

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

RECEIVED

Case No. 5514
 Date Filed Sept. 9, 2005
 Hearing Date _____
 Receipt _____
 Fee \$150.00

SEP 19 2005

HARFORD COUNTY COUNCIL

Shaded Areas for Office Use Only

Type of Application	Nature of Request and Section(s) of Code
<input type="checkbox"/> Administrative Decision/Interpretation <input type="checkbox"/> Special Exception <input type="checkbox"/> Use Variance <input type="checkbox"/> Change/Extension of Non-Conforming Use <input type="checkbox"/> Minor Area Variance <input type="checkbox"/> Area Variance <input type="checkbox"/> Variance from Requirements of the Code <input type="checkbox"/> Zoning Map/Drafting Correction <input type="checkbox"/> _____ <input type="checkbox"/> _____	<p><u>CASE 5514 MAP 31 TYPE Variance</u></p> <hr/> <p><u>ELECTION DISTRICT 04 LOCATION 2203 Furnace Road, Fallston 21047</u></p> <hr/> <p><u>BY Brad and Sherri Hutchens</u></p> <hr/> <p><u>Appealed because a variance pursuant to Sec. 267-23A(2) and Sec. 267-35B, Table III of the Harford County Code to permit a detached garage to encroach the 40' front yard setback (16' proposed), in the RR District requires approval by the Board.</u></p> <hr/>

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 Brad Hutchens Phone Number 410-692-5381

Address 2203 Furnace Road Fallston MD 21047
Street Number Street City State Zip Code

Co-Applicant Sherri Hutchens Phone Number 410-692-5381

Address 2203 Furnace Road Fallston MD 21047
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 2203 Furnace Road, Fallston, MD 21047. 1.6 acre Rural Residential lot containing one single family home and existing detached garage.

Subdivision NA Lot Number NA

Acreage/Lot Size 1.62 Election District 04 Zoning RR

Tax Map No. 31 Grid No. 4F Parcel 38 Water/Sewer: Private Public

List ALL structures on property and current use: Single family colonial house, detached garage, shed.

Estimated time required to present case: 20 min

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

To receive a setback variance to construct a detached garage. This will allow the replacement of a garage built in the 1940's and resident parking off Furnace Road.

Justification

The topography of the lot makes it impossible to meet the 70' setback from the centerline of the road required to construct the garage without a variance. The only existing parking at the residence is adjacent to Furnace road. Due to close proximity to Furnace Road, both the existing detached garage and cars parked at the residence have been vandalized on numerous occasions. See attached documents for additional justification, adjoining property information, adjoining property owner's letters of support for variance, photos of property and detailed drawings.

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.)

REQUEST

To receive a setback variance to construct a detached garage. This will allow the replacement of a garage built in the 1940's and provide resident parking off Furnace Road.

JUSTIFICATION

The topography of the lot makes it impossible to meet the 70' setback from the centerline of the road required to construct the garage without a variance. The only existing parking at the residence is adjacent to Furnace road. Due to close proximity to Furnace Road, both the existing detached garage and cars parked at the residence have been vandalized on numerous occasions.

ADDITIONAL INFORMATION

Existing Parking

- Cars are currently parked adjacent to the road.
- Cars have been vandalized numerous times. Including a brick through the rear window of a car (Harford County Sheriff's Office report 98-92571)
- Current parking area is between two curves and there are highway signs stating "Hidden Entrance"
- Recommended speed limit for the road is 15 MPH which is not enforced and is consistently exceeded.
- Young children entering and exiting cars.

Existing Garage

- Existing garage is 26' from the centerline of the road and 13' from the shoulder of the road.
- Property has been stolen from the garage despite locks on the garage door. (Harford County Sheriff's Office report 01-44788)
- Garage has been vandalized on numerous occasions.
- Garage was built in the 1940's.

Lot

- 1.624 Acre lot, which is predominately steep grade.
- House was built in the 1840's and continuously occupied ever since.
- House was built to support "Sarah's Furnace" which was placed in the area due to availability of water, steep grade and proximity to iron ore extracted from current Ladew Garden's Property.
- No predominantly visible neighbors. Land on the east and west side of the house is not developable. Furnace road is north of the property. Aquila's Delight development borders property to the south.
- Bridge over the west branch of Winters Run was replaced in 1997 making an existing one-lane bridge two lanes. Increasing vehicular traffic and speed.

New Garage

- Would provide parking away from the road.
- Would replace existing 1940's garage.
- Would be further off the road to reduce vandalism and increase "light and air" as related to setback requirements.

Setback Requirements (based on discussion with Zoning Office)

- Property in rural residential zoning that do not own to the center of the road is 35'.
- Property in rural residential zoning that do own to the center of the road is 70'.

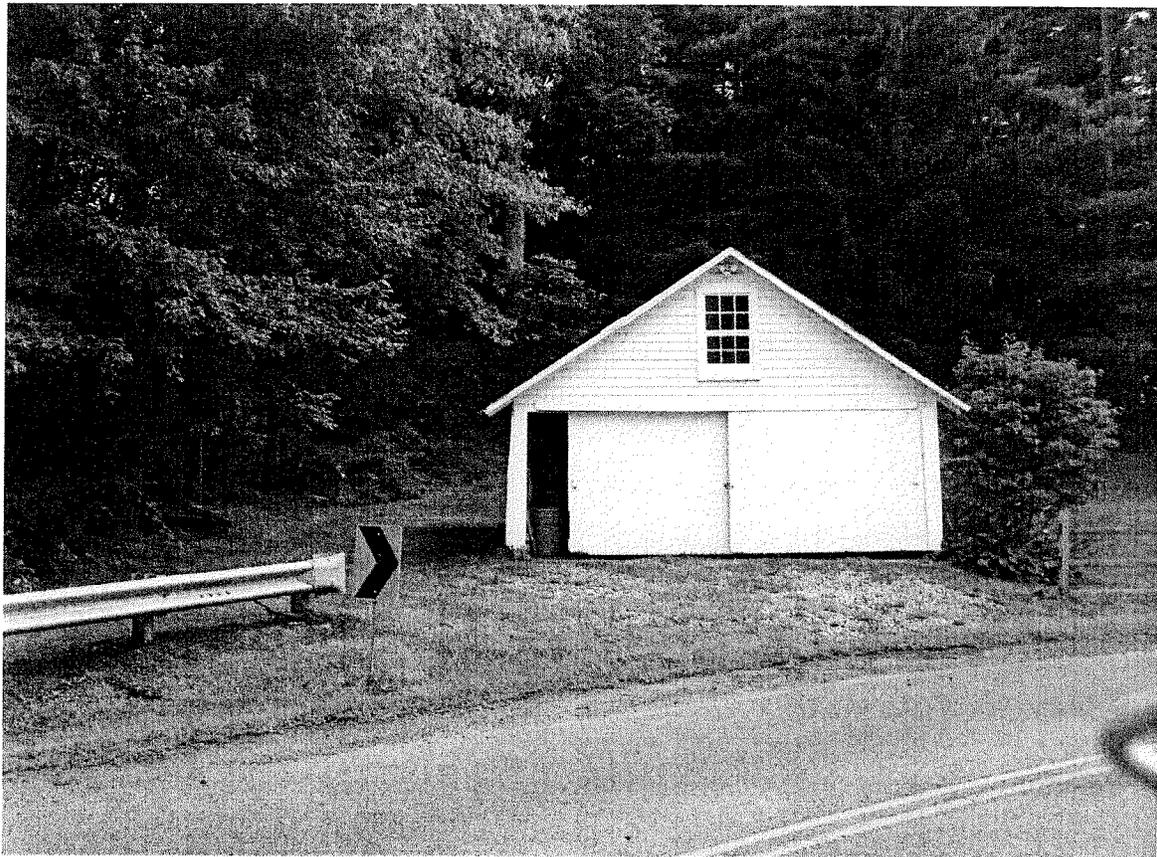


Figure 2. Existing garage and Furnace Road (Facing south)



Figure 1. Residence and existing parking (Facing West)

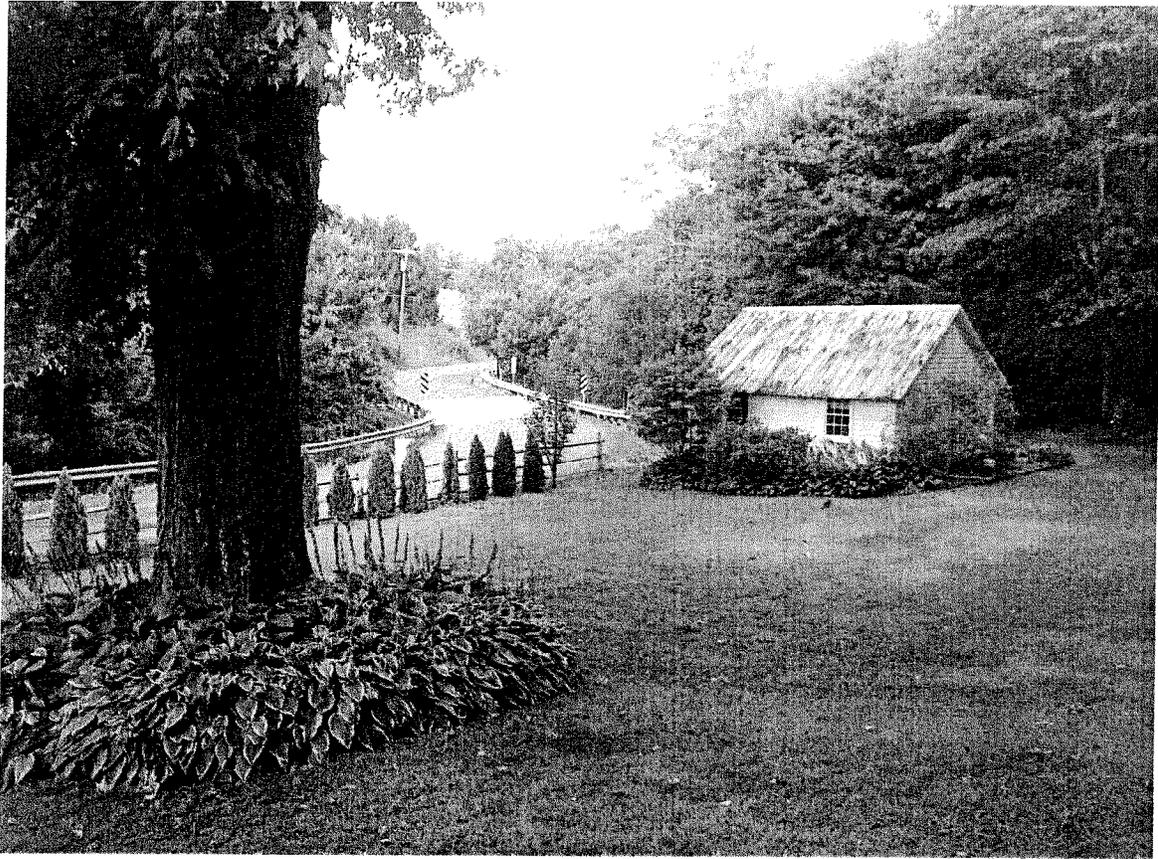


Figure 4. Existing garage and Furnace Road (Facing east)



Figure 3. Existing garage and @ 70' setback stake (From deck facing Southeast)

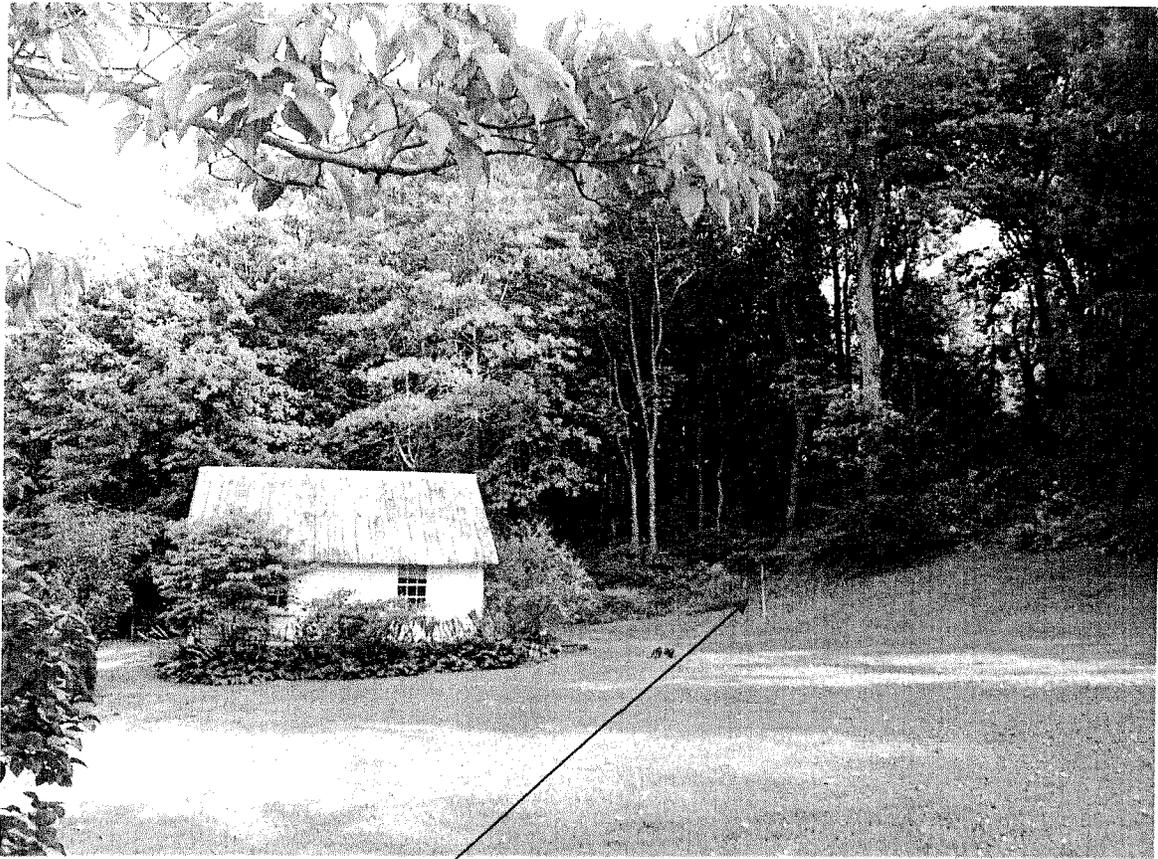


Figure 6. Existing garage and @ 70' setback stake (Facing Southeast) 1



Figure 5. Existing garage and @ 70' setback stake (Facing Southeast) 2

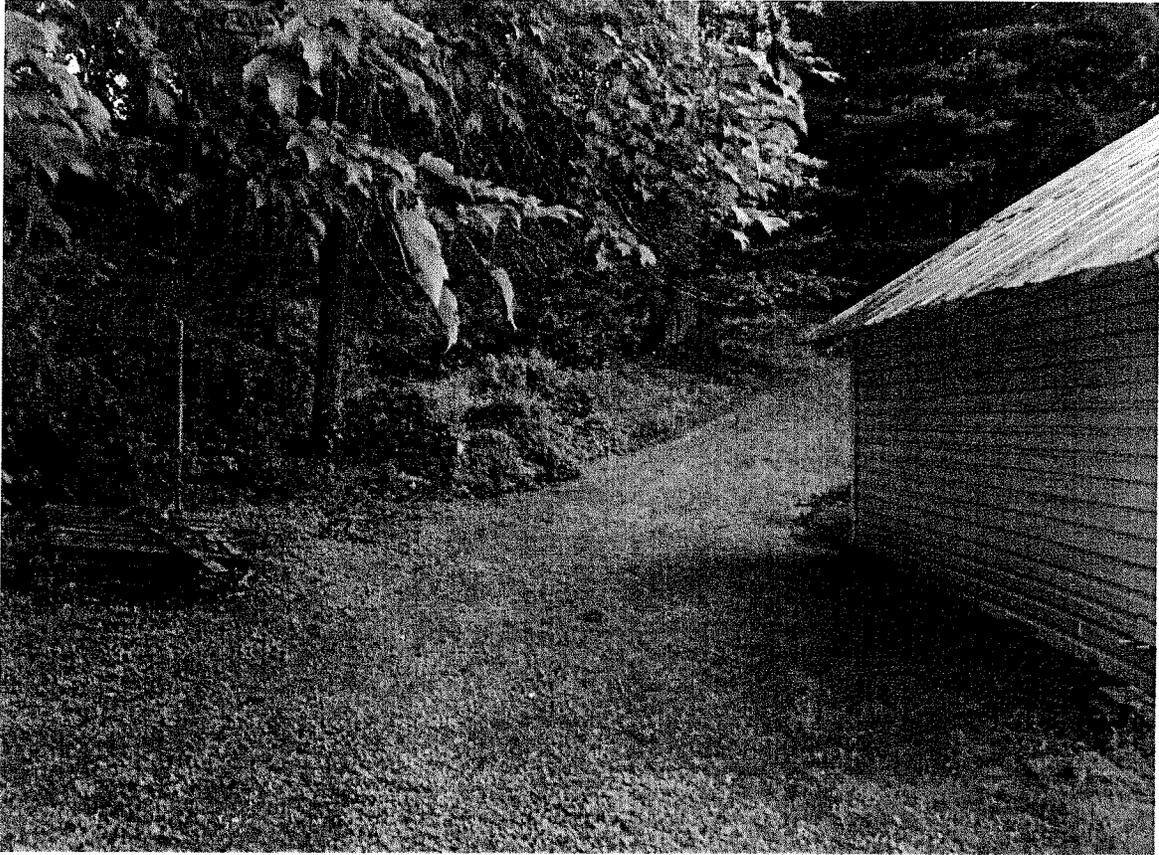


Figure 8. Area beside existing garage (facing south).



Figure 7. View to the east of property.

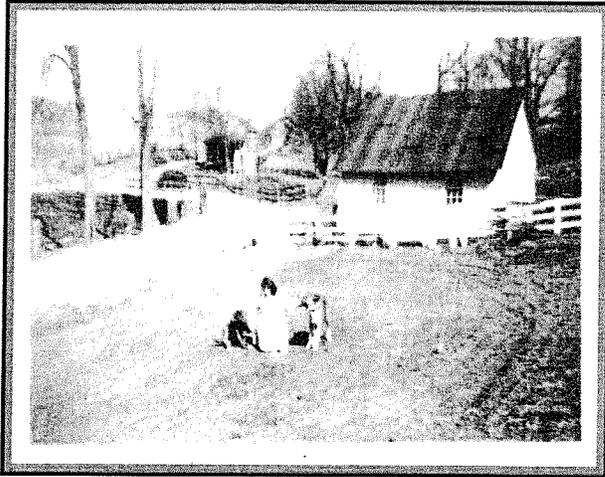
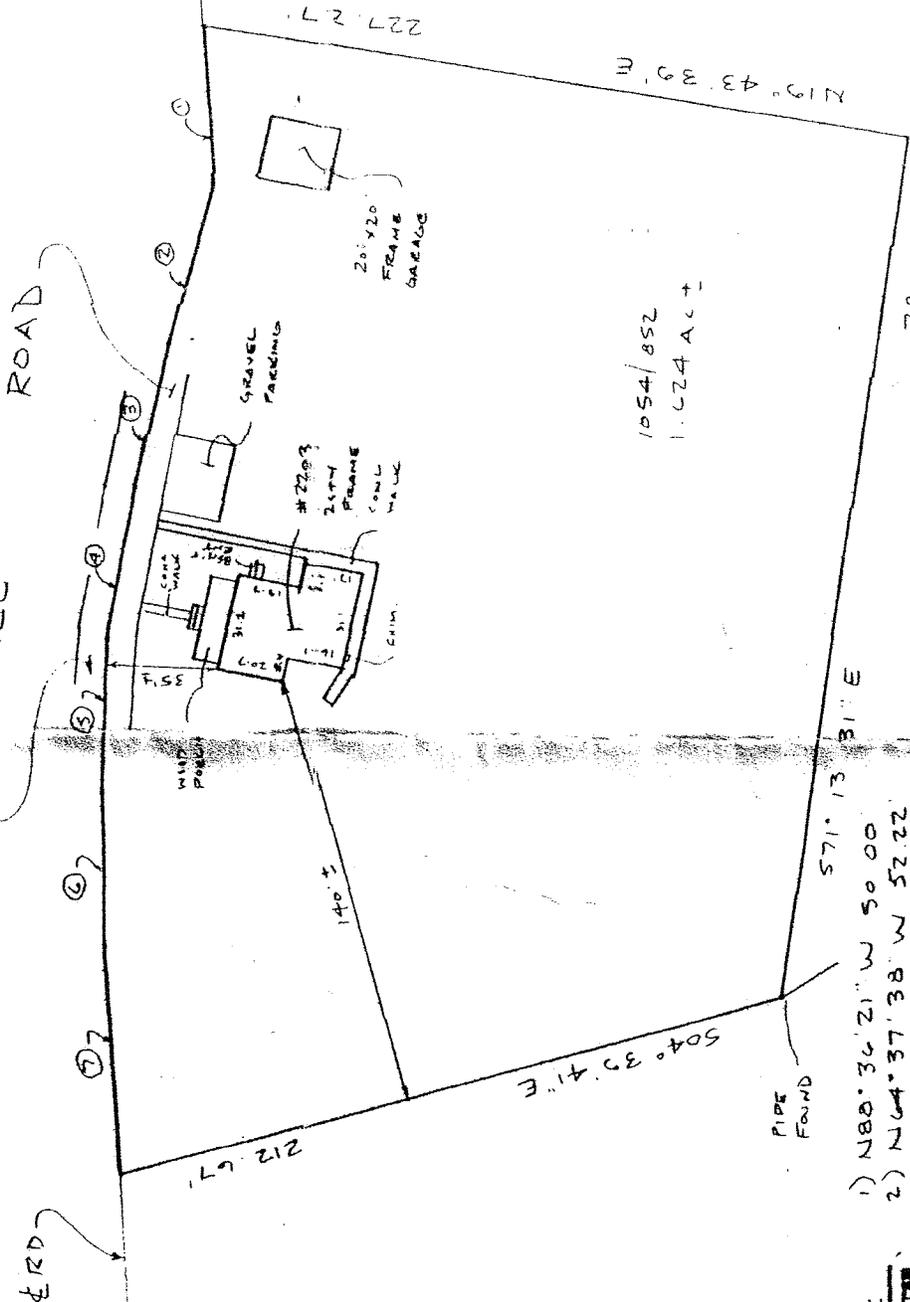


Figure 9. Photograph of the garage in the 1950's



Figure 10. Photograph of the garage in the 1970's

FURNACE ROAD



NOTE: DESCRIPTION OF PROPERTY IS IN DEED 102/554.

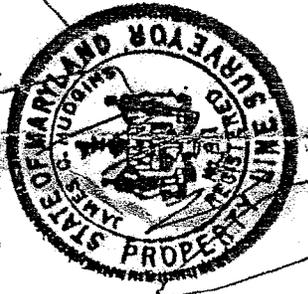
Subject property is shown in Zone C in the National Flood Insurance Program Flood Insurance Rate Map of HAZFORD County, Maryland. Parcel # 58 Community Panel # 2400400052A Effective Date: MARCH 2, 1983

- 1) N88° 36' 21" W 50 00
- 2) N64° 37' 38" W 52 22
- 3) N66° 53' 17" W 46 53
- 4) N68° 53' 52" W 50 83
- 5) N77° 12' 30" W 50 13

- 6) N80° 36' 47" W 50 03
- 7) N83° 07' 47" W 73 40

This is to certify that I have surveyed the property shown hereon, being the same property described in a deed from ANNE G. DE COURCEY TO WILLIAM E. & SUSAN P. DORSETT and recorded among the land records of HAZFORD COUNTY, MD in Liber 1054 Folio 852 for the purpose of locating the improvements thereon.

THIS PLAT SHOWS ONLY THAT THE IMPROVEMENTS ARE CONTAINED WITHIN THE OUTLINES OF THE LOT AND IS NOT TO BE USED TO ESTABLISH PROPERTY LINES.



J. Carl Huggins PLS#96

LOCATION SURVEY
2203 FURNACE ROAD
4TH ELECTION DISTRICT
HARFORD COUNTY, MD

NTI ASSOCIATES, INC.
16205 Old Frederick Road
Mt. Airy, Maryland 21771
Phone 442-2031

Scale 1" = 60
Date 15 July 84
Field By RIK
Drawn By RIK
Drawing # 117070

DAVID R. CRAIG
HARFORD COUNTY EXECUTIVE

LORRAINE COSTELLO
DIRECTOR OF ADMINISTRATION



Anthony S. McClune
Acting Director of Planning & Zoning

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

November 2, 2005

STAFF REPORT

BOARD OF APPEALS CASE NO. 5514

APPLICANT/OWNER: Brad Hutchens
2203 Furnace Road, Fallston, Maryland 21047

Co-APPLICANT: Sherri Hutchens
2203 Furnace Road, Fallston, Maryland 21047

REPRESENTATIVE: Applicant

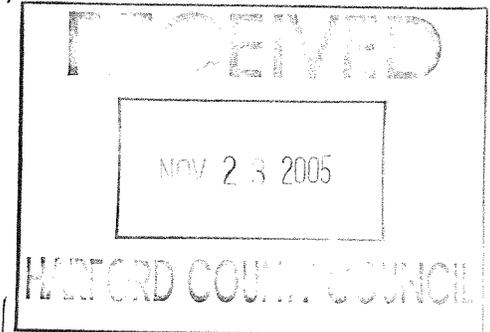
LOCATION: 2203 Furnace Road
Tax Map: 31 / Grid: 4F / Parcel: 38
Election District: Four (4)

ACREAGE: 1.62 acres

ZONING: RR/Rural Residential

DATE FILED: September 9, 2005

HEARING DATE: December 7, 2005



APPLICANT'S REQUEST and JUSTIFICATION:

Request:

“To receive a setback variance to construct a detached garage. This will allow the replacement of a garage built in the 1940’s and resident parking off Furnace Road.”

Preserving Harford's past; promoting Harford's 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.harfordcountymd.gov

THIS DOCUMENT IS AVAILABLE IN ALTERNATIVE FORMAT UPON REQUEST.

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Justification:

“The topography of the lot makes it impossible to meet the 70-foot setback from the centerline of the road required to construct the garage without a variance. The only existing parking at the residence is adjacent to Furnace road. Due to close proximity to Furnace Road, both the existing detached garage and cars parked at the residence have been vandalized on numerous occasions.”

The Applicants have filed along with their application additional documentation to support their justification for the variance, adjoining property information, adjoining property owner’s letters of support for variance, photos of property and detailed drawings (Attachment 1).

CODE REQUIREMENTS:

The Applicants are requesting a variance pursuant to 267-23A(2) and Section 267-35B, Table III of the Harford County Code to permit a detached garage to encroach the 40-foot front yard setback (16-feet proposed) in the RR District.

Enclosed with the report is a copy of Section 267-23A(2) of the Harford County Code (Attachment 2).

Enclosed with the report is a copy of Section 267-35B, Table III of the Harford County Code (Attachment 3).

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The Applicant’s property is located in the northwest area of the County near the Village of Jarrettsville. The property is located on the south side of Furnace Road just to the west of the intersection of North Furnace Road. A location map and a copy of the Applicant’s site plan are enclosed with the report (Attachments 4 and 5).

The subject property is located outside of the Development Envelope. The predominant land use designations in this area of the County are Agricultural and Rural Residential. The Natural Features map reflects Agricultural Preservation Districts and Easements, Sensitive species project Review Areas and stream systems. The subject property is designated as Rural Residential which is defined by the 2004 Master Plan as:

Rural Residential – Areas of focused rural development within the agricultural area, which allow low intensity residential opportunities while maintaining the character of the surrounding countryside. Water and sewer services are not planned for these areas. Residential density is limited to 1.0 dwelling unit per 2 acres.

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Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 6 and 7).

Land Use – Existing:

The existing land uses in this area of the County generally conform to the overall intent of the 2004 Master Plan. The predominant land uses include agriculture and single family dwellings. The topography of the area ranges from rolling to steep especially near the stream valleys. Enclosed with the report is a copy of the topography map and an aerial photograph (Attachment's 8 and 9).

The subject property is a 1.62 acre parcel fronting on the south side of Furnace Road. The topography of the property is sloping to steep. Improvements consist of a non-conforming 2 ½ story frame single-family dwelling that sits close to Furnace Road. To the left side and attached to the dwelling is an open deck constructed at ground level. To the front of the deck and next to the road is a gravel parking area. On the hill to the rear of the dwelling is a utility building. Situated to the left of the property is a frame non-conforming 2 car garage that sits very close to the roadway. There is a combination of split-rail fencing and evergreen trees across the front of the property. The area to the rear of the dwelling and garage is densely wooded. Enclosed with the report are site photographs along with an enlargement of the aerial photograph (Attachments 10 and 11).

Zoning:

The zoning classifications in the area are consistent with the 2004 Master Plan as well as the existing land uses. The predominant zoning classifications are AG/Agricultural and RR/Rural Residential. The subject property is zoned RR/Rural Residential as shown on the enclosed copy of the Zoning Map (Attachment 12).

SUMMARY:

The Applicants are requesting a variance pursuant to 267-23A(2) and Section 267-35B, Table III of the Harford County Code to permit a detached garage to encroach the 40-foot front yard setback (16-feet proposed) in the RR 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 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 existing garage was constructed in its present location in the 1940's. Enclosed are aerial photographs for various years that include 1957, 1964, 1971 and 1986 (Attachment 13). The

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Brad and Sherri Hutchens

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garage is old, in need of repair and non-conforming to the required front yard setback. In order to construct a new garage it must be located at least 70 feet from the centerline of Furnace Road. Because of the topography of the property the garage cannot be moved back any further than what is proposed without requiring a severe amount of grading. The existing garage is only 13-feet from the property line and 26-feet back from the centerline of the road. The proposed garage will sit approximately 32-feet back from the front property line and 46-feet back from the centerline of the road (Attachment 14). This is as far back as the garage can reasonably be located because of the topography.

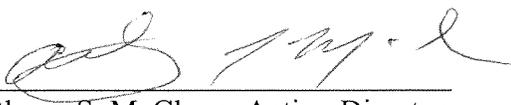
The Department finds that the subject property is unique based on the location of the existing improvements and the topography. The proposed location of the garage will improve existing conditions and will not have an adverse impact on the intent of the Code or the adjacent properties. The garage will be compatible with other structures in the area.

RECOMMENDATION and or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends that the requested variance for the proposed garage be approved subject to the Applicants obtaining all necessary permits and inspections.



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



Anthony S. McClune, Acting Director
Department of Planning and Zoning

DJS/ASM/jf