

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

Case No. 5991
 Date Filed 6/23/23
 Hearing Date _____
 Receipt _____
 Fee \$700.00
 Type Var

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**.

Shaded areas for Office Use Only

Nature of Request and Section(s) of Code

CASE 5991 MAP 60 TYPE Variance
ELECTION DISTRICT 01 TAX ID 01-097741
LOCATION 2517 Mountain Road, Joppa 21085
BY Hazel Ann Todd
Appealed because a variance pursuant to Sec. 267-53
Table 53-1 of the Harford County Code to reduce the
side yard setback (34' requested, 40' required) and to
reduce the required minimum lot width at the building
line (136' requested, 175' required) for a new family
conveyance lot in the AG district requires approval by the Board.

Owner (please print or type)

Name Hazel Ann Todd Phone Number (see attorney)
 Address 28158 Log Cabin Road Salisbury MD 21801
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 Robert S. Lynch, Esquire Phone Number 410-879-2222
 Address 30 Office Street Bel Air MD 21014
Street Number Street City State Zip Code

Land Description

Address and Location of Property 2517 Mountain Road
Joppa, MD 21085

Subdivision N/A Lot Number N/A

Acreage/Lot Size 11.477A Election District 1 Zoning AG Tax ID # 01-097741

Tax Map No. 0060 Grid No. - Parcel 0119 Water/Sewer: Private _____ Public _____

List ALL structures on property and current use: house, barn, outbuilding

Estimated time required to present case: 30 minutes

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? 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: N/A

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

see attached

Justification

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.)

ATTACHMENT TO BOARD OF APPEALS APPLICATION

Applicant: Hazel A. Todd
Address: 2517 Mountain Road, Joppa, Maryland

Request and Justification

REQUEST:

The Applicant is seeking two variances from the Harford County Zoning Code necessary to create a new family conveyance lot from the existing 11.239 acre parcel. The variances requested are as follows:

- A. A variance from the side yard minimum width as set forth in Section §267-53 AG Agricultural District Table 53-1 Residential-Conventional Lots recorded on or after 2-8-77 of the Harford County Zoning Code to allow the existing small utility room attached to the existing dwelling to project six foot into the side yard of proposed Lot 1 as shown on attached Exhibit A. The Code requires a minimum side yard set back of 40 feet. The variance request is to reduce the side yard set back to 34 feet
- B. A variance from the minimum lot width at building line as set forth in Section §267-53 AG Agricultural District Table 53-1 Residential-Conventional Lots recorded on or after 2-8-77 of the Harford County Zoning Code to reduce the required front yard width from 175 feet 136 feet. The variance requested is for 39 feet.

JUSTIFICATION:

The Applicant seeks to create a family conveyance lot for her son. The subject property contains 11.239 acres and currently contains a home, barn, and shed. By granting this variance the existing home and barn on new Lot 1 will remain and Lot 1 will contain 7.7 acres, and new Lot 2 will contain 2.35 acres. Even though the base tract is large (11.239 acres), the property is unique due to its existing natural features which create significant constraints in the ability to comply with the Zoning Code. The constraints are all illustrated on attached Exhibit A and are further identified as follows:

1. The Harford County Natural Resource District (NRD) on the property is 8.57 acres. Including the 75' buffer 75% of the 11.239 acre parcel is designated NRD.
2. The property is also encumbered by 4,000 square feet of non-tidal wetlands.
3. The property has a total of 5,400 square feet encumbered by State and

County buffer area.

4. The property has 7,000 square feet of steep slopes, defined as greater than 25%.

The variance requests should be granted from the requirements of the Zoning Code due to the uniqueness of the property and existing topographical conditions. The literal enforcement of the Code will result in practical difficulty and unreasonable hardship.

The variance will not be substantially detrimental to adjacent properties and will not materially impair the purpose of the Code or the public interest.

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.

Hazel C. Todd 10-17-12
 Signature of Owner Date

 Witness Date

 Signature of Co-Applicant Date

 Witness Date

[Signature] 4/29/23
 Signature of Attorney/Representative Date

Linda M. Jenkins 4/29/23
 Witness Date

 Director of Planning and Zoning Date

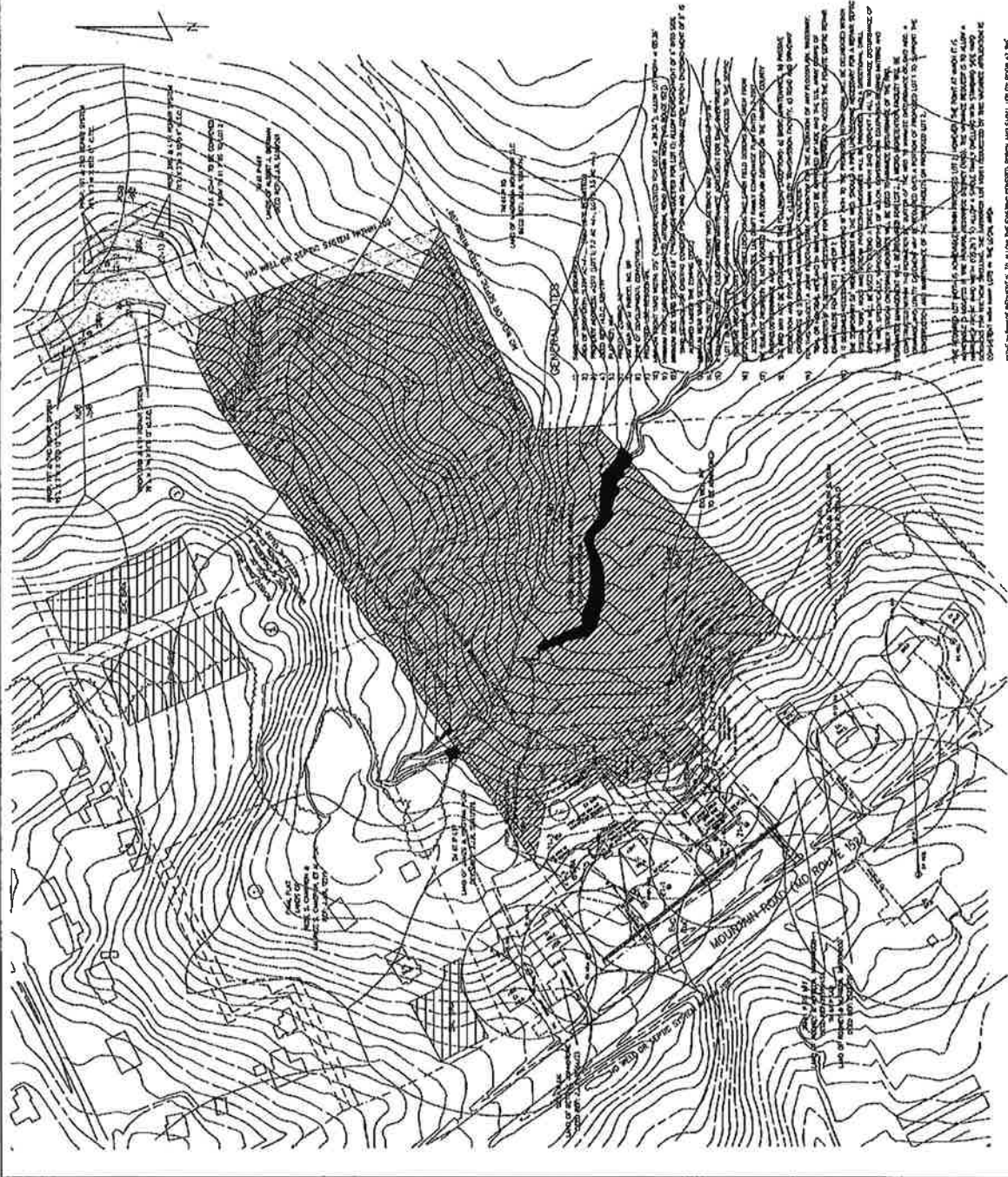
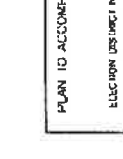
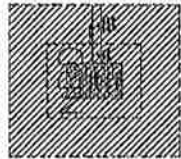
[Signature] 6-23-23
 Zoning Staff Date



LEGEND

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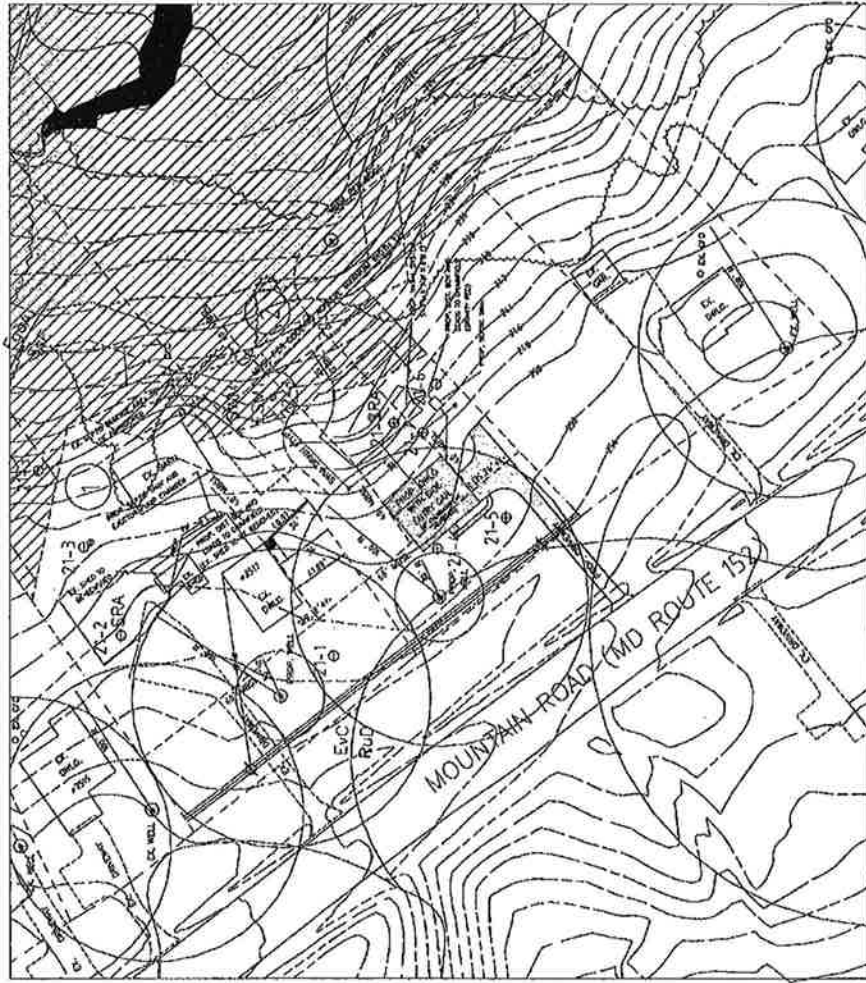


PLAN TO ACCOMPANY SUBMITTAL APPLICATION
 #257 MOOREHEAD ROAD
 JOPLIA, MO 64601
 HARRISON COX - # 842
 ELECTION DISTRICT NO. 1

PREPARED BY:
 ARTHUR Z. LEONARD, P.E.
 CIVIL ENGINEER
 1001 WEST 10TH STREET
 JEFFERSON, MO 64501

SCALE: 1" = 50'

PLAN
 SCALE: 1" = 50'



LEGEND

- 1 PROPOSED LOT #1
- 2 EX. EXISTING ROAD
- 3 EX. EXISTING POLE
- 4 EX. WELL / POLE / TOWER
- 5 EX. EXISTING EASEMENT
- 6 FENCED FIELD LOCATED 100' FROM 200'
- 7 FENCED FIELD LOCATED 200' FROM 200'
- 8 FENCED FIELD LOCATED 300' FROM 200'
- 9 FENCED FIELD LOCATED 400' FROM 200'
- 10 FENCED FIELD LOCATED 500' FROM 200'
- 11 SUBJECT PROPERTY LINES (BOUNDARY LINES)
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- 13 ADJACENT EASEMENT LINES
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PLAN TO ACCOMPANY SUBMITTAL APPLICATION
 #2117 MOUNTAIN ROAD
 JOPPA, MD 20855
 ELECTION DISTRICT NO. 1
 HARFORD COUNTY, MD

PREPARED BY:
 JAMES L. BUCKNER, P.E.
 200 W. BAYVIEW
 PALLISADE, MD 20687

SCALE: 1" = 30'

SHEET 1 OF 1

ENLARGED AREA PLAN
 SCALE: 1" = 30'

ATTACHMENT TO BOARD OF APPEALS APPLICATION

Applicant: Hazel A. Todd
Address: 2517 Mountain Road
Joppa, MD

List of Adjoining Property Owners

1. Betty J. Johnstone
2515 Mountain Road
Joppa, MD 21085
Map 61, Parcel 414
2. James Pugh
Kristina Pugh
2513 Mountain Road
Joppa, MD 21085
Map 61, Parcel 437
3. Christopher J. Deaver
2511 Mountain Road
Joppa, MD 21085
Map 61, Parcel 70, Lot 1
4. 2511 Mountain Road LLC
c/o Robert A. Nicholson, Jr.
8105 Shore Road
Baltimore, MD 21222
Map 61, Parcel 70, Lot 2
5. 2511 Mountain Road, LLC
c/o Robert A. Nicholson, Jr.
8105 Shore Road
Baltimore, MD 21222
Map 61, Parcel 70, Lot 3
6. Albert J. Bierman
3440 Dorothy Avenue
Joppa, MD 21085
Map 61, Parcel 85
7. Magnolia Mountain LLC
510 Greenwood Road
Towson, MD 21204
Map 61, Parcel 115
8. Charles P. Ryan
Evelyn Ryan
2525 Mountain Road
Joppa, MD 21085
Map 61, Parcel 114
9. David C. Jirsa
Karen S. Jirsa
2522 Mountain Road
Joppa, MD 21085
Map 61, Parcel 110
10. Mountain Road, LLC
2905 Woods End Drive
Joppa, MD 21085
Map 60, Parcel 97
11. Rodney Markwood
2523 Mountain Road
Joppa, MD 21085
Map 61, Parcel 510
12. Rodney Markwood
2523 Mountain Road
Joppa, MD 21085
Map 61, Parcel 440