

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

RECEIVED
 HARFORD COUNTY BOARD OF APPEALS
 MAR 26 2021
 ZONING BOARD OF APPEALS
 HARFORD COUNTY

Case No. 5944
 Date Filed 3/26/21
 Hearing Date _____
 Receipt _____
 Fee \$150.00
 Type Variance

Shaded areas for Office Use Only

Information to be Submitted with Application

1. A plot plan drawn to scale indicating all pertinent data.
2. A list of all adjoining property owners with mailing addresses.
3. Names and addresses of all persons having legal or equitable interest in the property.
4. All required supporting documentation or additional studies as may be required; including traffic and environmental studies, etc.

NOTE:

All applicants **MUST** schedule a pre-application meeting with the Department of Planning and Zoning **prior to filing** any application to the Board of Appeals.

To schedule please call 410-638-3119.

Nature of Request and Section(s) of Code

CASE 5944 MAP 26 TYPE Variance
ELECTION DISTRICT 03 TAX ID 03-062325
LOCATION 1207 Deer Creek Church Road, Forest Hill 21050
BY Alicia Farrell & Robert Watts
Appealed because a variance pursuant to Sec. 267-53C(1)
Table 53-1 of the Harford County Code to permit a deck
within the front yard setback (50' required, 31' requested)
in the AG district requires approval by the Board.

Owner (please print or type)

Name Alicia Farrell Phone Number 410 322 8984
 Address 1207 Deer Creek Church Rd. Forest Hill MD 21050
Street Number Street City State Zip Code

Co-Applicant Robert Watts Phone Number 410 688 1608
 Address 1207 Deer Creek Church Rd. Forest Hill MD 21050
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

Land Description

Address and Location of Property 1207 Deer Creek Church Rd.
Forest Hill MD 21050

Subdivision LD of WM L Smith P 44/21 Lot Number 1

Acreage/Lot Size 2.308 acres Election District 03 Zoning Ag Tax ID # 03062325

Tax Map No. 0026 Grid No. 0004B Parcel 084 Water/Sewer: Private Public

List ALL structures on property and current use: House, primary residence of owners
Shed, storage

Estimated time required to present case: 10 minutes

If this Appeal is in reference to a Building Permit, state number _____

Would approval of this petition violate the covenants and restrictions for your property? Yes _____ 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

please see attached

Justification

please see attached

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.)

Request for Variance

This is a Request for Variance of the fifty-foot setback to allow for construction of a deck off of the north and east facing sides of the existing dwelling.

Justification:

The front of this house is north facing and faces Deer Creek Church Rd. The front door of the house is approximately 12 feet off of the ground on the front of the house, and there is a side door, off of the kitchen on the east facing side of the house, approximately 4 feet off of the ground. The homeowners would like to construct an elevated deck which would wrap around the house and provide connection and access to both doors, as well as outdoor living/dining space. The current dwelling is unique as it exists within the 50 foot setback, encroaching approximately 12 feet, 6 inches; the dwelling was built in 1967 and the plat was established in 1980. The deck would encroach a further 6 feet all along the front of the house, starting at about the front door, moving east and extending a further 18 feet beyond the edge of the house. In addition to this deck only being useful for accessing the front and side doors in the proposed configuration, the unique topography of the land would prevent any detriment to passers-by or neighbors as the elevation of the home is at least 12 feet above the road and the property continues to rise behind the dwelling, making construction of a deck behind the house impossible.

This deck is an overall improvement to the home's aesthetic and functional appeal and will not have any impact on the essential character of the neighborhood.

Immediate Neighbors:

William Jones and Suzanne Crockett-Jones

1123 Deer Creek Church Rd.

Forest Hill, MD

Brian and Lauren Spicer

1219 Deer Creek Church Rd.

Forest Hill, MD

Walter Farm, LLC

1247 STAFFORD RD

DARLINGTON MD 21034-1805

Zoning Code Requirements

Appeal from Administrative Decision/Interpretation Requirements (Article 267-7A)

- (6) Render a final written determination, within 45 calendar days of the written request, of whether a proposed use is permitted in a particular zoning district, or whether a proposed use is a legal nonconforming use upon written request of any person. The Director of Planning may determine a materially similar use exists, based on the North American Industrial Classification System (NAICS). The final written determination of the Director of Planning shall be subject to appeal to the Board by the applicant within 20 calendar days of the date of the decision.

Variance Requirements (Article 267-11)

- (A) 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 the Code would result in practical difficulty or unreasonable hardship; and
 - (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 Board may impose such conditions as it deems necessary in each particular case. No variance shall exceed the minimum adjustment necessary to relieve the hardship imposed by literal enforcement of this Code.)

Special Overlay District Requirements (Article 267-62)

(E) Natural Resources District

Variances. The Board may grant a variance to Subsection C or D upon a finding by the Board that the proposed development has been designed to minimize adverse impacts to the Natural Resources District to the greatest extent possible. Prior to rendering approval, the Board shall request advisory comments from the Director of Planning, the Soil Conservation District and the Maryland Department of the Environment.

Chesapeake Bay Critical Area Overlay District (Article 267-63)

- (1) Variances from the provisions of this section may only be granted if, due to special features of a site or other circumstances, implementation of this section or a literal enforcement of its provisions would result in unwarranted hardship to an applicant.
- (2) All applications for variances shall be reviewed by the Director of Planning for conformance with applicable provisions of this section, and a written report shall be provided to the Board of Appeals.
- (3) In granting a variance, the Board shall issue written findings demonstrating that the requested approval complies with each of the following conditions:

- (a) That special conditions or circumstances exist that are peculiar to the land or structure within the County's Critical Area, and a literal enforcement of the Critical Area Program would result in an unwarranted hardship.
- (b) That a literal interpretation of the provisions of this section will deprive the applicant of rights commonly enjoyed by other properties in similar geographic and land use management areas within the Critical Area.
- (c) That the granting of a variance will not confer upon the applicant any special privilege that would be denied by this section to other lands or structures within the Critical Area.
- (d) That the variance request is not based upon conditions or circumstances which are the result of actions by the applicant, nor does the request arise from any condition relating to land or building use, either permitted or nonconforming, on any neighboring property.
- (e) That the granting of a variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the Critical Area, and the granting of the variance will be in harmony with the purpose and intent of this section.
- (f) That all identified habitat protection areas on or adjacent to the site have been protected by the proposed development and implementation of either on-site or off-site programs.
- (g) That the growth allocation for the County will not be exceeded by the granting of the variance.
- (h) That the variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.
- i. Special exceptions. All projects requiring approval as special exceptions within the Critical Area must meet the standards of this section. The Director of Planning may require such additional information, studies or documentation deemed necessary to ensure that applicable requirements of this district are met. Applications will not be considered complete for processing until all information as required by the Director of Planning has been received.

Change/Extension of Non-Conforming Use Requirements

267-20(3) - When authorized by the Board, one nonconforming use may be substituted for another nonconforming use.

267-21(d) - The Board may authorize the extension or enlargement of a nonconforming use, with or without conditions, provided that:

- (A) The proposed extension or enlargement does not change to a less restricted and more intense use.
- (B) The enlargement or extension does not exceed 50% of the gross square footage in use at the time of the creation of the nonconformity.

Special Exceptions Requirements (Article 267-87)

(a) Special exceptions require the approval of the Board of Appeals in accordance with 267-9 (Board of Appeals). The Board may impose such conditions limitations and restrictions as necessary to preserve harmony with adjacent uses, the purposes of this Code and the public health, safety and welfare.

- (b) A special exception grant or approval shall be limited to the Site Plan approved by the Board. Any substantial modification to the approved Site Plan shall require further Board approval.
- (c) Extension of any use or activity permitted as a special exception shall require further Board approval.
- (d) The Board may require a bond, irrevocable letter of credit or other appropriate guarantee as may be deemed necessary to assure satisfactory performance with regard to all or some of the conditions.
- (e) In the event the development or use is not commenced within 3 years from date of final decision, after all appeals have been exhausted, the approval for the special exception shall be void. In the event of delays, unforeseen at the time of application and approval, the Director of Planning shall have the authority to extend the approval for an additional 12 months or any portion thereof. (See Article 267-88 for specific requirements of Special Exception uses.)

I/We agree to provide additional information as requested by the Department of Planning and Zoning or the Hearing Examiner.

I/We do hereby declare that no officer or employee of Harford 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 aware of the within application or petition.

I/We do solemnly declare and affirm under the penalties of perjury that this petition contains names and addresses of all persons having legal or equitable interest in the property, including shareholders owning more than five percent (5%) of the stock in a corporation having any interest in the property, except those corporations listed and traded on a recognized stock exchange.

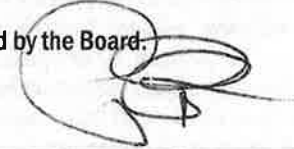
I/We do solemnly declare and affirm under the penalties of perjury that the contents of the foregoing affidavit are true and correct to the best of my/our knowledge, information and belief.

I/We agree, upon final action, to comply with all requirements or conditions imposed by the Board.



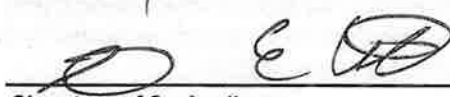
Signature of Owner 3/12/21

Date




Witness 3/12/21

Date



Signature of Co-Applicant 3/12/21

Date




Witness 3/12/21

Date

Signature of Attorney/Representative *Date*

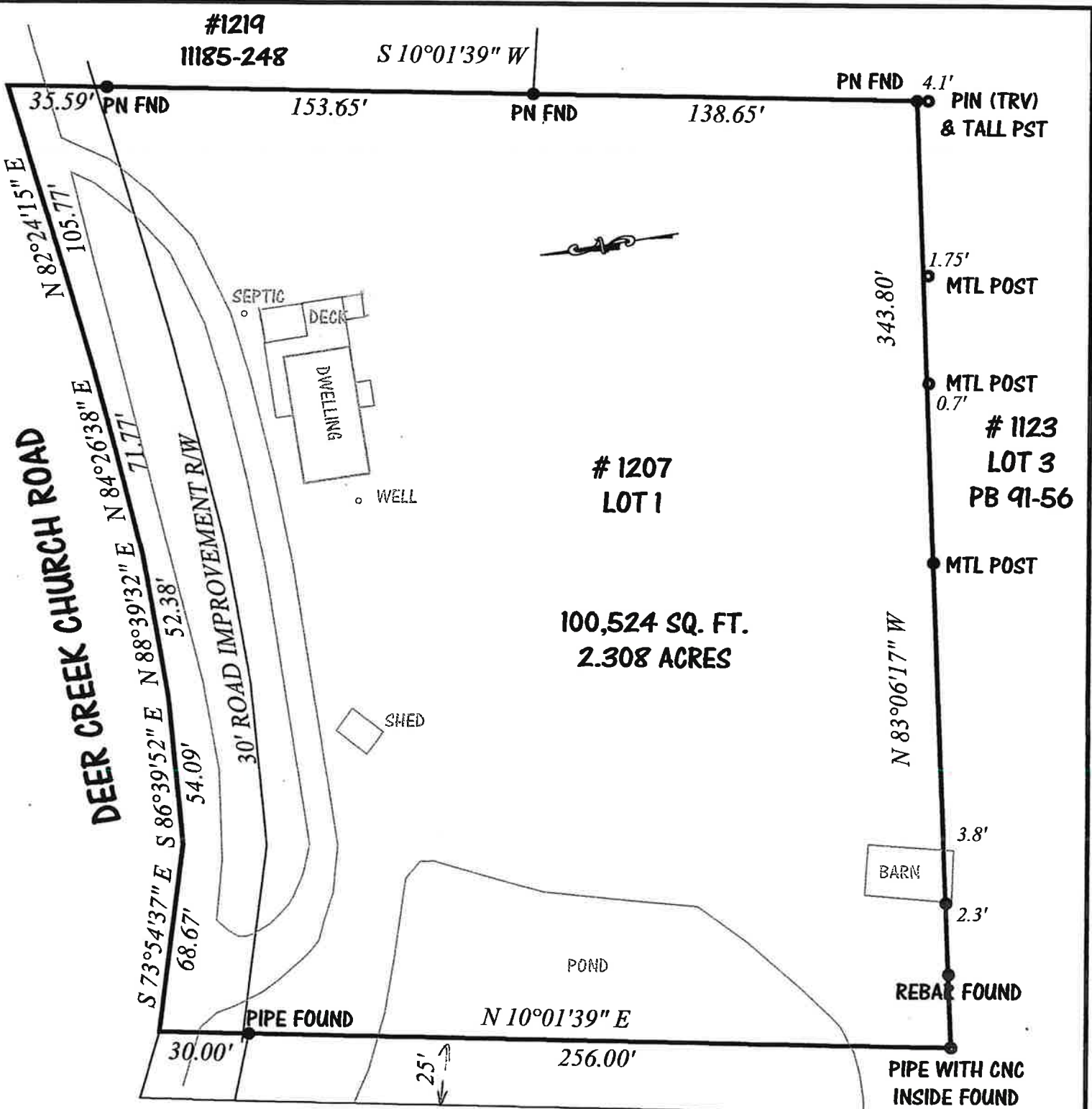
Witness *Date*

Director of Planning and Zoning *Date*



Zoning Staff 3.25.21

Date



**100,524 SQ. FT.
2.308 ACRES**

TGF
LAND SURVEYING INC.
 1315 DEER CREEK CHURCH ROAD
 FOREST HILL, MARYLAND 21050-1815
 410-399-9706

TIMOTHY G. FARRAND
 PROFESSIONAL CERTIFICATION: I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 11028, EXPIRATION DATE: SEPTEMBER 5, 2018.

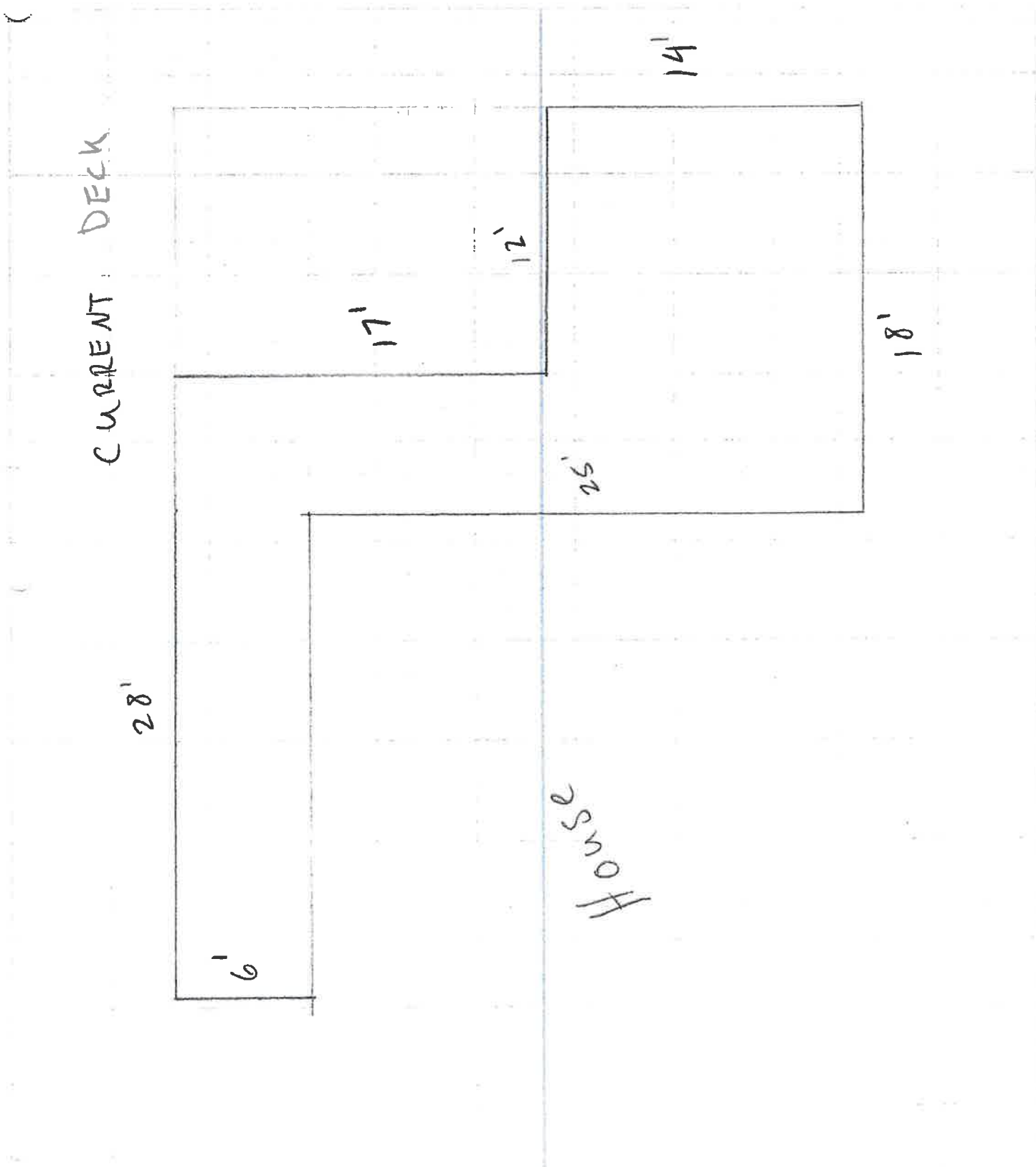
DEED REFERENCE: 9267-142

PROPERTY BOUNDARY SURVEY
LOT 1
LAND OF WILLIAM SMITH
PLAT 44-21
1207 DEER CREEK CHURCH RD
THIRD ELECTION DISTRICT
HARFORD COUNTY, MD

SCALE: 1"=50' **FEBRUARY 25, 2017**

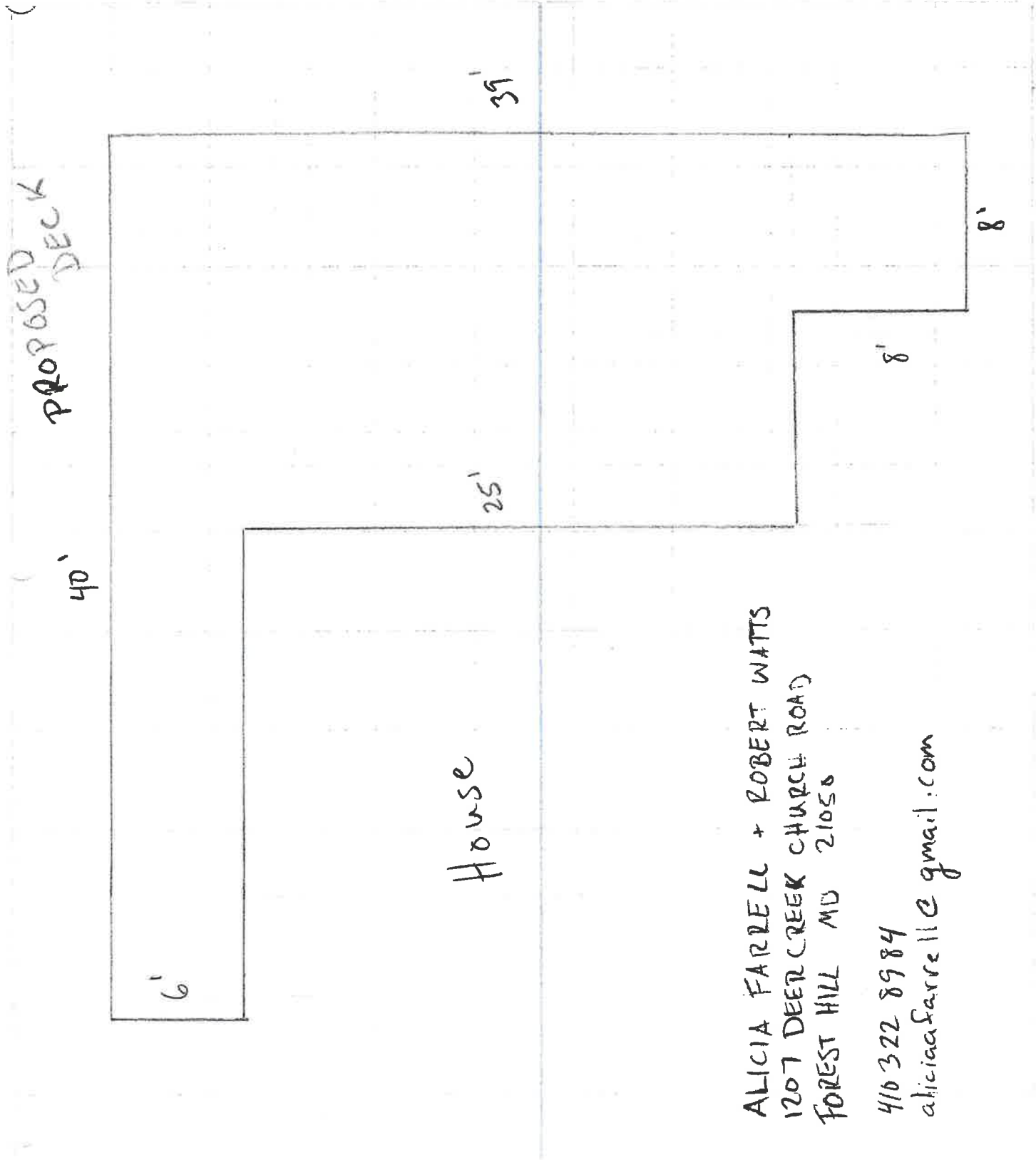


NAME	LAB PARTNER	LOCKER/DESK NO.	COURSE & SECTION NO.
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SIGNATURE	DATE	WITNESS/TA	DATE
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NAME	LAB PARTNER	LOCKER/DESK NO.	COURSE & SECTION NO.
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ALICIA FARRELL + ROBERT WATTS
 1207 DEER CREEK CHURCH ROAD
 FOREST HILL MD 21050
 410 322 8984
 aliciafarrell@gmail.com

SIGNATURE	DATE	WITNESS/TA	DATE
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