

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

**RECEIVED**

FFB 2005

Case No. 5480  
 Date Filed 02/10/05  
 Hearing Date \_\_\_\_\_  
 Receipt \_\_\_\_\_  
 Fee \$ 450

**HARFORD COUNTY COUNCIL**

*Shaded Areas for Office Use Only*

**Type of Application**

- 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

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

CASE 5480 MAP 41 TYPE Variance  
 ELECTION DISTRICT 03 LOCATION 1111 Greenwood Ridge Ct., Bel Air  
 BY Kevin and Paula Klages  
 Appealed because a variance pursuant to Sec. 267-36B, Table V of the Harford  
County Code to allow a sunroom and deck addition to maintain a 20' rear yard setback  
(35' required for sunroom and 26' required for deck) in the R1/COS district (with NRD  
development adjustment) 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 Kevin A. Klages Phone Number 410-803-0719  
 Address 1111 Greenwood Ridge Court Bel Air Md 21014  
Street Number Street City State Zip Code

Co-Applicant Paula A. Klages Phone Number 410-803-0719  
 Address 1111 Greenwood Ridge Court Bel Air Md 21014  
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 1111 Greenwood Ridge Ct Bel Air, Md

Vineyard Oak Development, Single house dwelling

Subdivision Vineyard Oak - Phase 1 Lot Number 57

Acreage/Lot Size .259 AC Election District 3rd Zoning R1C05

Tax Map No. 0041 Grid No. 002C Parcel 0663 Water/Sewer: Private \_\_\_\_\_ Public

List ALL structures on property and current use: Single Family Dwelling

Estimated time required to present case: 20 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

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**

Build an addition (sunroom) and deck on back of house  
- Addition size = 14 x 18 ft  
- Deck size = 30 x 18 ft

\* See Attached drawing on Survey  
\* Encroaching the rear yard setback

**Justification**

\* See Attached

Note: We also have consent for building plans from  
neighbors residing at 1109 & 1113. 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.)*

February 10, 2005

Mr. Robert Kahoe  
Hearing Examiner  
Department of Planning & Zoning  
Harford County Board of Appeals  
Application Justification  
Bel Air, Maryland 21014

Dear Mr. Kahoe:

My wife and I are appealing to you for Variance approval so we can construct a room addition and deck. The specific plans are submitted with our application. The following is the rationale and justification for our request:

We have lived in our house since May, 1997 and were the original purchasers. Our house backs up to a wetland that can never have anything built on it. Our lot is the smallest in the development and for some reason the Developer extended the wetland and shortened our backyard size as compared to our neighbors. Our proposed construction plan will not impede at all with the wetland and does not extend further than my neighbors backyard structures at 1109 & 1113 Greenwood Ridge Court. Additionally, our backyard has a significant slope and water drains and puddles in our backyard. We have a walk-out basement, but because of this topography flaw, the wetness keeps our family from enjoying the backyard. We are proposing an addition and deck so we can enjoy the backyard environment.

Our planned construction project will be of high quality and we also plan to add landscaping to maintain the integrity and beauty of our backyard.

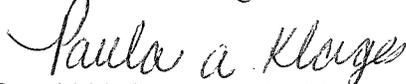
We have reviewed our proposed construction plans with both of our neighbors and they have provided us with a signature of consent (see attached).

We ask for approval of this request. Thanks for your consideration and prompt attention.

Sincerely,



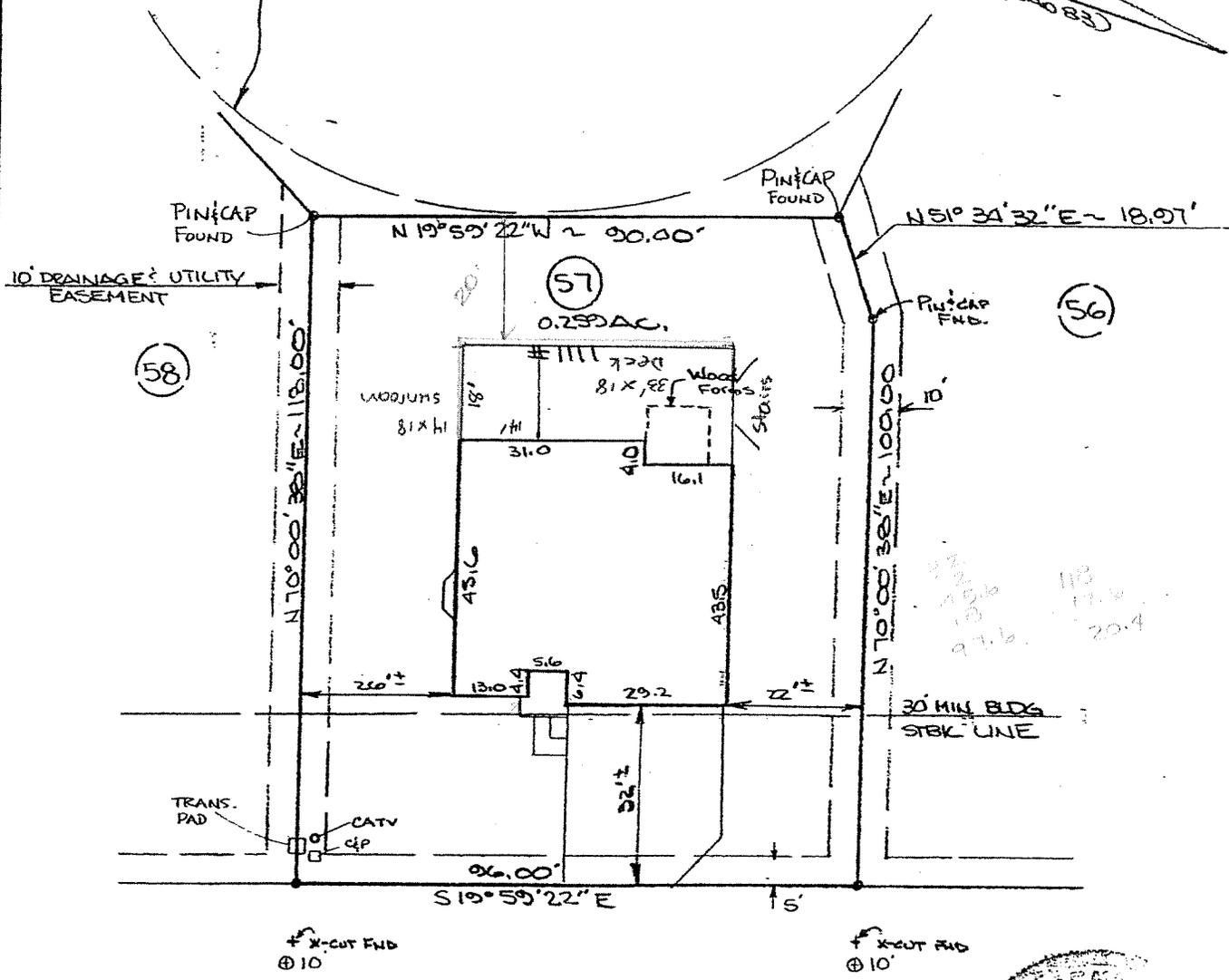
Kevin & Paula Klages



Re: 1111 Greenwood Ridge Court  
Bel Air, Md 21014

LIMIT OF NON-TIDAL WETLANDS  
75' BUFFER AND NATURAL  
RESOURCE DISTRICT

MD 00020 Sp. (JAO 83)



GREENWOOD RIDGE COURT  
(50' R/W)

**FLOOD NOTE:**  
 THIS IS TO CERTIFY THAT THE LAND SHOWN  
 HEREON IS NOT WITHIN THE FLOOD ZONES  
 AS SHOWN ON THE FLOOD INSURANCE  
 RATE MAPS AS PUBLISHED MARCH 2, 1983



CAD ONE, INC. 301-595-1120 080685



**MORRIS & RITCHIE ASSOCIATES, INC.**  
 ENGINEERS, PLANNERS, SURVEYORS, AND LANDSCAPE ARCHITECTS  
 139 N. Main Street, Suite 200  
 Bel Air, Maryland 21014  
 (410) 879-1690 - (410) 836-7560  
 Fax: (410) 879-1820

BOUNDARY SURVEY & LOCATION DRAWING  
 LOT 57  
 REVISED FINAL PLAT TWO - PHASE I  
**VINEYARD OAK**  
 CGH 861 FOLD 1B  
 THIRD ELECTION DISTRICT  
 HARFORD COUNTY, MARYLAND.  
 FOR: RYLAND HOMES

SCALE 1" = 30'	DATE 12-22-95	DRAWN BY JT	DESIGN BY	REVIEW BY GK	JOB NO. 10136
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95-117-1-1 179-95

86-18

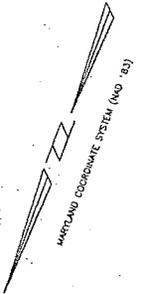
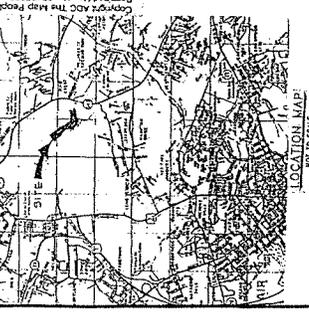
W/1/2 OF JAMES S. WALDORF'S 481/10024

Minimum building setback lines are established by the Harford County Zoning Code and may vary or be modified in accordance with the provisions of the code.

Subject to a Public Works Agreement dated 5/12/95.

Lot	Area	Setback	Length	Width	Depth	Volume
1	0.272	10.0	110.0	24.8	110.0	3000
2	0.272	10.0	110.0	24.8	110.0	3000
3	0.272	10.0	110.0	24.8	110.0	3000
4	0.272	10.0	110.0	24.8	110.0	3000
5	0.272	10.0	110.0	24.8	110.0	3000
6	0.272	10.0	110.0	24.8	110.0	3000
7	0.272	10.0	110.0	24.8	110.0	3000
8	0.272	10.0	110.0	24.8	110.0	3000
9	0.272	10.0	110.0	24.8	110.0	3000
10	0.272	10.0	110.0	24.8	110.0	3000
11	0.272	10.0	110.0	24.8	110.0	3000
12	0.272	10.0	110.0	24.8	110.0	3000
13	0.272	10.0	110.0	24.8	110.0	3000
14	0.272	10.0	110.0	24.8	110.0	3000
15	0.272	10.0	110.0	24.8	110.0	3000
16	0.272	10.0	110.0	24.8	110.0	3000
17	0.272	10.0	110.0	24.8	110.0	3000
18	0.272	10.0	110.0	24.8	110.0	3000
19	0.272	10.0	110.0	24.8	110.0	3000
20	0.272	10.0	110.0	24.8	110.0	3000
21	0.272	10.0	110.0	24.8	110.0	3000
22	0.272	10.0	110.0	24.8	110.0	3000
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25	0.272	10.0	110.0	24.8	110.0	3000
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79	0.272	10.0	110.0	24.8	110.0	3000
80	0.272	10.0	110.0	24.8	110.0	3000
81	0.272	10.0	110.0	24.8	110.0	3000
82	0.272	10.0	110.0	24.8	110.0	3000
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89	0.272	10.0	110.0	24.8	110.0	3000
90	0.272	10.0	110.0	24.8	110.0	3000
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95	0.272	10.0	110.0	24.8	110.0	3000
96	0.272	10.0	110.0	24.8	110.0	3000
97	0.272	10.0	110.0	24.8	110.0	3000
98	0.272	10.0	110.0	24.8	110.0	3000
99	0.272	10.0	110.0	24.8	110.0	3000
100	0.272	10.0	110.0	24.8	110.0	3000

- SUBDIVISION DATA**
1. Number of Lots: 98
  2. Area of Lot: 8,712 Ac.
  3. Right of Way Area: 1,559 Ac.
  4. Open Space Area: 0,756 Ac.
  5. Total Embosment Area: 11,027 Ac.
  6. Occupancy House Number
  7. Present Zoning: R1 COS with N.R.D.
  8. Dosed Reference: Liber 2233, Folio 738.



Scale 1" = 60'

(A) The use of the community water supply and/or of the community sewerage system is in conformance with the Harford County Water Supply and Sewerage Department of the Environment. Construction permit numbers are: W-94-12-1914 S-94-22-1915

(B) The construction plans for the community water supply and/or community sewerage facilities to serve the project were approved on 11/29/94 by the State Department of the Environment. Construction permit numbers are: W-94-12-1914 S-94-22-1915

Public facilities will be available for all units offered for sale.

*Robert L. Spaulding*  
OWNER

**THIS PLAN HAS BEEN REVISED**  
SEE PLAT BOOK 87 FOLIO 17

**SUPERSEDES NOTE**  
This Plat supersedes "Final Plat Two - Phase I Vineyard Oak", recorded among the Land Records of Harford County, Maryland in Plat Book C.G.H. 84, Folio 91, dated 11/29/94 and amended by Plat Book 54 through 59 have been revised as shown hereon.

**MORRIS & RITCHIE ASSOCIATES, INC.**  
ENGINEERS, PLANNERS, SURVEYORS, AND LANDSCAPE ARCHITECTS  
139 N. Main Street, Suite 200  
Bel Air, Maryland 21014  
(410) 813-1590, (410) 836-7560  
Fax: (410) 813-1520

**REVISED FINAL PLAT TWO - PHASE I VINEYARD OAK**  
THIRD ELECTION DISTRICT - HARFORD COUNTY, MARYLAND  
OWNER:  
THE RYLAND GROUP, INC.  
1447 YORK ROAD, SUITE 705  
LUTHERVILLE, MARYLAND 21093

**RECORDING STAMP**  
Rec'd for Record 9/27/95  
of 44,000 or check 3 N. Same day recorded in Liber C.G.H. No. 86 Folio 18 one of the Plat Records of Harford County Md. and submitted per CHARLES C. HOOD JR., CLERK

**SURVEYOR'S SEAL**  
SEAL OF MARYLAND PROFESSIONAL SURVEYORS  
*Robert L. Spaulding*  
Date: 9/27/95

The Owner hereby grants to Harford County, Md. an easement for the continuation, maintenance, repair and replacement of water, sewer and roof improvement rights-of-way as shown on this plat.

Unless otherwise provided on this plat, the streets, roads, open spaces and public facilities shown on this plat and the same or a part thereof are for the purpose of easement only and the same or a part thereof shall be dedicated to public use; the fee simple title to the land shown on this plat, their successors, heirs and assigns shall retain the same. The owner shall succeed the owner from conveying by deed the streets, roads, open spaces and public sites in fee to Harford County, Maryland.

No lot will be subdivided to produce a building site of less acre or width than the minimum required by subdivision regulations of the County Health Officer.

*Robert L. Spaulding*  
Owner, Christopher R. Spaulding  
Division President

APPROVED: *Robert L. Spaulding* DATE: 9/27/95  
DIR., DEPT. OF PLANNING & RECREATION

APPROVED: *Robert L. Spaulding* DATE: 9/27/95  
DIR., DEPT. OF PUBLIC WORKS

APPROVED: *Robert L. Spaulding* DATE: 9/27/95  
DIR., DEPT. OF PLANNING & ZONING

APPROVED: *Robert L. Spaulding* DATE: 9/27/95  
DIR., COUNTY ENGINEERING

APPROVED: *Robert L. Spaulding* DATE: 9/27/95  
DIR., COUNTY ADMINISTRATION

**JAMES M. HARKINS**  
HARFORD COUNTY EXECUTIVE



**J. STEVEN KAH-ZIEGLER**  
DIRECTOR OF PLANNING & ZONING

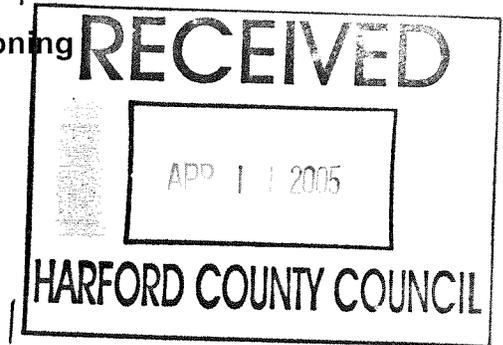
**JOHN J. O'NEILL, JR.**  
DIRECTOR OF ADMINISTRATION

**HARFORD COUNTY GOVERNMENT**

Department of Planning and Zoning

March 3, 2005

**STAFF REPORT**



**BOARD OF APPEALS CASE NO. 5480**

APPLICANT/OWNER: Kevin A. Klages  
1111 Greenwood Ridge Court, Bel Air, Maryland 21014

Co-APPLICANT/OWNER: Paula A. Klages  
1111 Greenwood Ridge Court, Bel Air, Maryland 21014

LOCATION: 1111 Greenwood Ridge Court / Vineyard Oak – Phase I  
Tax Map: 41 / Grid: 2C / Parcel: 663 / Lot: 57  
Election District: Third (3)

ACREAGE: 0.259 of an acre

ZONING: R1/Urban Residential District / Conventional With Open Space  
R1/COS (with Natural Resource District (NRD) development  
adjustment)

DATE FILED: February 10, 2005

HEARING DATE: April 20, 2005

**APPLICANT'S REQUEST and JUSTIFICATION:**

Request:

“Build an addition (sunroom) and deck on back of house. Addition size is 14-feet by 18-feet. Deck size is 30-feet by 18-feet.”

*Preserving our values, protecting our future*

Justification:

See ATTACHMENT 1.

**CODE REQUIREMENTS:**

The Applicants are requesting a variance pursuant to Section 267-36B, Table V of the Harford County Code to allow a sunroom and deck addition to maintain a 20-foot rear yard setback (35-foot required for sunroom and 26-foot for the deck) in the R1/Urban Residential District / Conventional with Open Space district (with Natural Resource District / NRD development adjustment).

Enclosed with the report is a copy of Section 267-36B, Table V of the Harford County Code (Attachment 2).

**LAND USE and ZONING ANALYSIS:**

Land Use – Master Plan:

The Applicants' property is located to the north and east of Bel Air, off of the west side of North Fountain Road (MD Route 543) in the development of Vineyard Oaks. The subject property is situated on the west side of Greenwood Ridge Court. A location map and a copy of the Applicants' site plan are enclosed with the report (Attachments 3 and 4).

The subject property is located within the Development Envelope. The predominant land use designation along this portion of Route 543 are Low and Medium Intensity. The Natural Features Map reflects stream systems, Agricultural Preservation Districts and Easements, and Sensitive Species Project Review Areas. The subject property is located in the Medium Intensity designation, which is defined by the Master 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 5 and 6).

Land Use – Existing:

The existing land uses in this area of the County are consistent with the 2004 Master Plan. The residential land uses include single-family dwellings, and townhouses. Commercial activity is primarily limited to the village of Hickory to the north and along Churchville Road to the south. Other land uses include schools, churches, a utility company and County owned property. The

topography of the area ranges from rolling to steep especially near the stream valleys. A topography map along with a copy of the aerial photograph is enclosed with the report (Attachments 7 and 8).

The subject lot is approximately 0.259 of an acre in size, fronting on the west side of Greenwood Ridge Court. The lot is almost square in shape and generally smaller than the other lots in the neighborhood due to the area of NRD to the rear. The open space to the rear of the dwelling is densely wooded and is recorded as Natural Resource District (NRD) and open space. Improvements consist of a brick and frame single-family dwelling with an attached 3-car garage with a driveway and children's playset located in the rear yard. The topography of lot is such that the dwelling is 2-stories in the front and 3-stories in the rear and continues to slope from right to left and to the rear. As the aerial photograph and site photographs reveal the dwelling was moved forward on the lot as compared to others on the court. The property is nicely landscaped and all improvements appear to be well maintained. Site photographs along with an enlargement of the aerial photograph are enclosed with the report (Attachments 9 and 10).

Zoning:

The zoning classifications in the area are consistent with the 2004 Master Plan as well as the existing land uses. Residential zoning in this area ranges from R1 to R3/Urban Residential Districts. Commercial zoning ranges from B1 to B3/General Business District with an area of CI/Commercial Industrial and GI/General Industrial to the north along Fountain Green Road. The subject property is zoned R2/Urban Residential as shown on the enclosed copy of the Zoning Map (Attachment 11).

**SUMMARY:**

The Applicants are requesting a variance pursuant to Section 267-36B, Table V of the Harford County Code to allow a sunroom and deck addition to maintain a 20-foot rear yard setback (35-foot required for sunroom and 26-foot for the deck) in the R1/Urban Residential District / Conventional with Open Space district (with Natural Resource District / NRD development adjustment).

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 Department finds that the subject property is unique. The Applicants are proposing to construct a deck approximately 18-feet by 3-feet with a sunroom approximately 14-feet by 18-feet. The property backs up to an area of Natural Resource District (NRD) which is recorded as open space. Their lot is one of the smallest lots on the court due to the shape of the NRD

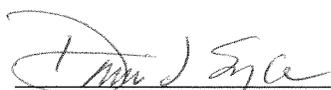
(Attachments 12 and 13). Any proposed additions of a reasonable size will require Board approval, which is not the case for most of the lots on this court. As the aerial photographs reveal the subject dwelling was even moved forward on the lot as compared to others along the same street. The proposed deck and sunroom will not extend back any further than the additions and decks on the two adjoining lots, which were permitted due to the size and shape of those lots. The proposed additions will be compatible with other additions in the neighborhood.

The Applicants have submitted a signed statement from the neighbors at 1109 and 1113 Greenwood Ridge Court indicating that they do not have a problem with the construction of the deck and sunroom (Attachment 14).

**RECOMMENDATION and or SUGGESTED CONDITIONS:**

The Department of Planning and Zoning recommends that the request be approved subject to the following conditions:

1. The Applicants obtain all necessary permits and inspections for the construction of the deck and sunroom.
2. The Applicants prepare a landscaping plan for the area around the base of the deck. The plan shall be approved by the Department of Planning and Zoning prior to the issuance of any building permit.

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

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

DJS/ASM