

<b>STANDARD APPLICATION</b> <b>Harford County</b> <b>Board of Appeals</b> Bel Air, Maryland 21014	<b>RECEIVED</b>		Case No. <u>5481</u>
	MAR 10 2005		Date Filed <u>2/23/05</u>
			Hearing Date _____
			Receipt _____
	<b>HARFORD COUNTY COUNCIL</b>		Fee <u>450.00</u>

*Shaded Areas for Office Use Only*

<p style="text-align: center;"><b>Type of Application</b></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;"><b>Nature of Request and Section(s) of Code</b> _____</p> <p>CASE 5481 MAP 69 TYPE Variance</p> <p>ELECTION DISTRICT 01 LOCATION 821 Woodmont Ct., Joppa</p> <p>BY Todd Blazek and Dawn Peacher</p> <p>Appealed because a variance pursuant to Sec. 267-24B (1) of the Harford County Code to permit a fence to exceed four feet in height (6' proposed) within the front yard setback in the R3 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 <u>Todd L. Blazek</u>	Phone Number <u>410-679-5403</u>
Address <u>821 Woodmont Court</u>	Joppa MD 21085
<i>Street Number Street</i>	<i>City State Zip Code</i>
Co-Applicant <u>Dawn R. Peacher</u>	Phone Number <u>410-679-5403</u>
Address <u>821 Woodmont Court</u>	Joppa MD 21085
<i>Street Number Street</i>	<i>City State Zip Code</i>
Contract Purchaser _____	Phone Number _____
Address _____	Joppa MD _____
<i>Street Number Street</i>	<i>City State Zip Code</i>
Attorney/Representative <u>N/A</u>	Phone Number _____
Address _____	Joppa MD _____
<i>Street Number Street</i>	<i>City State Zip Code</i>

**Land Description**

Address and Location of Property 821 Woodmont Court, Joppa, MD 21085

Subdivision Magnolia Farms

Lot Number 50

Acreage/Lot Size 7529 SF Election District 01

Zoning R3

Tax Map No. 69 Grid No. 1C Parcel 138 Water/Sewer: Private  Public

List ALL structures on property and current use: Residential home

Estimated time required to present case: 1/2 hour

If this Appeal is in reference to a Building Permit, state number N/A

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**

We respectfully are requesting a variance to construct a 6 foot high PVC fence within the front yard setback

**Justification**

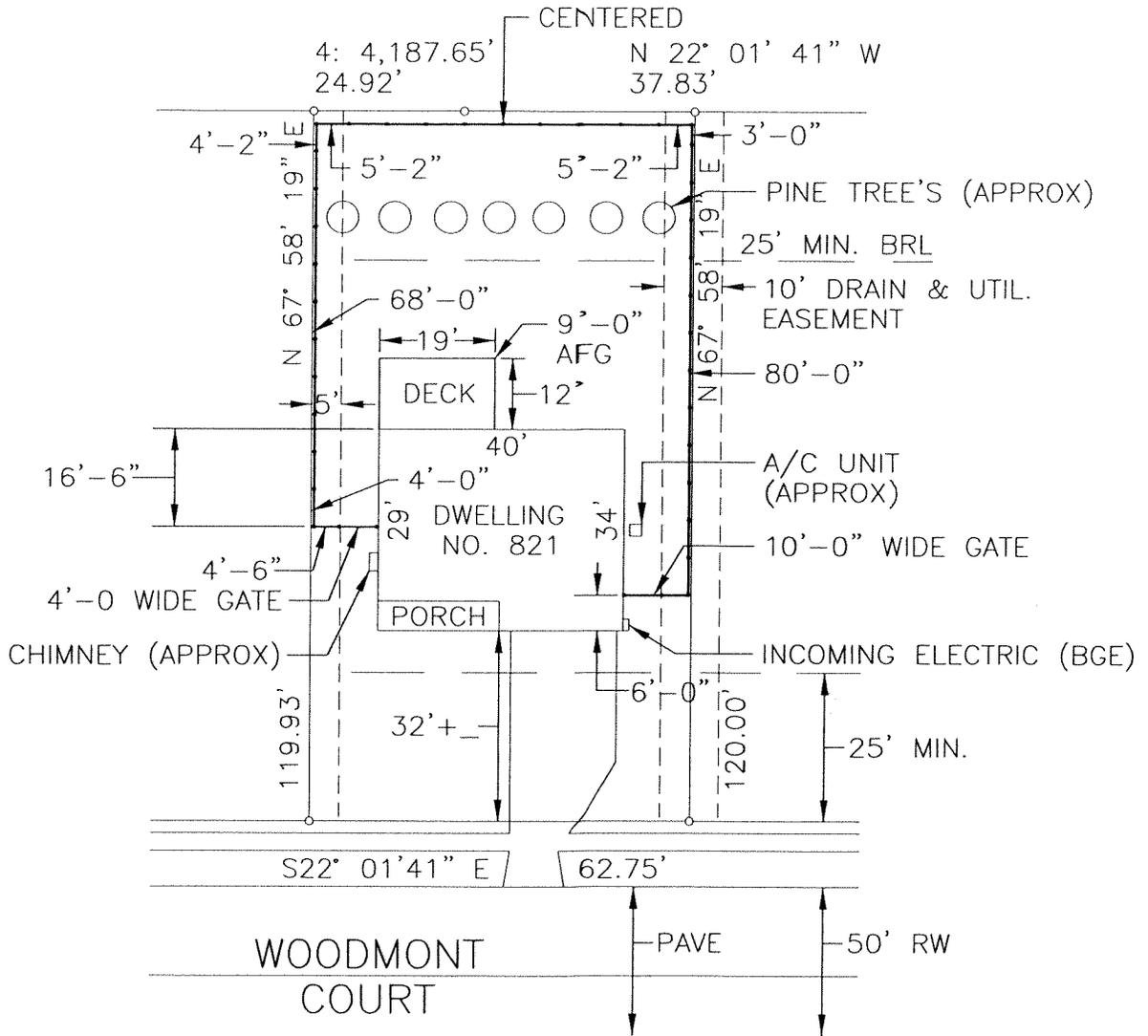
Please see attached

*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.)*

## **Justification**

We feel that the property is unique because it has two front yard setbacks. The rear of the property is located on Fort Hoyle Road and the front of the property is located on Woodmont Court. This fence would act as a sound barrier from the extensive traffic coming and going from Magnolia Middle School on Fort Hoyle Road, they also hold several Joppatowne Rec. council activities there and would provide us with adequate security. In addition, our property is used as a shortcut for neighborhood children entering and exiting the development. Also, the back portion of the property is used by children riding dirt bikes and four wheelers. The property is located in the subdivision of Magnolia Farms and there are other similar fences in the neighborhood including 6 foot fences located along Fort Hoyle Road. We do not believe granting of the requested variance would have any adverse impact on the neighboring properties and it will not interfere with motorists' line of sight. We have also received approval from Magnolia Farms Homeowner's Association.

FORT HOYLE RD.



NOTE: FENCE IS SET BACK 0'-6" AWAY FROM PROPERTY LINE ON SIDES OF PROPERTY AND 2'-0" AWAY FROM BACK PROPERTY LINE AT FORT HOYLE ROAD.

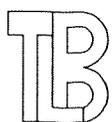
SCALE: 1" = 30'-0"



**821 WOODMONT COURT (FENCE)**  
**HARFORD COUNTY, MARYLAND**

SCALE: 1" = 30'-0"

DATE	DRAWING
02/16/05	FENCE



TLB Associates Inc.  
 Drafting Services  
 821 Woodmont Court  
 Joppa, Maryland

(410)679-5403 Home  
 (410)428-8754 Cell

# MAGNOLIA FARMS

HOMEOWNERS ASSOCIATION

Date: 1/28/05

Dear Donna Peacher + Todd Blazek,

This letter is in response to your request for approval from the Architectural Review Board for the architectural project(s) listed below.

**Request:** 6' high PVC Fence (white) + Wood Deck w/ PVC Railings  
on Rear of property

**Response:** Approved DAW

We hope all goes well with your project. If there is anything else we can help you with, just give us a call.

Sincerely,

*Donna Williams DAW*

Donna Williams, President  
Magnolia Farms HOA  
Acting Chair of the MFHOA Architectural Review Board

cc: MFHOA Files

# MAGNOLIA FARMS

HOMEOWNERS ASSOCIATION

Post Office Box 181 \*\* Joppa, MD 21085

February 22, 2005

County Council of Harford County, Maryland  
Office of the Zoning Hearing Examiner  
Bel Air, Maryland 21014

To Zoning Hearing Examiner,

This letter is written on behalf of the Magnolia Farms Homeowners' Association in regard to the property at 821 Woodmont Court. The issue surrounds a variance permit for the fence to be located on the property. The association wanted to write a letter to let the board know how it felt about the fence and to come to the aid of our neighbors, Dawn Peacher and Todd Blazek. The association is well aware of the fact that the properties within Magnolia Farms on the Trimble Road and Fort Hoyle Road sides are considered to have two front yards. The association has no problem with the fence that will be built at 821 Woodmont Court. According to the covenants of the Magnolia Farms Homeowners' Association, the homeowners had to request approval for the fence through the Architectural Review Board of the HOA. Dawn Peacher and Todd Blazek made that written request and the fence was approved in accordance with the covenants of the association, particularly since fences of the same height and design already exist within the community. The homeowners consistently maintain their property and we are sure their fence will remain in excellent condition. In addition, they are wonderful and involved neighbors. We are hoping that this issue can be resolved in a way that will not deter the homeowners or any of our neighbors from improving their property and keep them happy in their Harford County Community.

If there is anything the Magnolia Farms Homeowners' Association can do to assist in this matter, please feel free to contact us at the above address or call our president, Donna Williams at 410-538-0554. We thank you for considering our position on this matter and wish you well in your decision making process.

Sincerely,

Magnolia Farms Homeowners' Association

Donna Williams, President  
Donna Minitor, Vice President  
Denise Gerber, Treasurer

cc: Dawn Peacher & Todd Blazek  
Magnolia HOA files

**JAMES M. HARKINS**  
HARFORD COUNTY EXECUTIVE



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

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

**HARFORD COUNTY GOVERNMENT**

**Department of Planning and Zoning**

March 21, 2005

**STAFF REPORT**

**BOARD OF APPEALS CASE NO. 5481**

APPLICANT/OWNER: Todd L. Blazek  
821 Woodmont Court, Joppa, Maryland 21085

Co-APPLICANT/OWNER: Dawn R. Peacher  
821 Woodmont Court, Joppa, Maryland 21085

REPRESENTATIVE: Applicants

LOCATION: 821 Woodmont Court – Magnolia Farms  
Tax Map: 69 / Grid: 1C / Parcel: 138 / Lot: 50  
Election District: First (01)

ACREAGE: 7,529-square feet  
0.173 of an acre

ZONING: R3/Urban Residential District

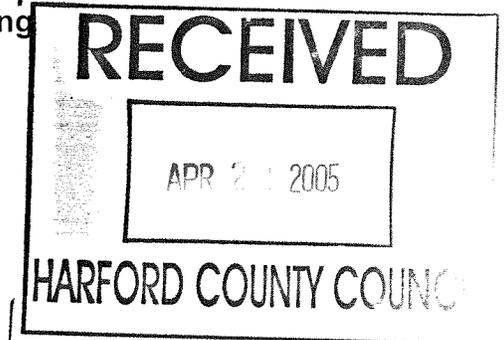
DATE FILED: February 23, 2005

HEARING DATE: May 11, 2005

**APPLICANT'S REQUEST and JUSTIFICATION:**

Request:

“We respectfully are requesting a variance to construct a 6-foot high PVC fence within the front yard setback.”



*Preserving our values, protecting our future*

STAFF REPORT

Board of Appeals Case Number 5481

Todd Blazek & Dawn Peacher

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Justification:

See ATTACHMENT 1.

**CODE REQUIREMENTS:**

The Applicants are requesting a variance pursuant to Section 267-24B(1) of the Harford County Code to permit a fence to exceed four (4) feet in height (six (6) feet proposed) within the front yard setback in the R3/Urban Residential District.

Section 267-24B(1) of the Harford County Code reads:

- B. *Fences and walls. Fences and walls may be located in required yards in accordance with the following:*
- (1) *Front yards. For single-family detached units, walls and fences shall not exceed four feet in height above ground elevation. Where fences and walls are an integral part of the unit design and are applied in a consistent and coordinated pattern throughout the project fences and wall may be constructed to a maximum of six feet above ground elevation. For continuing care retirement communities, consistent and coordinated fencing or wall may be constructed to a maximum of eight feet above ground elevation provide strategically located gates are provided for emergency access.*

**LAND USE and ZONING ANALYSIS:**

Land Use – Master Plan:

The Applicant's property is located in the southwest area of the County and is part of the single-family development of Magnolia Farms. The subject property is bordered by 2-roads, Woodmont Road on the west side and Fort Hoyle Road on the east side. A location map and a copy of the Applicant's site plan are enclosed with the report (Attachments 2 and 3).

This area of the County is located within the Development Envelope. Land use designations in the area include: Low, Medium and High Intensities. Other land use designations include Industrial/Employment and Neighborhood and Community Centers. The Natural Features map reflects Chesapeake Bay Critical Area, Sensitive Species Project Review Areas, and stream systems. The subject property is located in the Medium Intensity area 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.

## STAFF REPORT

Board of Appeals Case Number 5481

Todd Blazek & Dawn Peacher

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Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 4 and 5).

### Land Use – Existing:

The existing land uses in this area of the County are consistent with the 2004 Master Plan. The area contains both commercial and residential developments. Residential uses include single-family dwellings, townhouses, condominiums and garden apartments. Commercial and industrial uses include shopping centers, individual retail and service uses. Other land uses include schools, churches, a library and parks. The overall topography of the site ranges from gently rolling to steep especially along the stream valleys. Enclosed with the report is a copy of a topography map and the aerial photograph (Attachments 6 and 7).

The Applicant's property is located on the east side of Woodmont Court and backs up to Fort Hoyle road making it a double frontage lot. The lot is basically rectangular in shape with topography that is level with the road in front (Woodmont Court side) and slopes down in the rear towards Fort Hoyle Road. There is a row of pine trees along the Fort Hoyle Road frontage that are approximately 12 to 15 feet in height. Fort Hoyle Road is a heavily used road providing access to 2 schools and the activities on the ball fields. The pine trees were provided as an attempt to provide privacy from the activities on the adjacent properties. Improvements consist of a stone and frame split level single-family dwelling, an attached 2-car garage, a deck attached to the rear at the main level of the dwelling, and a blacktopped driveway. There is also a set of sliding glass doors under the deck from the lower level. Due to the topography and the style of the dwelling it is 1 ½ stories out of the ground in the front and 2 ½ stories in the rear. The property is nicely landscaped and appears to be well maintained. Enclosed with the report are site photographs along with an enlargement of the aerial photograph (Attachments 8 and 9).

### Zoning:

The zoning classifications in the area are consistent with the 2004 Master Plan as well as the existing land uses. Residential zoning ranges from R1 to R4/Urban Residential Districts. Commercial zoning in this area of the County includes B2/Community Business and B3/General Business Districts. There are also areas of GI/General Industrial zoning. The subject property is zoned R3/Urban Residential District as shown on the enclosed copy of the zoning map (Attachment 10).

### **SUMMARY:**

The Applicants are requesting a variance pursuant to Section 267-24B(1) of the Harford County Code to permit a fence to exceed four (4) feet in height (six (6) feet proposed) within the front yard setback in the R3/Urban Residential District.

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

STAFF REPORT

Board of Appeals Case Number 5481

Todd Blazek & Dawn Peacher

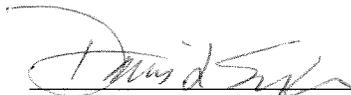
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topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the applicant must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

The Department finds that the subject property is unique. The lot is a double frontage lot. The house faces Woodmont Court and the area along Fort Hoyle Road serves as the applicants' rear yard. Across Fort Hoyle Road from the applicants' property is Magnolia Elementary School. The fence is being requested to provide privacy from traffic along Fort Hoyle Road and activities at the school. The fence will not have an adverse impact on traffic along the road. The Board of Appeals approved a similar request for a fence at 813 Woodmont Court. The applicants have submitted two letters from the Magnolia Farms Homeowners' Association. The first letter indicated that the HOA has approved the proposed fence and the second is a letter of support submitted to the Zoning Hearing Examiner (Attachment 11 & 12).

**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.

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

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

DJS/ASM/jf