STANDARD APPLICATION

Harford County Board of Appeals

Bel Air, Maryland 21014

RECEIVED
NOV 13 2006
HARFORD COUNTY COUNCIL

Case No. 5580
Date Filed 11/03/06
Hearing Date
Receipt
Fee $450

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
- ____ Variance from Requirements of the Code
- ____ Zoning Map/Drafting Correction
- ____ _____

Nature of Request and Section(s) of Code

CASE 5580 MAP 9 TYPE Variance

ELECTION DISTRICT 04 LOCATION 1100 Harkins Rd, Pylesville, MD 21132

BY Steve and Barb Clancy

Appealed because a variance pursuant to Section 267-39B,Table XI of the Harford County Code to permit an above ground pool and shed within the required 30' front yard setback in the B2 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.

Owner (please print or type)

Name Steve & Barb Clancy Phone Number 410-452-8486

Address 1100 Harkins Rd Pylesville MD 21132
Street Number Street City State Zip Code

Co-Applicant N/A Phone Number

Address
Street Number Street City State Zip Code

Contract Purchaser N/A Phone Number

Address
Street Number Street City State Zip Code

~~Attorney~~ Permit Service/Representative Jeremy Clancy Phone Number 443-340-1229

Address 7051 Macbeth way Elkridge MD 21784
Street Number Street City State Zip Code

Rev. 12/03

Land Description

Address and Location of Property 1100 Harkins Rd
Pylesville MD 21138

Subdivision Harvey E Senft Lot Number NA

Acreage/Lot Size 2.81 A Election District 04 Zoning B2

Tax Map No. 9 Grid No. 2F Parcel 204 Water/Sewer: Private ✓ Public ____

List ALL structures on property and current use: SFD, pool, deck, shed.

Estimated time required to present case: 20 mins.

If this Appeal is in reference to a Building Permit, state number NO

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 ✓

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

Is this request the result of a zoning enforcement investigation? Yes ____ No ✓

Is this request within one (1) mile of any incorporated town limits? Yes ____ No ✓

Request

When applying for a Bldg permit for House addition, it was determined that the shed (erected by previous owner) and pool were too close to prop. line.

Justification

The shed was previously built by other owner. Before we began the process for the addition permit, the septic reserve area was larger and the pool was placed outside of it (hence closer to road). There is an existing tree line obstructing view of structures. The subj. prop is a "dual frontage" lot and the main road is on other side of house (this would be the rear otherwise). The road in question is NOT county maintained and the few owners who use it have signed letters stating no objection to leaving structures there.

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.)

Reasoning For Variance Request

We are requesting a variance of the front yard setback requirements for accessory structures. We actually began this process in January attempting to obtain a building permit for an addition to the principle structure. During the process we learned that the original zoning had at some point been changed to a business zoning (B2) which subsequently changed our setbacks. In order to proceed with the application process we had to hire a land surveyor to redo our site plan to have the new one officially recorded with the county; at a very hefty price and time frame I might add. During *this* process we learned that our septic reserve area was over-sized and could actually be reduced with the necessary perc tests and field visits. Once that was done and the plan finally made it up to the county, we were told that everything looked good for our addition; but we had other problems.

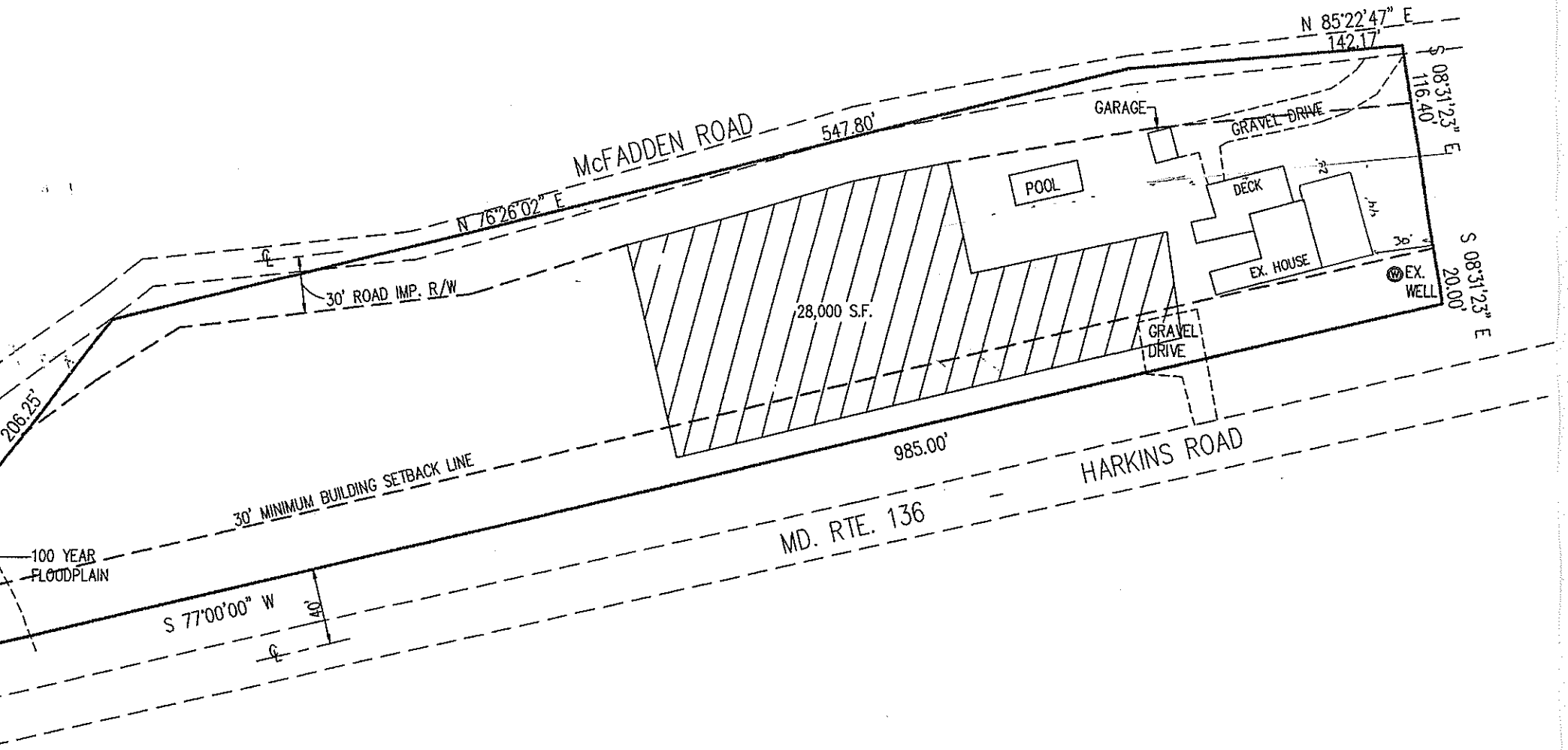
We had an above-ground pool installed by a local contractor who did not obtain the appropriate permits as we thought they did. Upon calling them they pointed out to us that they had fine print stating it was our responsibility despite verbal assurances this would be taken care of. This pool subsequently was built within the "front" yard setback limit. Now one main reason for this location was because of the previous septic reserve area which was larger and limited the pool's possible locations. Not far from the pool at the front of our driveway is a small shed. This shed was built and existing prior to our purchasing of the home. We learned that this too was done without a permit and is also within the front yard setback limit. It is these two structures which require a variance before we can move forward with our addition.

It is important to point out as well that the street that this "front" yard setback is *our* back yard. Apparently since we are sandwiched between two streets, we have two fronts. The street in question is not county maintained at all and is actually gravel. The only traffic using this street is local residents which are very few. Moreover, there is an established tree line precluding view of both of these structures and they will not (and have not since they are existing) cause any problems or eye-sore to our neighbors. We desperately need our new addition as we have two children and need the additional living space. At the time of this application it has been nearly nine months in this process and we are told that this variance hearing will not be until the first of the year, putting us at a full year. If we are approved for these two existing structures, we still need to go through the permit process for the addition. We emphatically ask you generosity when deciding this case and thank you in advance for your assistance and cooperation.

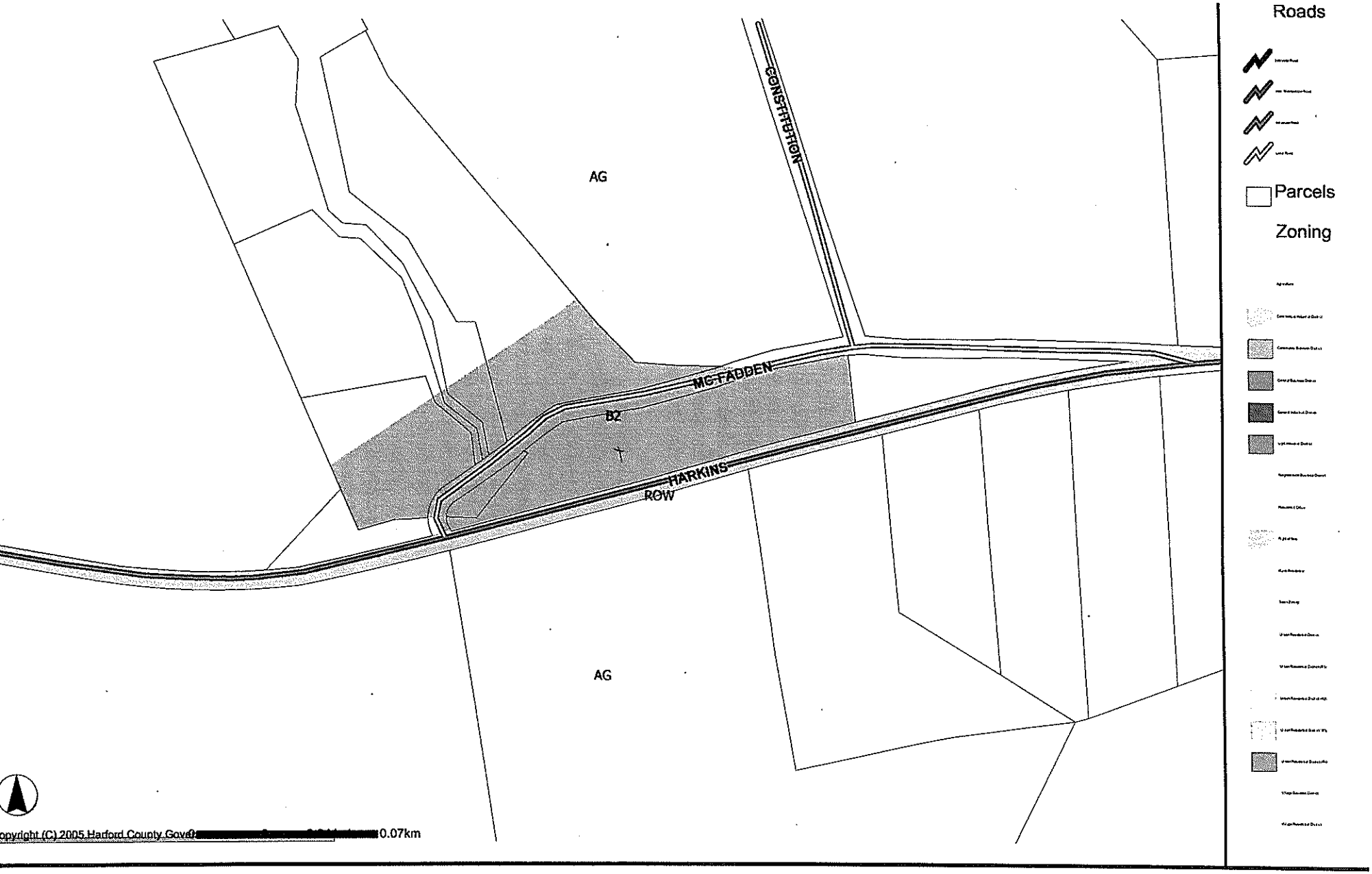
PARTMENT OF

OLIO 23 IN
OF LOT 2 AND

SCALE: 1" = 1500'



OWNERS:
STEVEN & BARBARA CLANCY
1100 HARKINS ROAD
PYLESVILLE, MARYLAND 21132



opyright (C) 2005 Harford County Gove

Topography Map

Overview

Leg

Selected F

Contours

Roads

Parcels

2004 Orthc

DAVID R. CRAIG
HARFORD COUNTY EXECUTIVE

LORRAINE COSTELLO
DIRECTOR OF ADMINISTRATION

C. PETE GUTWALD
DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

DEPARTMENT OF PLANNING & ZONING

JAN 29 2007

January 24, 2007

STAFF REPORT

BOARD OF APPEALS CASE NO. 5580

APPLICANT/OWNER:	Steve Clancy 1100 Harkins Road, Pylesville, Maryland 21132
Co-APPLICANT:	Barb Clancy 1100 Harkins Road, Pylesville, Maryland 21132
REPRESENTATIVE:	Jeremy Clancy, Permit Service 7051 Macbeth Way, Eldersburg, Maryland 21784
LOCATION:	1100 Harkins Road – Lands of Harvey E. Senft Tax Map: 9 / Grid: 2F / Parcel: 204 Election District: Four (4)
ACREAGE:	2.81 acres
ZONING:	B2/Community Business District
DATE FILED:	November 3, 2006
HEARING DATE:	February 7, 2007

APPLICANT'S REQUEST and JUSTIFICATION:

Request:

"When applying for a building permit for house addition, it was determined that the shed (erected by pervious owner) and pool were too close to property lines."

Justification:

"The shed was previously built by the other owner. Before we began the process for the addition permit, the septic reserve area was larger and the pool was placed outside of it (hence closer to the road). There is an existing tree line obstructing view of structures. The subject property is a dual frontage lot and the main road is on the other side of house (this would be the rear otherwise). The road in question is not County maintained and the few owners who use it have signed letters stating no objection to leaving structures there." (Attachment 1)

CODE REQUIREMENTS:

The Applicants are requesting a variance pursuant to Section 267-39B, Table XI of the Harford County Code to permit accessory structures (above ground pool, shed, garage and gazebo) within the required 30 foot front yard setback in the B2/Community Business District.

Enclosed with the report is a copy of Section 267-39B, Table XI (Attachment 1).

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The Applicant's property is located in the northern end of the County on the north side of Harkins Road (MD Route 136) west of Rocks Road (MD Route 24). The subject property is a double frontage lot with frontage on Harkins Road on the south side and McFadden Road on the north side. Harkins Road (MD Route 136) is a State owned and maintained road. McFadden Road is a county maintained gravel road. A location map and a copy of the Applicant's site plan are enclosed with the report (Attachments 3 and 4).

The subject property is located outside of the Development Envelope. The predominant land use designation is Agricultural. The Natural Features Map reflects Parks, Deer Creek Scenic River District, Sensitive Species Project Review Areas, and Agricultural Preservation Districts and Easements. The subject property is designated as Agricultural which is defined by the 2004 Master Plan as:

> ***Agricultural*** *– Areas where agriculture is the primary land use, but where development rights are available. Residential development is possible at a density of 1.0 dwelling unit for every 10 acres. Commercial uses within this area are intended to serve the agriculture industry or residents of the area while maintaining the character of the surrounding countryside.*

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 5 and 6).

Land Use – Existing:

The existing land uses conform to the overall intent of the Master Plan. The predominant land use in this area of the County is Agriculture, which includes cropland, pastureland and large areas of dense woodland. There are no major residential developments in the area, however there are scattered residential uses throughout the area. The topography in this area of the County ranges from rolling to steep, especially near the stream valleys. Enclosed with the report is a copy of the topography map along with an aerial photograph of the area (Attachments 7 and 8).

The subject property is a long narrow parcel of land bordered on the south side by Harkins Road (MD Route 136) and McFadden Road on the north side. Harkins Road is a State owned and maintained highway while McFadden Road is a County maintained gravel road. The property is approximately 2.81 acres in size with topography ranging from rolling to steep. The existing improvements are located to the eastern side of the parcel. A stream traverses the western portion of the property. Improvements consist of a brick and frame dwelling that is 1 story on the front side and 2 stories on the rear. There is a ground level deck off of the lower level of the dwelling. Other improvements consist of a small garage, a shed, an above ground pool, and a gazebo. There are 2 driveway access points. The first from Harkins Road to the left of the dwelling. The second driveway is located to the rear of the dwelling and to the eastern end of the lot. Enclosed with the report are site photographs along with an enlargement of the aerial photograph (Attachments 9 and 10).

Zoning:

The zoning classifications in the area are consistent with the 2004 Master Plan as well as the existing land uses. The predominant zoning classification is AG/Agricultural. The subject property is zoned B2/Community Business District. Enclosed with the report is a copy of the zoning map (Attachment 11).

SUMMARY:

The Applicants are requesting a variance pursuant to Section 267-39B, Table XI of the Harford County Code to permit accessory structures (above ground pool, shed, garage and gazebo) within the required 30 foot front yard setback in the B2/Community Business District.

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 lot is a long narrow parcel with frontage on two roads. The configuration of the parcel severely restricts the buildable area of the lot. There are two streams located on the western portion of the parcel. The request will not adversely impact McFadden Road, adjacent properties or the intent of the code. However, the shed must be located outside of the road improvement right-of-way.

The Applicant submitted statements from 2 adjoining property owners stating that they do not have a problem with the requested variances (Attachments 12 & 13).

RECOMMENDATION and or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends approval of the applicants request subject to the following conditions.

1. The Applicant shall obtain all necessary permits and inspection for the pool, gazebo, shed, and garage.
2. The existing shed shall be moved outside of the road improvement right-of-way.

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

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

DJS/ASM/jf