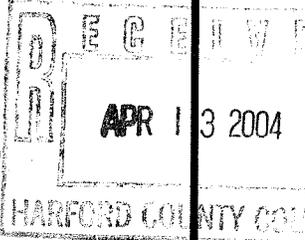


STANDARD APPLICATION
Harford County
Board of Appeals
 Bel Air, Maryland 21014



Case No. 5423
 Date Filed 4/12/04
 Hearing Date _____
 Receipt _____
 Fee \$450

Shaded Areas for Office Use Only

<p style="text-align: center;">Type of Application</p> <p>_____ Administrative Decision/Interpretation</p> <p>_____ Special Exception</p> <p>_____ Use Variance</p> <p>_____ Change/Extension of Non-Conforming Use</p> <p>_____ Minor Area Variance</p> <p>_____ Area Variance</p> <p><input checked="" type="checkbox"/> Variance from Requirements of the Code</p> <p>_____ Zoning Map/Drafting Correction</p>	<p style="text-align: center;">Nature of Request and Section(s) of Code _____</p> <p>CASE 5423 MAP 64 TYPE Variance</p> <hr/> <p>ELECTION DISTRICT 1 LOCATION 1603 Bridewells Court, Joppa, Md. 21085</p> <p>BY Christopher M. and Deborah A. Maydak</p> <hr/> <p>Appealed because a variance pursuant to Section 267-26C(6) of the Harford County Code to allow a retaining wall within the recorded easement in a R1/COS District requires approval by the Board.</p>
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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.

Applicant/Owner (please print or type)

Name CHRISTOPHER M MAYDAK Phone Number 410 554 3329

Address 1603 BRIDEWELLS CT JOPPA MD 21085
Street Number Street City State Zip Code

Co-Applicant DEBORAH A MAYDAK Phone Number 410 679 4329

Address 1603 BRIDEWELLS CT JOPPA MD 21085
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 1603 BRIDLEWAYS CT JOPPA MD 21085

Subdivision GUNPOWDER (1110)

Lot Number 49

Acreage/Lot Size .256 AC Election District 1

Zoning RESIDENTIAL R1/COS

Tax Map No. 64 Grid No. IF Parcel 291 Water/Sewer: Private _____ Public

List ALL structures on property and current use: DWELLING + DECK - PERSONAL RESIDENCE (PRIMARY)

Estimated time required to present case: 10 mins

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? 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

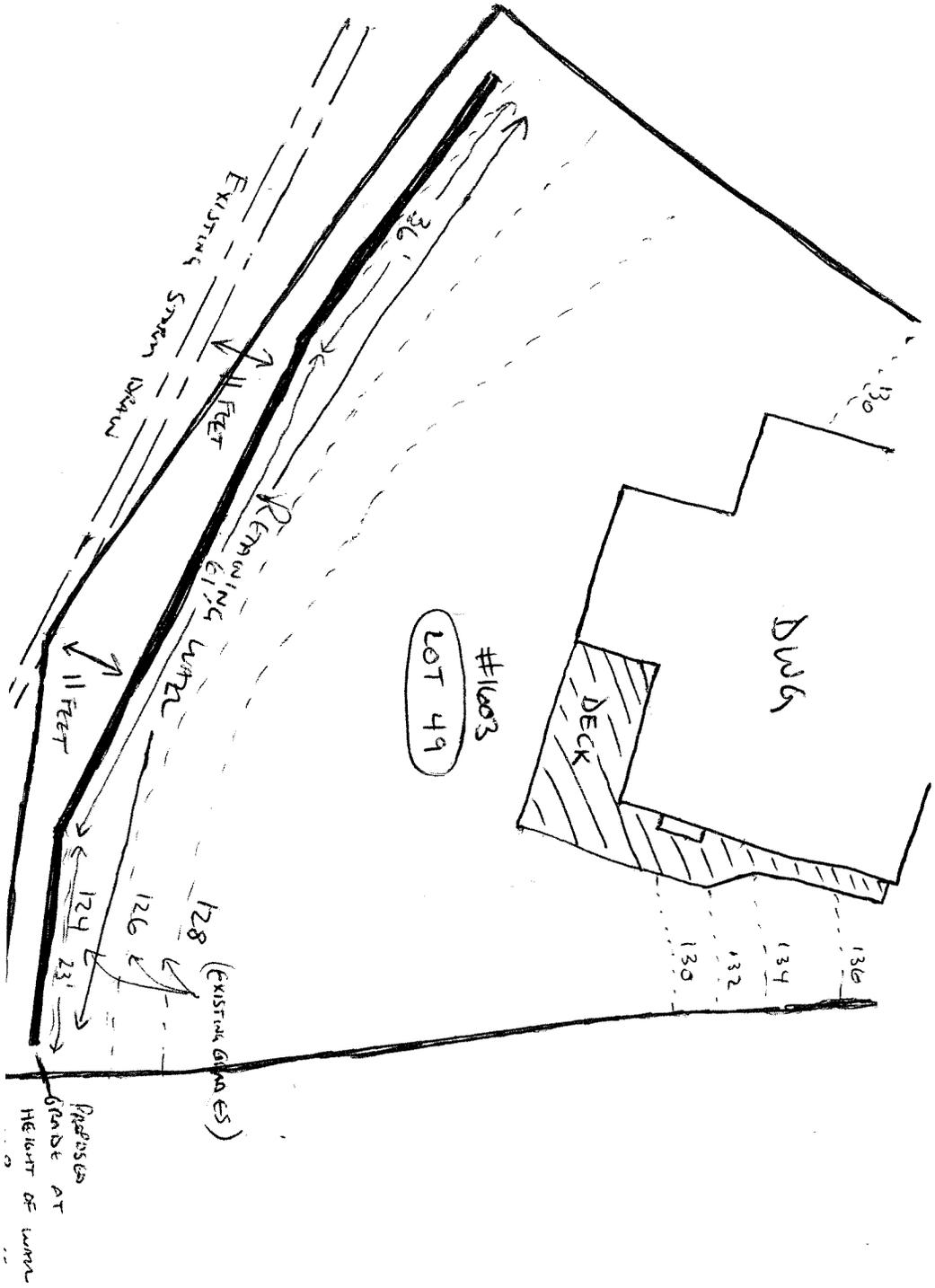
Request

RETAINING WALL ALONG REAR OF PROPERTY, NOT TO BE LOCATED WITHIN 11 FEET OF EXISTING STORM DRAIN, PER CHERYL BANIGAN, PLOW-ENG. HEIGHT OF WALL NOT TO EXCEED 4 FEET AT ANY POINT. LENGTH APPROX. 120 FEET. CONSTRUCTED OF 6"x6"x12' PRESSURE TREATED #2 TIMBERS, WITH TIE-BACKS EVERY 12 FEET. BOTTOM FILLED WITH 3/4" GRAVEL AND PERF. DRAIN FOR PROPER DRAINAGE. SEE ATTACHMENTS FOR LOCATION AND STRUCTURE.

Justification

REAR LOT SLOPE IS TOO STEEP FOR FUNCTIONAL USE. WIFE IS A LICENSED DAY CARE PROVIDER, AND NEEDS A MORE LEVEL LOT FOR SAFE OUTDOOR ACTIVITIES AND PLAY AREA FOR THE CHILDREN. BACK YARD WILL BE FENCED AFTER COMPLETION OF WALL AND GROUND SLOPE GRADUATION.

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.)



RAPID MEMO

TO TOMMIE HUCK
P+Z

DATE 12-1-03
SUBJECT 1603 BRIDEWELLS CT - RETAINING WALL IN EASEMENT

THE PROPOSED LOCATION OF A RETAINING WALL ACROSS THE REAR DRIVE EASEMENT IS UNACCEPTABLE. THE WALL SHALL BE LOCATED A MINIMUM OF 11 FEET FROM THE PROPERTY CORNER ADJACENT TO LOTS 63+~~64~~ AS SHOWN IN RED ON THE ATTACHED PLAN. THIS WILL PERMIT ENOUGH ROOM FOR FUTURE STORM DRAIN REPAIRS.

CHERYL BANIGAN
DPH-ENGINEERING
410 638 3545

CC: C. MAYDAK

adams SC1158

<u>LOT</u>	<u>RESIDENT</u>	<u>SIGNATURE</u>	<u>OK? y/n</u>
48	SCOTT KOLOBZIEJSKI		
50	ANASTASIA STAMIDIS		
61	Vernice Moore	Vernice Moore	OK y
62	Wendy D. Smith	Wendy D. Smith	OK yes
64	Dan O'Beary	Dan O'Beary	OK yes
65	Jeff Peach	Jeffrey Peach	OK yes

JAMES M. HARKINS
HARFORD COUNTY EXECUTIVE

JOHN J. O'NEILL, JR.
DIRECTOR OF ADMINISTRATION

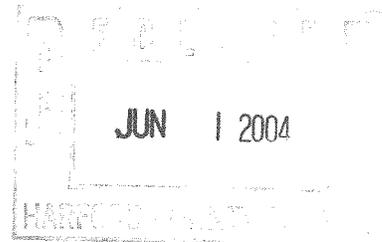


J. STEVEN KAI-ZIEGLER
DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

May 28, 2004



STAFF REPORT

BOARD OF APPEALS CASE NO. 5423

APPLICANT/OWNER: Christopher M. Maydak
1603 Bridewells Court, Joppa, Maryland 21085

Co-APPLICANT/OWNER: Deborah A. Maydak
1603 Bridewells Court, Joppa, Maryland 21085

REPRESENTATIVE: Applicants

LOCATION: 1603 Bridewells Court/Gunpowder Subdivision
Tax Map: 64 / Grid: 1F / Parcel: 291 / Lot: 49
Election District: First (1)

ACREAGE: 0.256 of an acre

ZONING: R1/Urban Residential District/Conventional with Open Space
Development

DATE FILED: April 12, 2004

HEARING DATE: June 9, 2004

APPLICANTS' REQUEST and JUSTIFICATION:

Request:

"Retaining wall along rear of property, not to be located within 11 feet of existing storm drain, per Cheryl Banigan, DPW-Eng. Height of wall not to exceed 4 feet at any point. Length approx. 120 feet. Constructed of 6"x6"x12' pressure treated #2 timbers, with tie-backs every 12 feet.

Preserving our values, protecting our future

MY DIRECT PHONE NUMBER IS (410) 638-3103

STAFF REPORT

Board of Appeals Case Number 5423

Christopher & Deborah Maydak

Page 2 of 4

Bottom filled with ¾" gravel and perf. drain pipe for proper drainage. See attachments for location and structure."

Justification:

"Rear lot slope is too steep for functional use. Wife is a licensed day care provider, and needs a more level lot for safe outdoor activities and play area for the children. Back yard will be fenced after completion of wall and ground slope graduation."

CODE REQUIREMENTS:

The Applicants are requesting a variance pursuant to Section 267-26C(6) of the Harford County Code to allow a retaining wall within the recorded easement in an R1/Urban Residential District/Conventional with Open Space Development.

Section 267-26C(6) of the Harford County Code reads:

(6) *No accessory use or structure, except fences shall be located within any recorded easement area.*

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The Applicants' property is located on the north side of Philadelphia Road (MD Route 7) west of Joppa Road in the residential development of Gunpowder. The lot is situated on Bridewells Court at the end of the cul-de-sac. A location map and a copy of the Applicants' site plan are enclosed with the report (Attachments 1 and 2).

This subdivision is within the Development Envelope. The land use designations in this area include Low, Medium and High Intensities and Industrial/Employment. The Natural Features Map reflects parks and stream buffer systems. The subject property is located in the Low Intensity designation, which is defined by the 1996 Master Plan as:

Low Intensity – Areas within the Development Envelope where residential development is the primary land use. Density ranges from 1.0 to 3.5 dwelling units per acre. Neighborhood commercial uses such as convenience stores, doctors' offices, and banks are example of some of the nonresidential uses associated with this designation.

Enclosed with the report are copies of portions of the 1996 Land Use Map and the Natural Features Map (Attachments 3 and 4).

STAFF REPORT

Board of Appeals Case Number 5423

Christopher & Deborah Maydak

Page 3 of 4

Land Use – Existing:

The existing land uses conform to the intent of the Master Plan. To the west of Joppa Road, the area contains mainly residential development. To the east along Route 7 and Route 40 there are commercial and light industrial uses. Enclosed with the report is a copy of the aerial photograph (Attachment 5).

The Applicants' property is located on Bridewells Court at the end of the cul-de-sac. The lot is pie-shaped and is approximately 0.256 of an acre in size. Improvements consist of a two-story brick and frame single-family dwelling with an attached two-car garage. Other improvements include a blacktopped driveway and a deck off the rear of the dwelling. The property is nicely landscaped and all improvements appear to be well maintained. The topography rises gently up from the road to the front of the dwelling, and at that point sharply slopes down to the rear property line. Enclosed with the report is a copy of the topography map, an enlargement of the aerial photograph and site photographs (Attachments 6, 7 and 8).

Zoning:

The overall zoning patterns conform to the intent of the Master Plan as well as the existing land uses. The predominant residential zoning is R1/Urban Residential District. Commercial zoning includes B1/Neighborhood and B3/General Business Districts. Industrial zoning includes CI/Commercial Industrial and GI/General Industrial. The subject property is zoned R1/Urban Residential District as shown on the enclosed copy of the Zoning Map (Attachment 9).

SUMMARY:

The Applicants are requesting a variance pursuant to Section 267-26C(6) of the Harford County Code to allow a retaining wall within the recorded easement in an R1/Urban Residential District/Conventional with Open Space Development.

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 Applicants 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 based on its topography. The existing storm drain is mainly located across lots 62 and 64 to the rear of the Applicants' property. The storm drain only crosses a small corner of the subject lot. The proposed wall should not adversely impact the adjacent properties.

Attachment 10 shows the location of the wall as proposed by the Applicants. Enclosed with the report is a memo (Attachment 11) from Cheryl Banigan of the Department of Public Works

STAFF REPORT

Board of Appeals Case Number 5423

Christopher & Deborah Maydak

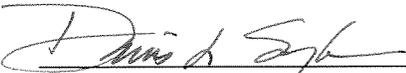
Page 4 of 4

stating the location of the retaining wall as originally requested is unacceptable. The wall shall be located a minimum of 11-feet from the property corner adjacent to lots 62 and 64 as shown in red on the attached plan (see Attachment 12). This will permit enough room for future storm drain repairs.

RECOMMENDATION and or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends that the requested variance be approved subject the following conditions:

1. The Applicants shall obtain all necessary permits and inspections for the retaining wall.
2. The Applicants shall comply with the Department of Public Works memo dated December 1, 2003. The location of the wall shall conform to the location as shown on Attachment 12.



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



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

DJS/ASM/ka