BOARD OF APPEALS CASE NO. 5340	*	**BEFORE THE**
APPLICANT: Tania Gesheff	*	**ZONING HEARING EXAMINER**
REQUEST: Variance to locate an addition within the required rear yard setback; 2109 Hampshire Drive, Fallston	*	**OF HARFORD COUNTY**
	*	**Hearing Advertised Aegis: 4/11/03 & 4/16/03**
HEARING DATE: May 12, 2003	*	**Record: 4/11/03 & 4/18/03**

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ZONING HEARING EXAMINER'S DECISION

The Applicant, Tania B. Gesheff, is requesting a variance, pursuant to Section 267-35B, Table III, of the Harford County Code, to allow an addition within the required 50 foot rear yard setback (41 feet proposed) in an RR/Rural Residential District.

The subject parcel is located at 2109 Hampshire Drive, Fallston, MD 21047 and is more particularly identified on Tax Map 47, Grid 1D, Parcel 442, Lot 6. The parcel consists of 0.5138 acres, is zoned RR/ Rural Residential and is entirely within the Fourth Election District.

Ms. Tania Gesheff appeared and testified that she wants to add a 20 foot by 22 foot master bedroom addition to her existing home. Her home only has one full bath and the new addition will provide much needed space and a master bathroom. The witness described her property as a corner lot subject to two front yard setbacks. In addition, the home sits diagonally on the lot and the septic area to the rear of the home prevents construction in that area. The Applicant testified that she discussed her plans with her next door neighbor and there was no objection to the proposal expressed by the adjoining property owner. The Applicant expressed her opinion that the proposed addition would have no adverse impacts to adjoining properties and that her lot is so uniquely configured there was no other practical location for this addition. The encroachment of 9 feet is minor, according to the Applicant.

Case No. 5340 – Tania Gesheff

Mr. Tony McClune appeared as representative of the Department of Planning and Zoning and testified that the Department found the parcel uniquely configured. The parcel is a corner lot subject to two front yards. The septic area to the rear of the home further limits buildable space on the parcel despite its size. The proposed location, according to McClune is the only practical location for the addition. The proposed addition, according to the witness, is similar in size and appearance to other additions and homes in the Fallston community and Mr. McClune could foresee no adverse impacts to adjoining or neighboring properties as a result of this addition. In recommending approval, the witness concluded by stating his opinion that the approval of the subject request would be consistent with good planning and zoning principals and practices.

No protestants appeared in opposition to the Applicant's request.

CONCLUSION

The Applicant, Tania Gesheff, is requesting a variance, pursuant to Section 267-35B, Table III, of the Harford County Code, to allow an addition within the required 50-foot rear yard setback (41 feet proposed) in an RR/Rural Residential District.

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

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"Variances from the provisions or requirements of this Code may be granted if the Board finds that:

(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."

For the reasons stated by the Applicant and the Department, the Hearing Examiner finds that the subject property is unique and further, that the proposed use is compatible with other uses found in the immediate area. The purposes of the Code, in maintaining adequate separation between structures, are satisfied by the size of the lot and the configuration of improvements.

Case No. 5340 – Tania Gesheff

The Hearing Examiner, for the foregoing reasons, recommends approval, subject to the Applicant obtaining any and all necessary permits and inspections.

Date JUNE 11, 2003

William F. Casey
Zoning Hearing Examiner