

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

SEP 24 2004

Case No. 5450  
 Date Filed 9/22/04  
 Hearing Date \_\_\_\_\_  
 Receipt \_\_\_\_\_  
 Fee \$50

Shaded Areas for Office Use Only

**Type of Application**

**Nature of Request and Section(s) of Code** \_\_\_\_\_

- Administrative Decision/Interpretation
- Special Exception
- Use Variance
- Change/Extension of Non-Conforming Use
- Minor Area Variance
- Area Variance
- Variance from Requirements of the Code
- Zoning Map/Drafting Correction

**CASE** 5450 **MAP** 41 **TYPE** Variance  
**ELECTION DISTRICT** 03 **LOCATION** 912 Buckland Place, Bel Air, MD 21014  
**BY** Robert Kastens and Kelly Kastens  
**Appealed because** a variance pursuant to Section 267-23C(1)(a)(2) to allow a deck to encroach more than 3 feet into the front yard setback, (5 feet proposed), in the R2COS District, requires approval by the Board.

*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.*

**Owner (please print or type)**

Name ROB KASTENS Phone Number 410-920-9164  
 Address 912 BUCKLAND PLACE BEL AIR MD 21014  
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 \_\_\_\_\_ Phone Number \_\_\_\_\_  
 Address \_\_\_\_\_  
Street Number Street City State Zip Code

**Land Description**

Address and Location of Property 912 BOCKLAND PLACE

Subdivision SOUTHAMPTON Lot Number 169

Acreage/Lot Size .054 Election District 3RD Zoning R2/COS

Tax Map No. 41 Grid No. 3D Parcel 397 Water/Sewer: Private \_\_\_\_\_ Public X

List ALL structures on property and current use: TOWNHOME

Estimated time required to present case: 15 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? NO

Is this property located within the County's Chesapeake Bay Critical Area? Yes \_\_\_\_\_ No X

If so, what is the Critical Area Land Use designations: \_\_\_\_\_

Is this request the result of a zoning enforcement investigation? Yes \_\_\_\_\_ No X

Is this request within one (1) mile of any incorporated town limits? Yes \_\_\_\_\_ No X

**Request**

VARIANCE TO CONSTRUCT A DECK WITHIN THE REQUIRED FRONT YARD SETBACK.

**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.)*

Applicant: Rob Kastens

Address: 912 Buckland Place, Bel Air, MD 21014

Lot #169

Request: Variance to construct a deck within the required front yard setback.

Justification: The front yard setback required by Section 267-36(B), Table V, and Section 267-23(C)(1)(a)(2) of the Harford County Code for my property is 27 feet. I'm proposing a 22 foot setback in order to secure a permit to build a deck with dimensions 15 feet by 20 feet. This parcel is unique in that it faces Buckland Place but also abuts Crescent Knoll Drive to the rear of the townhouse. Complying with two front yard setbacks reduces the usable area on the parcel. In terms of impact to adjacent properties, two out of the four townhouses in our group have decks. More than half of the townhouses in our development have decks along this same road. The deck dimensions and variance I'm requesting would place the end of my deck equal to my neighbors. In fact, in many ways constructing a smaller deck would have more of an impact to the adjacent properties than building a comparable deck. This request is similar in scope to Zoning Appeal Case No. 4931 and No. 4305.



Location Drawing

Scale: 1" = 20'

This plat is of benefit to a consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or refinancing. This plat is not to be relied upon for the establishment or location of fences, garages, buildings, dwellings or other existing or future improvements nor does this plat purport to reflect setbacks or other distances with any specific level of accuracy. This plat does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or securing financing or refinancing. The approximate location of the dwelling is shown in relation to the apparent property lines for the property known as

912 Buckland Place

Harford County, Maryland

*William T. Mathias* 4/24/02

**Ruxton Design Corporation**

8422 Bellona Lane

Suite 300

Towson, Maryland 21204

410-823-5000

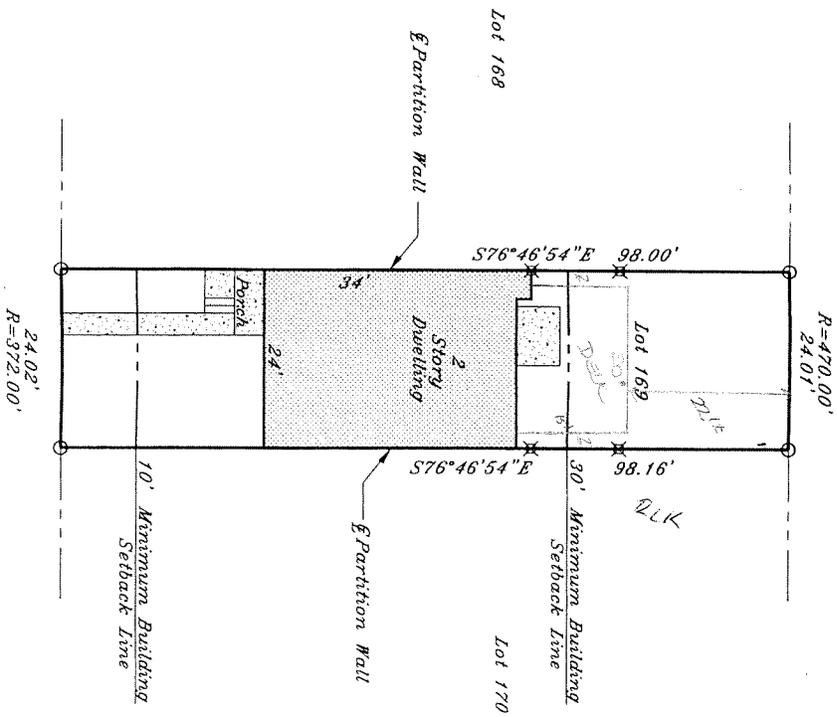
410-823-0115 fax

rdc@ruxtondesign.com

www.ruxtondesign.com

02-2112CJM

CRESCENT KNOLL DRIVE



BUCKLAND PLACE

Lot Number: 169  
Block/Section: -  
Plat Reference: Book: 58 Page: 18  
Title of Plat: Final Plat 4, Southampton  
Phase II

Dwelling lies in Flood Zone  
C

JAMES M. HARKINS  
HARFORD COUNTY EXECUTIVE



J. STEVEN KAIH-ZIEGLER  
DIRECTOR OF PLANNING & ZONING

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

## HARFORD COUNTY GOVERNMENT

### Department of Planning and Zoning

October 11, 2004

#### STAFF REPORT

#### **BOARD OF APPEALS CASE NO. 5450**

APPLICANT/OWNER: Rob Kastens  
912 Buckland Place, Bel Air, Maryland 21014

REPRESENTATIVE: Applicant

LOCATION: 912 Buckland Place, Southampton Subdivision  
Tax Map: 41 / Grid: 3D / Parcel: 397 / Lot: 169  
Election District: Third (3)

ACREAGE: 0.054 of an acre

ZONING: R2/Urban Residential District

DATE FILED: September 21, 2004

HEARING DATE: November 10, 2004

#### **APPLICANT'S REQUEST and JUSTIFICATION:**

##### Request:

"Variance to construct a deck within the required front yard setback."

##### Justification:

"The front yard setback required by Section 267-36(B), Table V, and Section 267-23 (C)(1)(a)(2) of the Harford County Code for my property is 27 feet. I'm proposing a 22 foot setback in order to secure a permit to build a deck with dimensions 15 feet by 20 feet. This

*Preserving our values, protecting our future*

MY DIRECT PHONE NUMBER IS (410) 638-3103

220 SOUTH MAIN STREET BEL AIR, MARYLAND 21014 410-638-3000 • 410-879-2000 • TTY 410-638-3086 • www.co.ha.md.us

*This document is available in alternative format upon request.*

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Rob Kastens

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parcel is unique in that it faces Buckland Place but also abuts Crescent Knoll Drive to the rear of the townhouse. Complying with two front yard setbacks reduces the usable area on the parcel. In terms of impact to adjacent properties, two out of the four townhouses in our group have decks. More than half of the townhouses in our development have decks along this same road. The deck dimensions and variance I'm requesting would place the end of my deck equal to my neighbors. In fact, in many ways constructing a smaller deck would have more of an impact to the adjacent properties than building a comparable deck. This request is similar in scope to Zoning Appeal Case No. 4931 and No. 4305."

**CODE REQUIREMENTS:**

The Applicant is requesting a variance pursuant to Section 267-23C(1)(a)(2) to allow a deck to encroach more than 3 feet into the front yard setback, (5 feet proposed), in an R2/Urban Residential District/Conventional with Open Space Development.

Section 267-23C(1)(a)(2) of the Harford County Code reads:

C. *Exceptions and modifications to minimum yard requirements.*

(1) *Encroachment.*

(a) *The following structures shall be allowed to encroach into the minimum yard requirements, not to exceed the following dimensions:*

[2] *Bay windows, balconies, chimneys or porches: three (3) feet.*

**LAND USE and ZONING ANALYSIS:**

Land Use – Master Plan:

The Applicant's property is located west of North Fountain Green Road in the development of Southampton. The subject property is a double frontage lot with frontage on the west side of Buckland Place and the east side of Crescent Knoll Drive. A location map and a copy of the Applicant's site plan are enclosed with the report (Attachments 1 and 2).

The predominant land use designations in the area are Low and Medium Intensities. The Natural Features Map reflects stream systems and sensitive species project review areas. The subject property is designated as Medium Intensity, which is defined by the 2004 Land Use Plan as:

**Medium Intensity** - Areas within the Development Envelope where residential development is the primary land use. Density ranges from 3.5 to 7.0 dwelling units per acre. Grocery stores, variety stores and other commercial uses are examples of some of the more intensive uses associated with this designation.

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 3 and 4).

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Rob Kastens

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### Land Use – Existing:

The existing land uses in this area of the County are consistent with the 2004 Master Plan. The predominant land use is residential with housing types ranging from single-family dwellings to townhouses. C. Milton Wright High School is located northeast of the subject property on MD Route 543. Commercial uses are generally located along Churchville Road (MD Route 22) to the south and Conowingo Road (US Route 1) to the north. Enclosed with the report is a copy of the aerial photograph (Attachment 5).

The subject property is a townhouse lot consisting of approximately 0.054 of an acre. The lot has frontage on both Buckland Place and Crescent Knoll Drive. Improvements consist of a brick and frame townhouse. Due to the topography of the lot, the townhouse is two stories on the Buckland Place side and three stories on the Crescent Knoll Drive side of the lot. Enclosed with the report is topography map, an enlargement of the aerial photograph and site photographs (Attachments 6, 7 and 8).

### Zoning:

The zoning classifications in this area are consistent with the intent of the 2004 Master Plan as well as the existing land uses. The predominant zoning classifications in this area include R1 through R3/Urban Residential, B2/Community Business, and RO/Residential Office Districts. The subject property is zoned R2/Urban Residential and was developed under the Conventional with Open Space (COS) development option. Enclosed with the report is a copy of the Zoning Map (Attachment 9).

### **SUMMARY:**

The Applicant is requesting a variance pursuant to Section 267-23C(1)(a)(2) to allow a deck to encroach more than 3 feet into the front yard setback, (5 feet proposed), in an R2/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 Applicant 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 subject property is a double frontage lot in the Southampton subdivision. The townhouse faces Buckland Place and abuts Crescent Knoll Drive. The lots on this side of Buckland Place are double frontage lots requiring front yard setbacks from both roads. The lots were recorded with only a 10 foot minimum building setback from Buckland Place and a 30 foot setback from Crescent Knoll Drive. However, the builder chose to construct the home 27 feet back from Buckland Place, placing the dwellings to the center of the lot. This left very little room to build a

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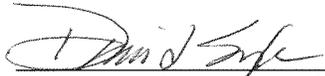
Rob Kastens

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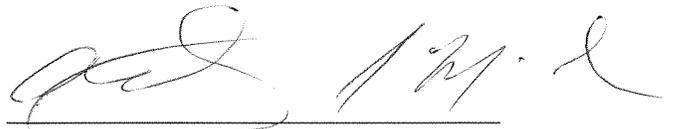
reasonable sized deck. Eleven of the adjacent lots have received Board of Appeal approval for similar relief. The requested variance should have no adverse impact on the adjacent lots and/or the intent of the Code.

**RECOMMENDATION and or SUGGESTED CONDITIONS:**

The Department of Planning and Zoning recommends that the request be approved subject to the Applicant obtaining all necessary permits and inspections for the deck.



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



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

DJS/ASM/ka