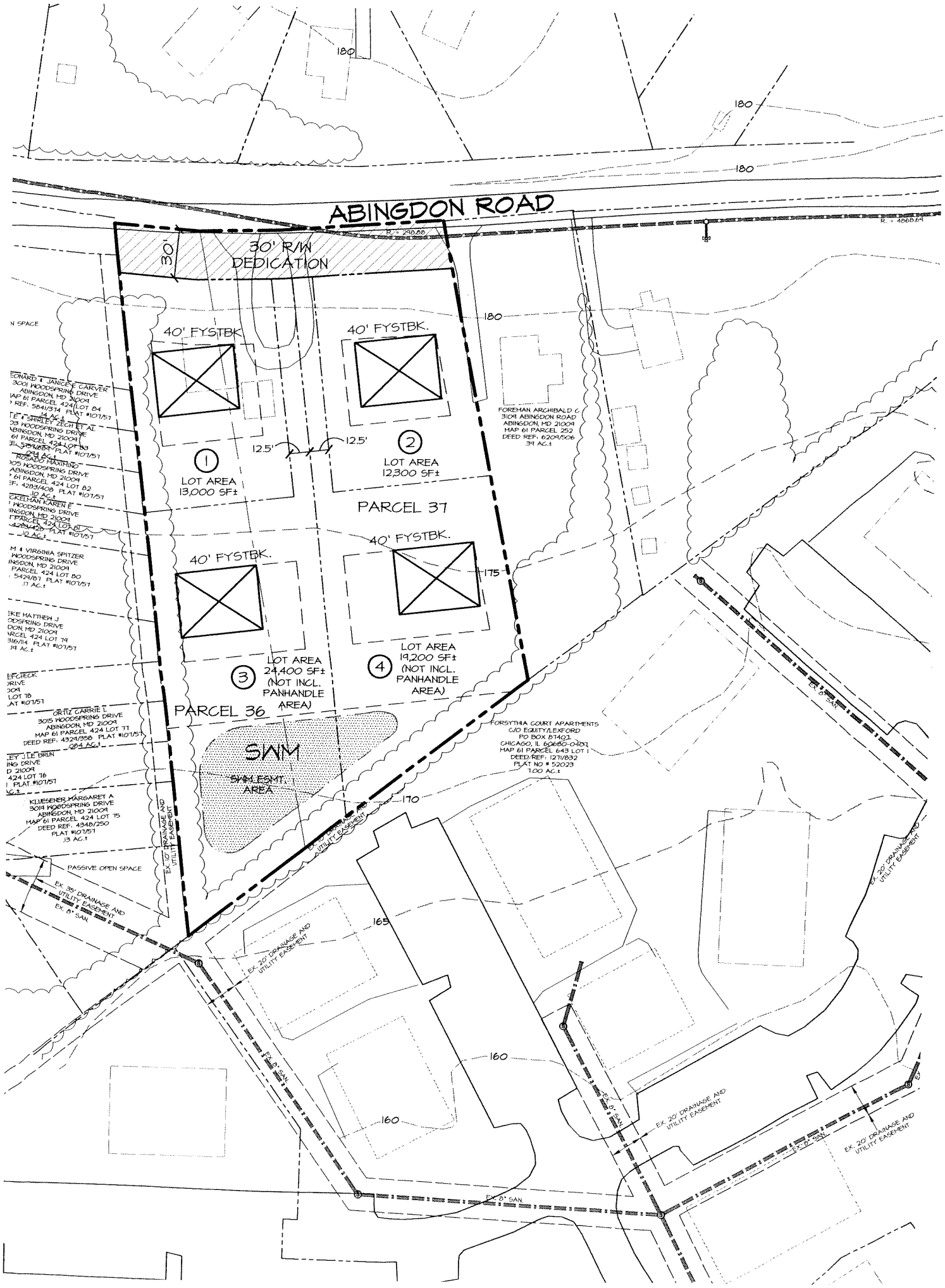
Request

To allow one (1) additional panhandle lot to the proposed subdivision of Lot 37 into four (4) proposed lots, 2 fronting on Abingdon Road, and 2 panhandle lots behind.

Justification

See attached for justification.

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)


ABINGDON ROAD
30' R/W DEDICATION
30'
40' FYSTBK.
40' FYSTBK.
40' FYSTBK.
40' FYSTBK.
12.5'
12.5'
1
LOT AREA
13,000 SF±
2
LOT AREA
12,300 SF±
PARCEL 37
3
LOT AREA
24,400 SF±
(NOT INCL.
PANHANDLE
AREA)
4
LOT AREA
19,200 SF±
(NOT INCL.
PANHANDLE
AREA)
PARCEL 36
SWM
SWM ESMT.
AREA
180
175
170
165
160
160
FOREMAN ARCHIBALD G
3104 ABINGDON ROAD
ABINGDON, MD 21009
MAP 61 PARCEL 252
DEED REF: 6209/506
.94 AC.±
FORSYTHIA COURT APARTMENTS
C/O EQUITY/LEXFORD
PO BOX 87401
CHICAGO, IL 60680-0401
MAP 61 PARCEL 643 LOT 1
DEED REF: 1211/832
PLAT NO # 52023
1.00 AC.±
ORTIZ CARRIE L
3015 WOODSPRING DRIVE
ABINGDON, MD 21009
MAP 61 PARCEL 424 LOT 77
DEED REF: 4329/358 PLAT #107/57
.094 AC.±
KLUESENER, MARGARET A
3014 WOODSPRING DRIVE
ABINGDON, MD 21009
MAP 61 PARCEL 424 LOT 75
DEED REF: 4348/250
PLAT #107/57
.13 AC.±
PASSIVE OPEN SPACE
EX. 10' DRAINAGE AND UTILITY EASEMENT
EX. 35' DRAINAGE AND UTILITY EASEMENT
EX. 8" SAN.
EX. 20' DRAINAGE AND UTILITY EASEMENT
EX. 8" SAN.
EX. 8" SAN.
EX. 8" SAN.
EX. 20' DRAINAGE AND UTILITY EASEMENT
EX. 20' DRAINAGE AND UTILITY EASEMENT
EX. 20' DRAINAGE AND UTILITY EASEMENT
EX. 8" SAN.

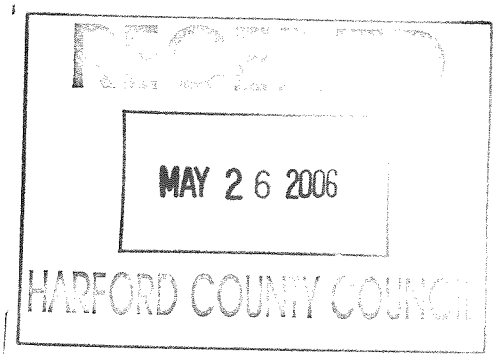
DAVID R. CRAIG
HARFORD COUNTY EXECUTIVE

LORRAINE COSTELLO
DIRECTOR OF ADMINISTRATION

C. PETE GUTWALD
DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning



May 18, 2006

STAFF REPORT

BOARD OF APPEALS CASE NO. 5539

APPLICANT/OWNER:	3105 Abingdon Road LLC 405 E. Churchville Road, Bel Air, Maryland 21014
REPRESENTATIVE:	Applicants
LOCATION:	3105 Abingdon Road Tax Map: 61 / Grid: 1F / Parcel: 37 Election District: First (1)
ACREAGE:	1.73 acres
ZONING:	R2/Urban Residential District
DATE FILED:	April 21, 2006
HEARING DATE:	June 14, 2006

APPLICANT'S REQUEST and JUSTIFICATION:

Request:

"To allow one (1) additional panhandle lot to the proposed subdivision of Lot 37 into four (4) lots, 2 fronting on Abingdon Road and 2 panhandle lots behind."

Justification:

See Attachment 1.

CODE REQUIREMENTS:

The Applicants are requesting a variance pursuant to Section 267-22G(1) to allow two panhandle lots as part of a four lot subdivision in the R2 District.

Section 267-22G(1) of the Harford County Code reads:

G. Panhandle-lot requirements. Panhandle lots shall be permitted for agricultural and residential uses, to achieve better use of irregularly shaped parcels, to avoid development in areas with environmentally sensitive features or to minimize access to collector or arterial roads, subject to the following requirements:

(1) Except in Agricultural and Rural Residential Districts, with regard to any parcel, as it existed on September 1, 1982, not more than one (1) lot or five percent (5%) of the lots intended for detached dwellings, whichever is greater, and not more than ten percent (10%) of the lots intended for attached dwellings may be panhandle lots.

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The Applicant's property is located east of MD Route 924 on the south side of Abingdon Road. A location map and a copy of the Applicant's site plan are enclosed with the report (Attachments 2 and 3).

The subject property is located within the Development Envelope. The predominant land use designations are Low, Medium and High Intensities. There are also areas of Industrial/Employment. The Natural Features Map reflects Stream Systems. The subject property is designated as Medium Intensity which is defined by the 2004 Master Plan as:

> ***Medium Intensity*** *- Areas within the Development Envelope where residential development is the primary land use. Density ranges from 3.5 to 7.0 dwelling units per acre. Grocery stores, variety stores and other commercial uses are examples of some of the more intensive uses associated with this designation.*

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 4 and 5).

Land Use – Existing:

The existing land uses conform to the overall intent of the 2004 Master Plan. Residential uses include single family dwellings, townhouses, apartments and condominiums. Commercial uses include individual retail, shopping centers, automotive sales and services, personal and

professional services, schools, churches, and recreational facilities. The topography of the area ranges from rolling to steep especially near the stream valleys. A topography map and a copy of the aerial photograph are enclosed with the report (Attachments 6 and 7).

The subject site contains 2 parcels approximately 1.8 acres in size with frontage on the south side of Abingdon Road. The Applicant proposes to create 4 lots. The surrounding area contains residential and commercial uses. The site gently slopes down from the road to the rear of the property. Improvements consist of a small single family dwelling with a detached garage. These structures would be removed once the lots are created. Site photographs along with an enlargement of the aerial photograph are enclosed with the report (Attachments 8 and 9).

Zoning:

The zoning classifications in the immediate area are consistent with the 2004 Master Plan. Residential zoning ranges from R1 to R4/Urban Residential. Commercial zoning includes B2/Community and B3/General Business District. The subject property is zoned R2/Urban Residential District as shown on the enclosed copy of the zoning map (Attachment 10).

SUMMARY:

The Applicants are requesting a variance pursuant to Section 267-22G(1) to allow two panhandle lots as part of a four lot subdivision in the R2 District.

Section 267-22G(1) of the Harford County Code reads:

H. Panhandle-lot requirements. Panhandle lots shall be permitted for agricultural and residential uses, to achieve better use of irregularly shaped parcels, to avoid development in areas with environmentally sensitive features or to minimize access to collector or arterial roads, subject to the following requirements:

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Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the applicant must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

The Department finds that the subject property is unique. The existing parcels could be reconfigured to create four lots as shown on the applicant's variance exhibit #2 (Attachment 11). These would still create two panhandle lots. However, this would result in multiple access points on Abingdon Road. If the variance is approved the proposed lots will all be served by one access point. Also, the proposed plan would result in a better configuration of the lots. The requested variance would not adversely impact the adjacent properties and would meet the intent of the code.

RECOMMENDATION and or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends that the requested variance be approved subject to the following conditions:

1. The Applicant shall submit a preliminary plan to the Department of Planning and Zoning for review and approval.
2. The Applicant shall submit a final plat to the Department of Planning and Zoning for review and recordation.
3. All four lots shall be provided access by a common driveway. The common drive agreement shall be submitted to the Department of Planning and Zoning with the final plat.

Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review

Anthony S. McClune, AICP
Deputy Director, Planning and Zoning

DJS/ASM/jf