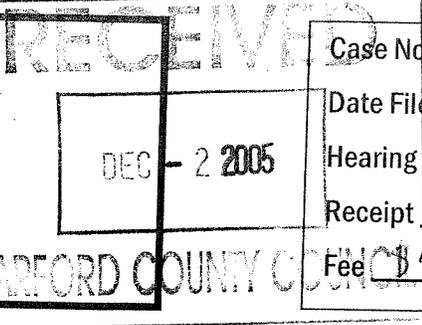


**STANDARD APPLICATION**  
**Harford County**  
**Board of Appeals**  
 Bel Air, Maryland 21014



Case No. 5521  
 Date Filed 12/1/05  
 Hearing Date \_\_\_\_\_  
 Receipt \_\_\_\_\_  
 Fee 450.00

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 5521 MAP 25 TYPE Variance  
 ELECTION DISTRICT 05 LOCATION 3301 Deer Hill Road  
 BY Thomas and Caroline Koluch  
 Appealed because a variance pursuant to Sec. 267-34C, Table II of the Harford County Code to permit an attached garage to encroach the required 40' side yard setback (22' proposed) in the Ag 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 THOMAS M. KOLUCH Phone Number 410-893-7222  
 Address 3301 Deer Hill Road STREET MD 21154  
Street Number Street City State Zip Code

Co-Applicant CAROLINE M. KOLUCH Phone Number 410-893-7222  
 Address 3301 Deer Hill Road STREET MD 21154  
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 3301 DEER HILL ROAD  
STREET, MD. 21154

Subdivision \_\_\_\_\_ Lot Number 30

Acreage/Lot Size ± 12 ACRES Election District 05 Zoning AG

Tax Map No. 25 Grid No. 2D Parcel 244 Water/Sewer: Private  Public \_\_\_\_\_

List ALL structures on property and current use: ① HOUSE - RESIDENCE ② SHED - STORAGE

Estimated time required to present case: \_\_\_\_\_

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**

To build garage with attached workshop that will encroach on  
the side yard setback.\* Garage will be attached to the existing  
residential structure via a breezeway.

Front left corner of garage will be 22 feet from property line.

**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.)*

Application - Harford County Board of Appeals  
Thomas M. Koluch  
Caroline V. Koluch  
3301 Deer Hill Road  
Street, Maryland 21154

### **JUSTIFICATION**

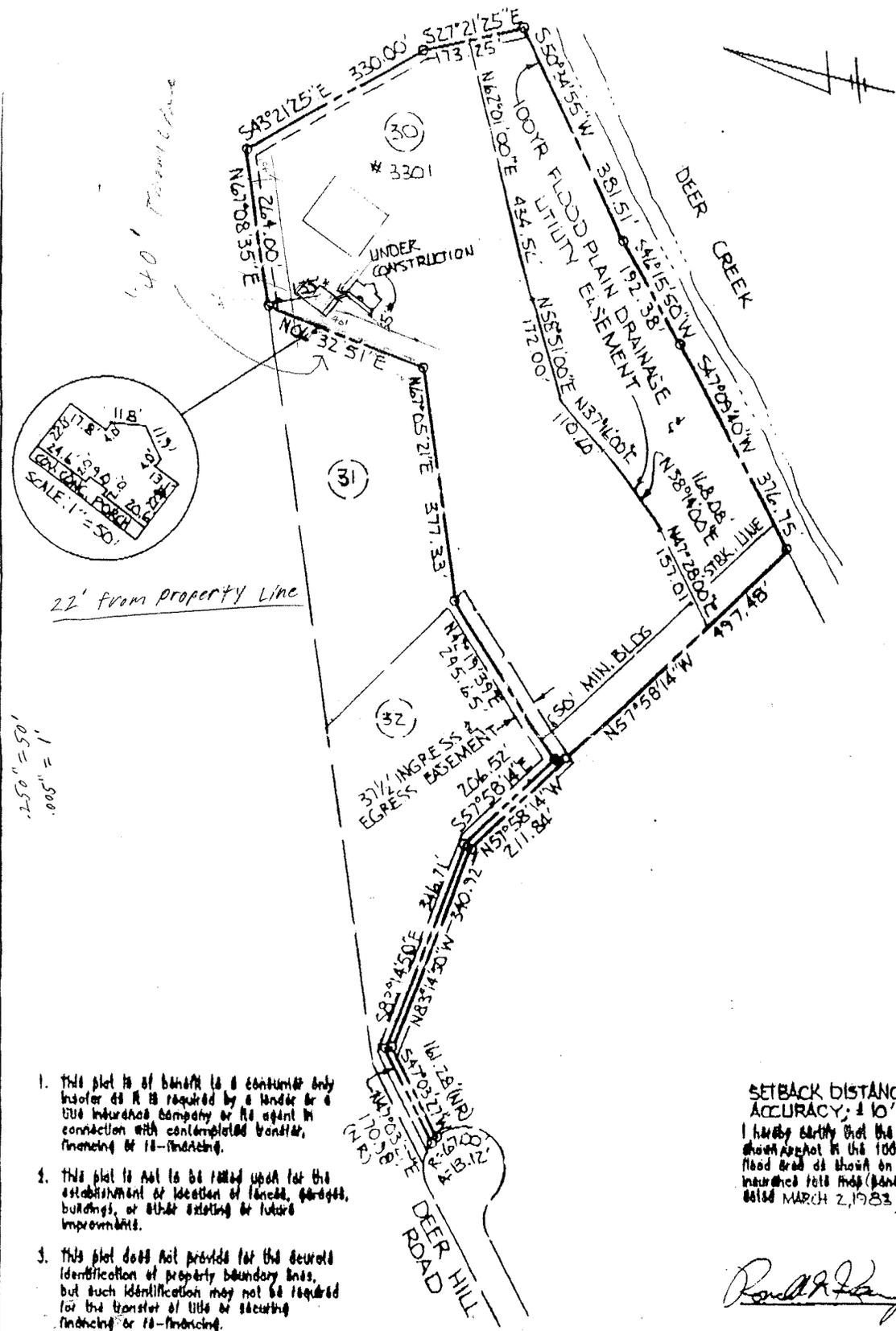
An area variance is being requested as the available site for the garage construction is limited by both the uniqueness of the property and the topographical conditions.

#### **Property:**

- lot consists of 12 acres of densely wooded land with only approximately 0.5 acre cleared, this area contains the existing residential structure
- within the 0.50 acre and immediately to the right of the house, towards the driveway, is located the in-ground propane tank (1200gal), the well-head with underground waterlines and the electrical transformer with underground electrical wire
- within the 0.50 acre and to the back left side of the residence is the septic system with the drain field and the reserve drain field
- underground satellite cable enters the residence from the left side
- the cleared 0.50 acre is located in the northwest quadrant of an irregularly shaped portion of the total lot
- the cleared area and the overall lot are in a secluded setting
- the lot is zoned AG/Agricultural

#### **Topography:**

- the lot's terrain is steeply sloped
- the residence is built into a slope such that the first floor entrance at the front of the house leads to a living room that is actually 1 story above ground; the finished basement's rear entrance is at ground level
- on the right side of the residence a deck comes off the driveway, wraps around the first floor and is 1 story above ground in the back
- the cleared area to the left of the house, where the garage would be built, is the last remaining level area of the cleared area and currently serves as a parking pad for our vehicles and has a storage shed left by the previous owners



2.50" = 50'  
 .500" = 1'

1. This plot 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 re-financing.
2. This plot is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements.
3. This plot 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 re-financing.

SETBACK DISTANCE  
 ACCURACY: ± 10'  
 I hereby certify that the IMPROVE  
 shown appear in the 100 year  
 flood area as shown on the flood  
 insurance rate map (panel 30 of 2  
 dated MARCH 2, 1983)

*Ronald R. Kelly* 9/21  
 Data

Recorded: 49-135



LOCATION DRAWING  
 LOT 30 PLAT TWO PHASE II  
 RESUBDIVISION OF A PORTION OF  
 PLAT THREE

**CHERRYWOOD ESTATES**

**K.L.S. Consultants, Inc.**  
 ENGINEERS AND SURVEYORS

102 N. MAIN STREET  
 BEL AIR, MARYLAND 21014  
 (410)879/838-1441

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

December 6, 2005

### STAFF REPORT

#### **BOARD OF APPEALS CASE NO. 5521**

APPLICANT/OWNER: Thomas M. Koluch  
3301 Deer Hill Road, Street, Maryland 21154

Co-APPLICANT: Caroline M. Koluch  
3301 Deer Hill Road, Street, Maryland 21154

REPRESENTATIVE: Applicants

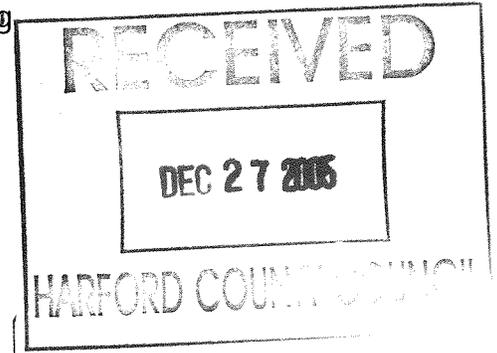
LOCATION: 3301 Deer Hill Road/Cherrywood Estates  
Tax Map: 25 / Grid: 2D / Parcel: 244 / Lot: 30  
Election District: Five (5)

ACREAGE: 12 acres

ZONING: AG/Agricultural

DATE FILED: December 1, 2005

HEARING DATE: January 11, 2006



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

##### Request:

"To build garage with attached workshop that will encroach on the side yard setback. Garage will be attached to the existing residential structure via a breezeway. Front left corner of garage will be 22 feet from property line."

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

MY DIRECT PHONE NUMBER IS (410) 638-3103

STAFF REPORT

Board of Appeals Case Number 5521

Thomas and Caroline Koluch

Page 2 of 5

Justification:

See ATTACHMENT 1.

**CODE REQUIREMENTS:**

The Applicants are requesting a variance pursuant to Section 267-34C, Table II of the Harford County Code to permit an attached garage to encroach the required 40-foot side yard setback (22-feet proposed) in the AG/Agricultural District.

Enclosed with the report is a copy of Section 267-34C, Table II of the Harford County Code (Attachment 2).

**LAND USE and ZONING ANALYSIS:**

Land Use – Master Plan:

The Applicant's property is located in the northern end of the County, north of Deer Creek and east of Rocks Road (MD Route 24). The lot is situated at the end of Deer Hill Road in the development of Cherrywood Estates. A location map and a copy of the Applicant's site plan are enclosed with the report (Attachments 3 and 4).

The subject property is located outside of the Development Envelope. The predominant land use classification in this area of the County is Agricultural. The Natural Features Map reflects Parks, Deer Creek Scenic River Districts, Rural Legacy Areas, Sensitive Species Project Review Areas, Maryland Environmental Trust Easements, Agricultural Preservation Districts and Easements and Stream Systems. The subject property is designated Agricultural and is within the Deer Creek Scenic River District and the Rural Legacy Area. These designations are defined by the 2004 Master Plan as:

***Agricultural** – Areas where agriculture is the primary land use, but where development rights are available. Residential development is possible at a density of 1.0 dwelling unit for every 10 acres. Commercial uses within this area are intended to serve the agriculture industry or residents of the area while maintaining the character of the surrounding countryside.*

***Deer Creek Scenic River District** – This represents the area included in the State Wild and Scenic Rivers Program which established a 150 foot buffer on both sides of the creek to preserve its natural beauty.*

***Rural Legacy** – Areas where preservation efforts, through easements or fee simple acquisitions, are focused to form large contiguous tracts of protected land. Development inconsistent with the easement will not be allowed.*

## STAFF REPORT

Board of Appeals Case Number 5521

Thomas and Caroline Koluch

Page 3 of 5

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 land use designations for this area generally conform to the overall intent of the 2004 Master Plan. The predominant land use is Agriculture which includes cropland, pastureland and large areas of dense woodland. There are also several single family residential subdivisions in the area. The overall topography for the area ranges from rolling to severely steep especially along Deer Creek and its many tributaries. A topography map and a copy of the aerial photograph are enclosed with the report (Attachments 7 and 8).

The Applicant's property is a 12± acre lot located at the end of Deer Hill Road in the Cherry Hill Estates subdivision. It is part of a group of 3 panhandles with the main body of the lot located approximately 1500 feet back from Deer Hill Road. The lot has a very unusual shape and is densely wooded. The lot also contains severe slopes. The useable area of the lot is situated to the rear and left side of the property as shown on the Applicant's site plan. Presently the improvements consist of a frame 2-story single family dwelling with a covered porch on the front and a wrap around deck on the side and rear; a shed that will be removed to locate the proposed garage, a gravel driveway with a turning and parking area in front of the house, a well and septic system. The rear of the dwelling looks down into the Deer Creek valley below. The front of the house looks into a hillside and adjoining lot (Lot 31). Lot 31 is also densely wooded and the improvements are approximately 250 to 300 feet away and approximately 45 feet higher in elevation. Enclosed with the report are site photographs along with an enlargement of the aerial photograph (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. The primary zoning classification is AG/Agricultural. The subject property is zoned AG/Agricultural as shown on the enclosed copy of the Zoning Map (Attachment 11).

### **SUMMARY:**

The Applicants are requesting a variance pursuant to Section 267-34C, Table II of the Harford County Code to permit an attached garage to encroach the required 40-foot side yard setback (22-feet proposed) in the AG/Agricultural 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

STAFF REPORT

Board of Appeals Case Number 5521

Thomas and Caroline Koluch

Page 4 of 5

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 based on its configuration and topography. The Applicants are proposing to construct a detached garage to the left and rear of their existing dwelling that will be attached by a breezeway (Attachment 12). The proposed location of the garage will encroach into the required 40-foot side yard setback (22 feet proposed). The property is steeply sloped and the area proposed for the garage is the only remaining level area that is not forested. This area currently serves as a parking pad for vehicles. Enclosed with the report is a copy of the record plat containing this lot (Attachments 13). The requested variance will not have an adverse impact on the adjacent properties or the intent of the code.

**RECOMMENDATION and or SUGGESTED CONDITIONS:**

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

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

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

DJS/ASM/jf