BOARD OF APPEALS CASE NO. 5337	*	**BEFORE THE**
APPLICANT: David & Wendy Ruzicka	*	**ZONING HEARING EXAMINER**
REQUEST: Variance to construct an addition within the required rear yard setback; 708 Cottondale Court, Bel Air	*	**OF HARFORD COUNTY**
	*	**Hearing Advertised Aegis: 3/26/03 & 4/2/03**
HEARING DATE: May 5, 2003	*	**Record: 3/28/03 & 4/4/03**

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ZONING HEARING EXAMINER'S DECISION

The Applicants, David and Wendy Ruzicka, are requesting a variance, pursuant to Section 267-36B, Table V, of the Harford County Code, to allow an addition within the 35-foot rear yard setback (26 feet proposed) in an R2/Conventional with Open Space District.

The subject parcel is located at 708 Cottondale Court, Bel Air, MD 21015 and is more particularly identified on Tax Map 49, Grid 2F, Parcel 60, Lot 29. The parcel consists of 0.3± acres, is zoned R2/COS and is entirely within the Third Election District.

Mr. David Ruzicka appeared and testified that his property is uniquely configured. The lot is located at the termination of a cul-de-sac and the road actually curves around the parcel that creates two very large front yard setbacks and reduces and nearly eliminates buildable area without a variance of some kind. The Applicants wish to create increased living space by adding a single story addition measuring 14 feet by 18 feet to the existing home. The location for the addition is far from the setback as possible given the limitations existing on the parcel. There is no other practical location for the addition. According to the Applicant, no adverse impact to adjacent properties will result from construction of the proposed addition. The witness pointed out that the size of the family and the size of the existing home requires this addition.

He can neither afford to purchase a larger home nor does he wish to uproot his family away from friends, schools and community with which they have become part. No other lot in the neighborhood is subject to the limitations associated with his lot.

Mr. Anthony Mcclune appeared on behalf of the Department of Planning and Zoning. In recommending approval, the Department concluded that the location and configuration of the subject parcel was unique compared to other parcels in the neighborhood. Because of the configuration, the parcel is subject to two front yards that restrict and severely limit the building envelope. According to McClune, the proposal will have no adverse impacts to adjacent parcels and the purposes of the Code will be satisfied if the minimum relief requested is granted.

CONCLUSION

The Applicants are requesting a variance pursuant to Section 267-36B, Table V, of the Harford County Code, to allow an addition within the 35-foot rear yard setback (26 feet proposed) in an R2/Conventional with Open Space District.

Harford County Code Section 267-11 permits variances and provides:

> **"Variances from the provisions or requirements of this Code may be granted if the Board finds that:**
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> **(1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Code would result in practical difficulty or unreasonable hardship.**
>
> **(2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Code or the public interest."**

The Hearing Examiner, for the reasons stated by both the Applicants and the Department of Planning and Zoning, finds that the subject parcel is uniquely configured and further, that this uniqueness operates to constrain the buildable area of the parcel in a manner not impacting neighboring and adjacent parcels.

The addition proposed is modest in size and will be, in the opinion of the Examiner, consistent with other homes and additions in the immediate vicinity. The Applicant has taken steps to place the proposed addition in a manner requiring only the minimal relief from the provisions of the Code, further reducing any potential impacts to adjacent parcels.

For the foregoing reasons, the Hearing Examiner recommends approval, conditioned upon the Applicant obtaining any and all necessary permits and inspections.

Date MAY 21, 2003

William F. Casey
Zoning Hearing Examiner