

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

RECEIVED  
 APR - 6 2006  
 HARFORD COUNTY

Case No. 5533  
 Date Filed 4/3/06  
 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 5533 MAP 49 TYPE Variance

ELECTION DISTRICT 03 LOCATION 611 Ponderosa Drive, Bel Air 21014

BY Herbert and Carol Hasselbarth

Appealed because a variance pursuant to Sec. 267-36(B) Table V of the Harford County Code to permit a carport to maintain minimum side yard of 5' with a total of 15' (minimum 10', total 30' required) in the R2 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 Herbert C. Hasselbarth, Jr. Phone Number 410-879-1780  
 Address 611 Ponderosa Drive Bel Air Maryland 21014  
Street Number Street City State Zip Code

Co-Applicant Carol A. Hasselbarth Phone Number 410-879-1780  
 Address 611 Ponderosa Drive Bel Air Maryland 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 611 Ponderosa Drive Bel Air, Maryland 21014

Subdivision 345 Fox Bow Lot Number 138

Acreage/Lot Size 12,954 SF Election District 03 Zoning R2

Tax Map No. 49 Grid No. 4A Parcel 812 Water/Sewer: Private \_\_\_\_\_ Public X

List ALL structures on property and current use: House (principal residence) and shed (storage)

Estimated time required to present case: 10 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 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 \_\_\_\_\_ No X

**Request**

See attached sheet.

**Justification**

See attached sheet.

*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 variance in order to construct over our existing driveway a carport which will attach to the side of our house and be supported on the other side by brick columns matching in appearance to the house. The roof area of the carport would be approximately 40 feet by 15 feet and the carport would be open on three sides. The area between our house and the existing driveway will be blacktopped. Our carport would look very similar in appearance to our neighbor's carport at 609 Ponderosa Drive (see attached pictures).

## **Justification**

Presently, we have a water drainage problem on this side of our house (see attached pictures) causing dampness in our basement. Water accumulates during storms between our house and the driveway and behind our driveway which settles into the ground. The drainage problem has been created as a result of certain neighbors' actions. Our neighbor behind us at 608 Southwarke Road has transformed their lot from being fully wooded to the back of the house to a lot with only three trees. Removal of these trees has created considerable additional runoff onto our property. In addition, he has installed a shed measuring 20 feet by 12 feet at the rear of his property which blocks runoff onto our neighbor's lot and instead directs the runoff onto our lot (see attached pictures). Another neighbor at 607 Ponderosa Drive has installed a solid fence which begins at ground level and encloses his entire lot behind his house (see attached pictures). This has resulted in directing runoff from the lot behind his onto our lot and our intervening neighbor's lot at 609 Ponderosa Drive. The carport will help significantly in alleviating the water drainage problem we have on that side of the house. The proposed carport's roof (600 square feet in area) will remove all roof water from the area since the downspouts will be tied into an existing underground drain line which empties curbside into the street. In addition, the area between our house and driveway will be blacktopped to prevent water from settling. These actions will help considerably in reducing the amount of moisture experienced on this side of our house, benefiting both us and our immediate neighbor at 609 Ponderosa Drive.

Our neighbor at 609 Ponderosa Drive had a similar drainage problem 16 years ago. They sought a variance to construct a carport to alleviate the problem and were granted it in Case No. 4010.



DAVID R. CRAIG  
HARFORD COUNTY EXECUTIVE

LORRAINE COSTELLO  
DIRECTOR OF ADMINISTRATION



C. PETE GUTWALD  
DIRECTOR OF PLANNING & ZONING

## HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

May 5, 2006

### STAFF REPORT

#### BOARD OF APPEALS CASE NO. 5533

APPLICANT/OWNER: Herbert C. Hasselbarth, Jr.  
611 Ponderosa Drive, Bel Air, Maryland 21014

Co-APPLICANT: Carol A Hasselbarth  
611 Ponderosa Drive, Bel Air, Maryland 21014

REPRESENTATIVE: Applicants

LOCATION: 611 Ponderosa Drive – Fox Bow Development  
Tax Map: 49 / Grid: 4A / Parcel: 812 / Lot: 138  
Election District: Three (3)

ACREAGE: 12,954 square feet

ZONING: R2/Urban Residential District

DATE FILED: April 3, 2006

HEARING DATE: May 24, 2006

#### APPLICANT'S REQUEST and JUSTIFICATION:

See ATTACHMENT 1 and 1A.

#### CODE REQUIREMENTS:

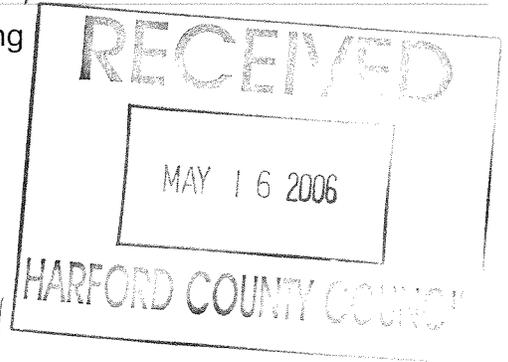
The Applicants are requesting a variance pursuant to Section 267-36B, Table V of the Harford County Code to permit a carport to maintain a minimum side yard of 5 feet with a total of 15 feet (minimum 10 feet, total of 30 feet required) in the R2/Urban Residential District.

*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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Herbert and Carol Hasselbarth

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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 Applicant's property is located west of Tollgate Road, in the Development of Fox Bow. The lot is located on the south side of Ponderosa Drive, west of Southwarke Road. 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 within the Development Envelope. The predominant land use designations are Low, Medium and High Intensities. The Natural Features Map reflects Parks, and Stream Buffers. The Applicant's property is designated as Low Intensity which is defined by the 2004 Land Use Plan as:

*Low Intensity – Areas within the Development Envelope where residential development is the primary land use. Density ranges from 1.0 to 3.5 dwelling units per acre. Neighborhood commercial uses such as convenience stores, doctors' offices, and banks are example of some of the nonresidential 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. Residential uses include single-family dwellings, townhouses and condominiums. Commercial uses include individual retail, restaurants and shopping centers. The topography of the area ranges from rolling to steep especially near the stream valleys. A topographic map and a copy of the aerial photograph are enclosed with the report (Attachments 7 and 8).

The Applicant's property is part of the Fox Bow single family development that was recorded in 1972 (Attachment 9). The lot fronts on the south side of Ponderosa Drive just to the west of Southwarke Road. The lot is rectangular in shape, approximately 12,954 square feet or 0.29± of an acre in size. Improvements consist of a brick and frame one story dwelling with a covered porch and basement access on the rear side of the dwelling and a blacktopped driveway. There are mature trees along the rear lot line. The property is nicely landscaped and all improvements are well maintained. The topography of the lot slopes up gently from the road to the front of the house and levels off to the rear property line. There is very little elevation change. Site photographs along with an enlargement of the aerial photograph are enclosed with the report (Attachments 10 and 11).

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Zoning:

The zoning classifications in the area are consistent with the 2004 Master Plan as well as the existing land uses. Residential zoning in the immediate area ranges from R1 to R4/Urban Residential Districts. Commercial zoning is mainly B3/General Business District. The subject property is zoned R2/Urban Residential as shown on the enclosed copy of the zoning map (12).

**SUMMARY:**

The Applicant's are requesting a variance pursuant to Section 267-36B, Table V of the Harford County Code to permit a carport to maintain a minimum side yard of 5 feet with a total of 15 feet (minimum 10 feet, total of 30 feet required) in the R2/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 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 Applicant justifies the request by stating that they have a drainage problem during heavy storms caused by some clearing on an adjacent lot to the rear. They feel that the carport will help to alleviate their problem with the water runoff from the adjoining property. Further, the neighbor to their left at 609 Ponderosa Drive has a similar carport that was approved in Board of Appeals Case #4010. Enclosed with the report is a copy of the decision and a copy of the site plan for case #4010 (Attachments 13 and 14).

The standards for granting a variance have been further defined based on more recent decisions by the Board of Appeals and the courts. The Applicants must prove that their property is unique compared to all other lots in the immediate area. The uniqueness or peculiarity of the property must be one that is not shared by neighboring properties. The Applicant must show that denying their request will result in practical difficulty and/or unreasonable hardship. The variance should only be granted if in strict harmony with the spirit and intent of the Zoning Code, and the need must be sufficient to justify the variance.

The Applicant's lot is rectangular in shape and is similar in size to the other lots in the neighborhood. There are no topographic conditions that make this lot unique from the other lots. There are numerous lots in the development that are not able to construct carports or garages.

**RECOMMENDATION and or SUGGESTED CONDITIONS:**

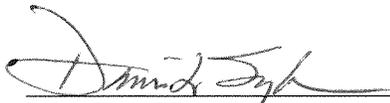
The Department was not able to find that the subject property is unique compared to other properties in the neighborhood. Therefore, the Department is not able to recommend approval of the requested variance.

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

DJS/ASM/jf



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