

STANDARD APPLICATION

Harford County Board of Appeals

Bel Air, Maryland 21014

RECEIVED

NOV 10 2005

HARFORD COUNTY CO

Case No. 5519

Date Filed 11/7/05

Hearing Date

Receipt

Fee 1450.00

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 5519 MAP 41 TYPE Variance

ELECTION DISTRICT 03 LOCATION 1421 Overlook Way, Bel Air 21014

BY Wayne and Agnes Seifert

Appealed because a variance pursuant to Sec. 267-36(B) Table VII of the Harford County Code to permit an addition to encroach the 40' rear yard setback (30' setback proposed), in the R3 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.

Applicant - - - (please print or type)

Name Wayne & Agnes Seifert Phone Number 410-638-0793

Address 1421 Overlook Way, Bel Air, MD 21014
Street Number Street City State Zip Code

Property Owner Same as 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 Terry Hunt (contractor salesman) Phone Number 410-760-1919 (x63)

Address 224 8th Ave NW Glen Burnie, MD 21061
Street Number Street City State Zip Code

Land Description

Address and Location of Property 1421 Overlook Way, Bel Air, MD 21014. Located on the South side of Overlook Dr. with 40' of road frontage

Subdivision Hickory Overlook Lot Number 267

Acreage/Lot Size 6,760 Election District 03 Zoning R3

Tax Map No. 41 Grid No. 2B Parcel 241 Water/Sewer: Private Public x/x

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

Estimated time requested to present case: 15 - 20 Min.

If this Appeal is in reference to a Building Permit, state number No permit applied for yet

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 y? No
Bel Air.

Request

~~Request a variance to allow a 14' x 23' irregular shape glass and screen sunroom~~

~~and a 9' x 13' open deck with landing located approximately~~

Request a variance to allow a 14' x 23' irregular shape sunroom and a 9' x 13' open deck with landing and steps to grade to be constructed with a rear yard setback of 30' in lieu of the required setback.

Justification

To provide an area for outdoor enjoyment without flies, bugs + mosquitoes. To provide an outdoor area protected from the danger of the sun.

Lot appears to be shadier than others caused by drainage easement and wetlands behind house.

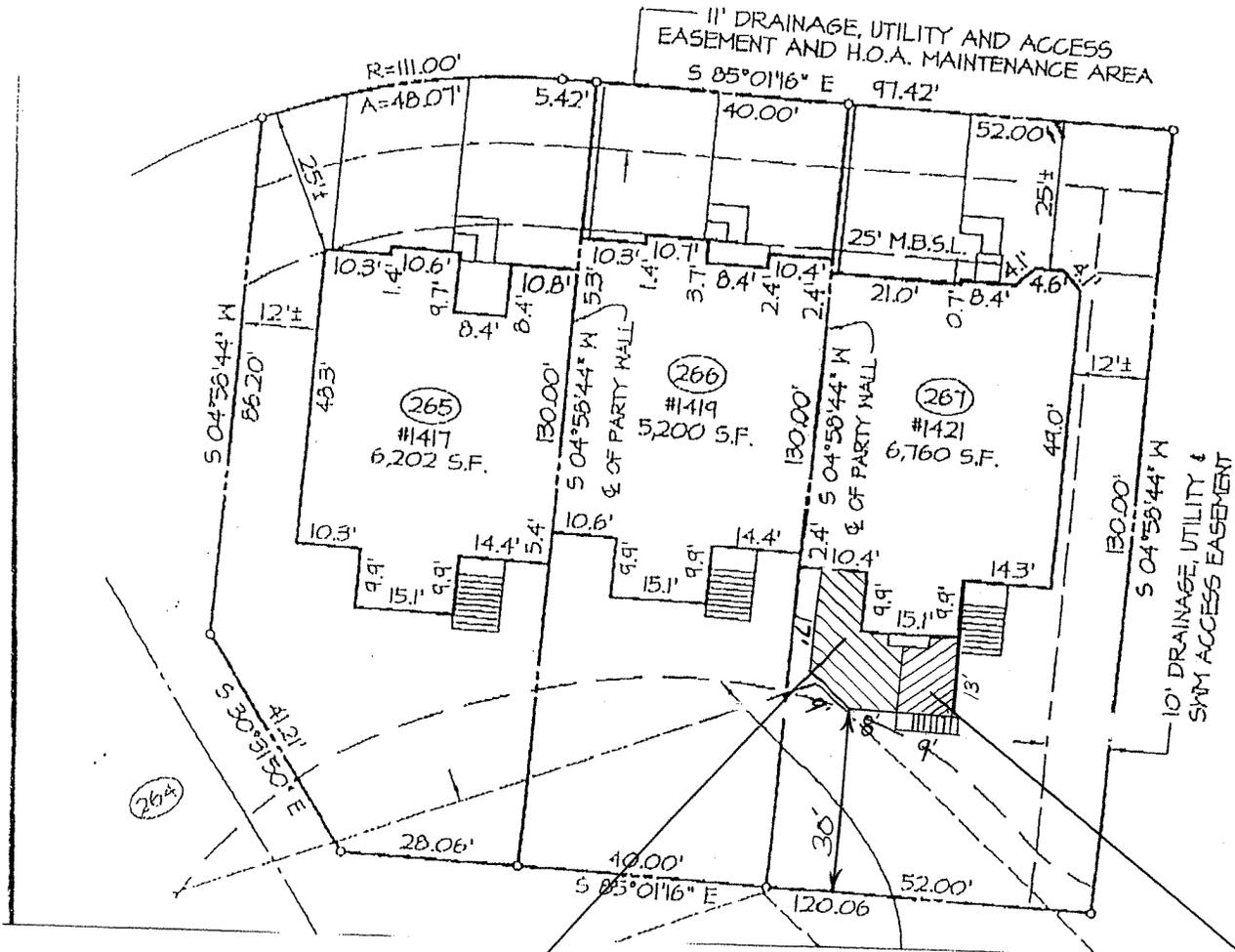
If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval requested. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

Wayne & Agnes Seifert
 1421 Overlook Way,
 Bel Air, MD 21014

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 JANUARY 7, 2000.

OVERLOOK WAY (28' R/W)

MARTLAND COORDINATE SYSTEM (NAD'83/86)



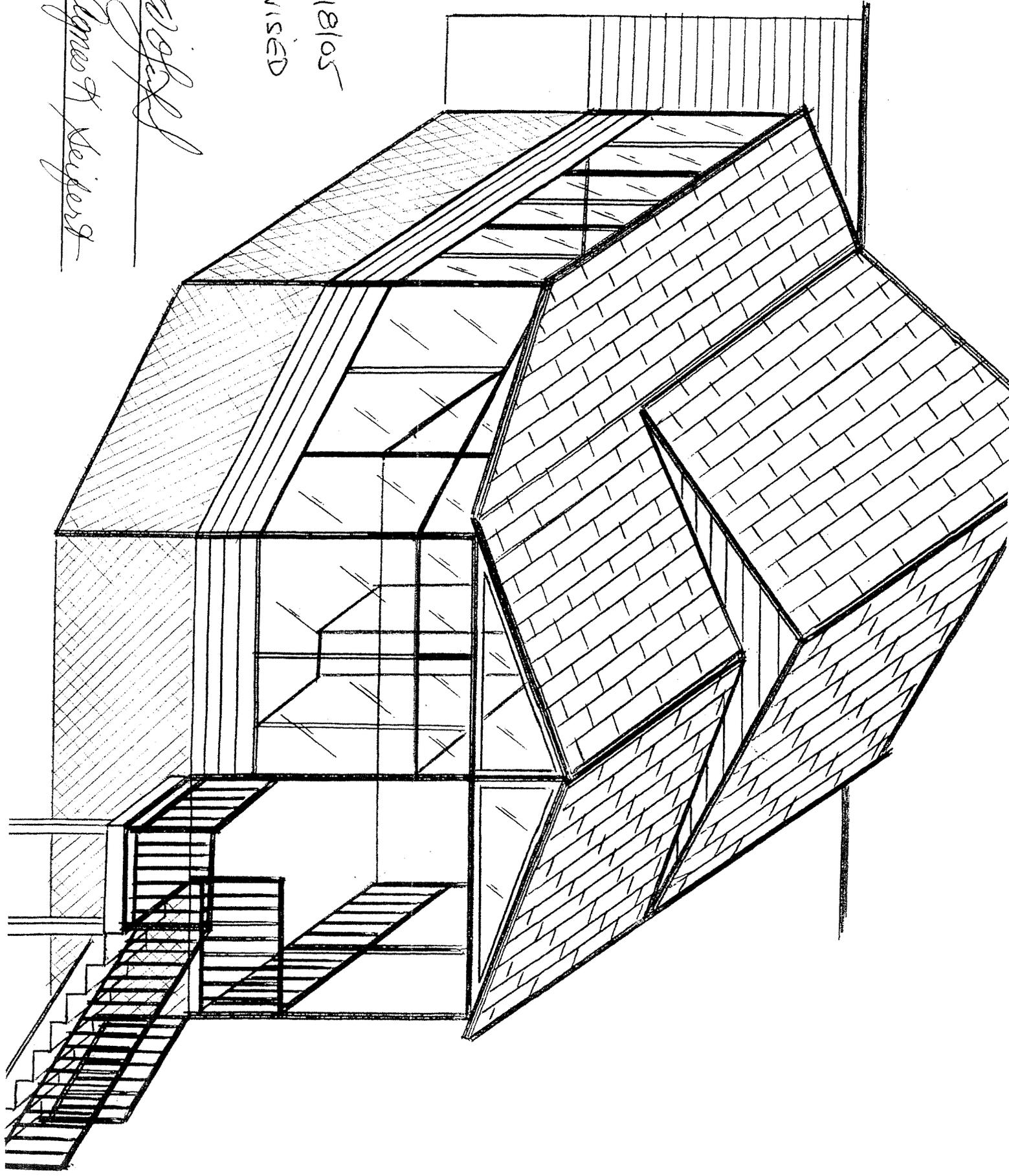
Proposed 234
squar foot
sunroom

proposed 117
square foot
deck with Indg.
and steps to grd.

10/18/05
Revised

[Handwritten signature]

[Handwritten signature]



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 18, 2005

STAFF REPORT

BOARD OF APPEALS CASE NO. 5519

APPLICANT/OWNER: Wayne and Agnes Seifert
1421 Overlook Way, Bel Air, Maryland 21014

REPRESENTATIVE: Terry Hunt (Contractor Salesman)
224 8th Ave NW Glen Burnie, Maryland 21061

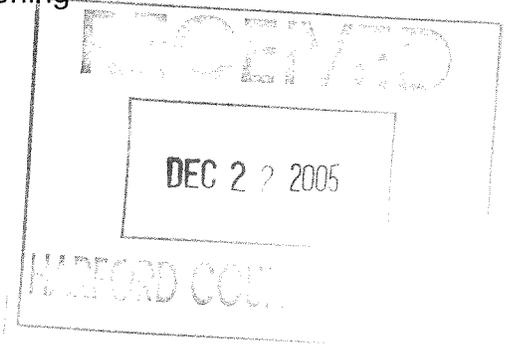
LOCATION: 1421 Overlook Way – Hickory Overlook Subdivision
Tax Map: 41 / Grid: 2B / Parcel: 241 / Lot: 267
Election District: Three (3)

ACREAGE: 6,760 square feet

ZONING: R3/Urban Residential District

DATE FILED: November 7, 2005

HEARING DATE: January 11, 2006



APPLICANT'S REQUEST and JUSTIFICATION:

Request:

“Request a variance to allow a 14’x 23’ irregular shape sunroom and a 9’x 13’ open deck with landing and steps to grade to be constructed with a rear yard setback of 30’ in lieu of the required setback.”

~ Preserving Harford's past, promoting Harford's future ~

STAFF REPORT

Board of Appeals Case Number 5519

Wayne and Agnes Seifert

Page 2 of 4

Justification:

“To provide an area for outdoor enjoyment without flies, bugs and mosquitoes. To provide an outdoor area protected from the dangers of the sun. Lot appears to be shorter than others caused by drainage easement and wetlands behind house.”

CODE REQUIREMENTS:

The Applicants are requesting a variance pursuant to Section 267-36(B) Table VII of the Harford County Code to permit an addition to encroach into the 40 foot rear yard setback (30 foot setback proposed), in the R3/Urban Residence District.

Enclosed with the report is a copy of Section 267-36(B) Table VII of the Harford County Code (Attachment 1).

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The Applicant's property is located north of Bel Air in the development of Hickory Overlook. The lot is situated on the south side of Overlook Way and backs up to an area of open space. A location map, a copy of the Applicant's site plan and a drawing of the addition are enclosed with the report (Attachments 2, 3 and 4).

The subject property is located within the Development Envelope. The primary land use designations south of Route 1 are Low and Medium Intensities. The Natural Features map reflects Parks, Sensitive Species Project Review Areas, Stream Systems, and agricultural preservation easements. The Applicant's property is located in an area designated as Medium Intensity, which is defined by the 2004 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 conform to the overall intent of the 2004 Master Plan. The general area contains uses ranging from residential to commercial and industrial. Residential housing types include single-family residences, townhouses and condominiums. Commercial uses range from individual retail to shopping centers and service use. Other commercial uses include an

STAFF REPORT

Board of Appeals Case Number 5519

Wayne and Agnes Seifert

Page 3 of 4

automobile dealership and a tractor and truck sales and repair. There is a Recreation complex to the north. Other uses include Churches and Schools. 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 the aerial photograph (Attachments 7 and 8).

The subject lot (Lot 267) is located on the south side of Overlook Way in the development of Hickory Overlook. The lot is a townhouse lot, rectangular in shape and approximately 6,760 square feet in size. The topography of the lot slopes up ever so gently from the road to the front of the house and then begins to slope gradually to the rear of the lot. To the rear of the Applicant's lot there is an area of wetlands and a stream. Improvements consist of a frame townhouse with an attached 2-car garage and a double wide concrete driveway. The subject dwelling is an end unit in a group of 3 townhomes. There is nothing unique about the topography and/or the shape of the lot. The lot is similar in shape and size to the other lots in the neighborhood. Enclosed with the report are site photographs along with an enlargement of the aerial photograph (Attachments 9A-D and 10). The photograph was taken during grading and prior to construction of the units.

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 R3/Urban Residential Districts. Commercial zoning includes B2/Community Business District, B3/General Business District and CI/Commercial Industrial District. There are also areas of GI/General Industrial District. The subject property is zoned R3/Urban Residential District as shown on the enclosed copy of the zoning map (Attachment 11).

SUMMARY:

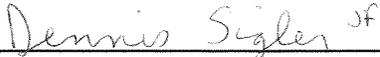
The Applicants are requesting a variance pursuant to Section 267-36(B) Table VII of the Harford County Code to permit an addition to encroach into the 40 foot rear yard setback (30 foot setback proposed), in the R3/Urban Residence District.

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 or unreasonable 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.

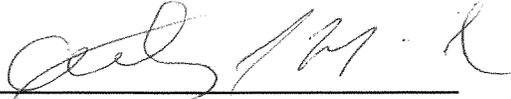
The Department finds that the subject property is not unique. The shape and size of the lot is similar to the other lots in the development. The area of the lot which is impacted by the Natural Resource District is located entirely within the rear yard setback (Attachment 12). The Applicants could build a screened porch and the open deck without requiring Board of Appeals approval.

RECOMMENDATION and or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends that the requested variance be denied.



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



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

DJS/ASM/jf