

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

JAN 30 2007

Case No. 5590
 Date Filed 1/23/07
 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 5590 MAP 41 TYPE Variance ELECTION DISTRICT 03
 LOCATION 1205 Prospect Mill Road, Bel Air MD 21015
 BY Daniel and Sharry Sparr
 Appealed because a variance pursuant to Sec. 267-34(C) Table II of the Harford County Code to permit an addition to maintain a minimum side yard setback of 15' (20' required) 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 DANIEL & SHARRY SPARR Phone Number 410-838-3853

Address 1205 Prospect Mill Rd Belair MD 21015
Street Number Street City State Zip Code

Co-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 Richard Kaline / Cutting Edge Construction Phone Number 410-238-4900

Address 712 Stemmers Run Rd UNIT B BALT MD 21221
Street Number Street City State Zip Code

Land Description

Address and Location of Property 1205 Prospect Mill Rd Relae MD 21015

Subdivision LANDS OF William E. Sample Lot Number 4

Acreage/Lot Size .49 ACRE Election District 3RD Zoning A6

Tax Map No. 41 Grid No. 21 Parcel 544 Water/Sewer: Private Public

List ALL structures on property and current use: House

Estimated time required to present case: 30 min

If this Appeal is in reference to a Building Permit, state number NO

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 an addition approx. 35x15 one story on side of home.
addition will include 2 bedrooms and 1 bathroom Request is to
encroach front and side set back

Justification

Family has outgrown existing home, see attached for more
justification

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.)

Cutting Edge Construction
712 Stemmers Run Rd. Unit B
Baltimore, MD 21221
410-238-4900

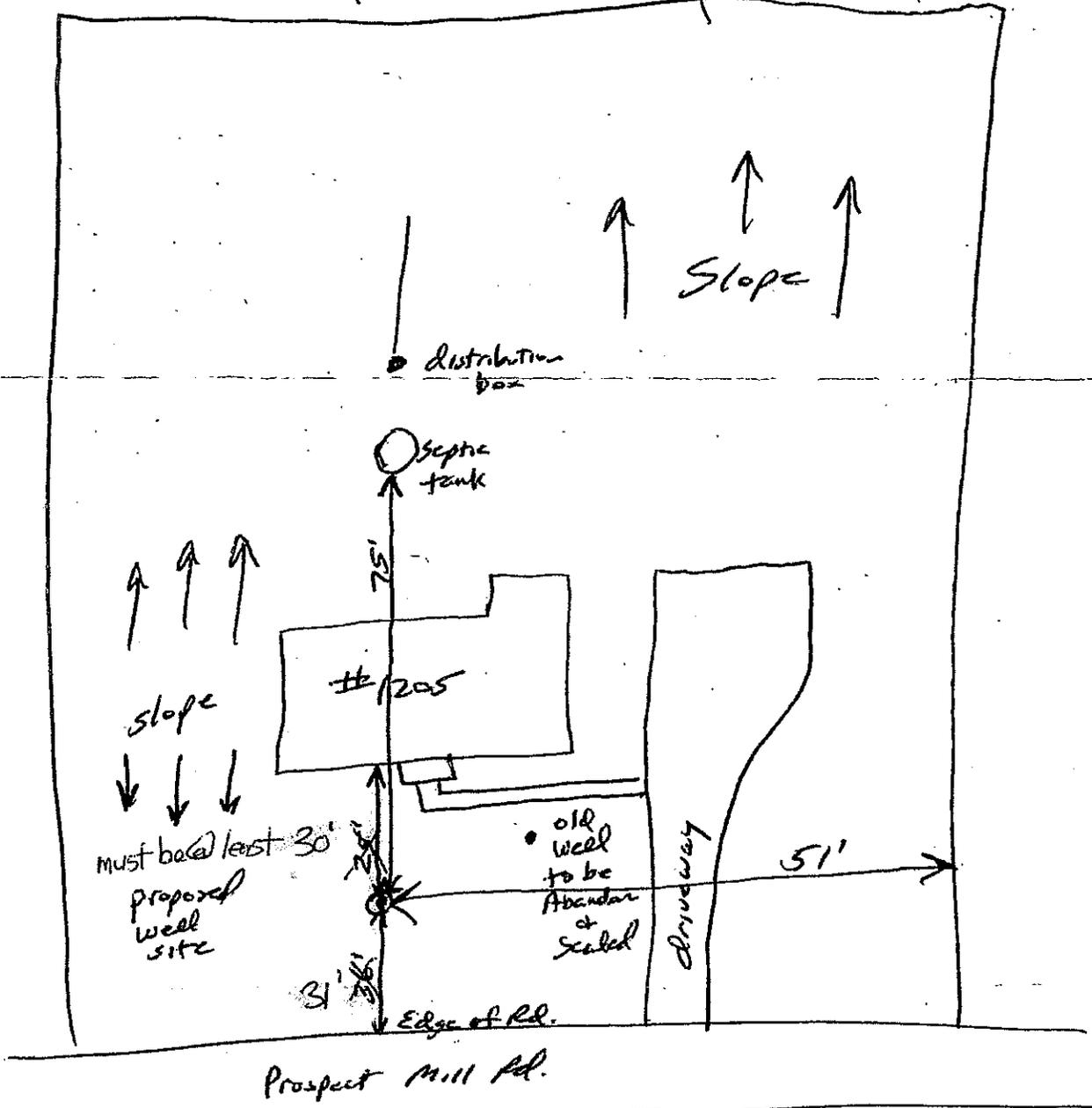
Daniel & Sharry Sparr
1205 Prospect Mill Rd.
Belair, MD 21015

Justification for Variance.

- 1) The Sparr family has grown beyond the size of their home, and need to add 2 bedrooms and another bath to accommodate their requirements.
- 2) The area chosen for the addition would serve their purpose and seems to be the best choice because;
 - a) To build onto the front would be disallowed because of the 40' BRL Line, also the well is located off the front of the house and would interfere. Also to build in the front would throw off the appearance of the house.
 - b) The addition can't be built off the rear because it would be too close to the septic tank which is located 21' off the rear near the center of the house.
 - c) To build off the other side would be the same set back infringement as the side we wish to build on, but would be off the kitchen and living room and would not blend with the current layout.
- 3) The other houses in this neighborhood are larger than this house, therefore enlarging it by 525sq' would not make the house unusual.
- 4) The Sparr family considered building a second story but in order to build it to a size that would make the house proportionate and not look odd was not within their budget.
- 5) This job also includes re-siding and re-roofing the entire house which would definitely be an improvement to the neighborhood.

Mr Sparr:

Stake the well & CALL OUR OFFICE
when you are ready to drill



Not to Scale

Owner: Dan Sparr
1205 Prospect Mill Rd.
Bel Air, MD 21014
410-838-3853

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

February 20, 2007

STAFF REPORT

BOARD OF APPEALS CASE NO. 5590

APPLICANT/OWNER: Daniel Sparr
1205 Prospect Mill Road, Bel Air, Maryland 21015

Co-APPLICANT: Sharry Sparr
1205 Prospect Mill Road, Bel Air, Maryland 21015

REPRESENTATIVE: Richard Kaline-Cutting Edge Construction
712 Stemmers Run Road, Unit B, Baltimore, Maryland 21221

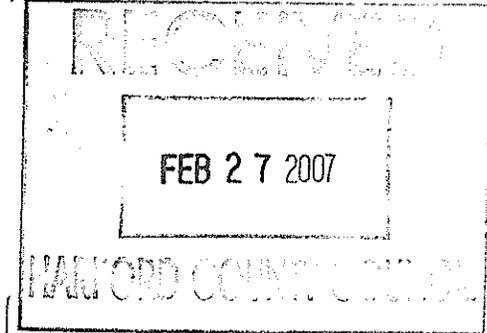
LOCATION: 1205 Prospect Mill Road – Lands of William E. Sample
Tax Map: 41 / Grid: 2D / Parcel: 544 / Lot: 4
Election District: Three (3)

ACREAGE: 0.49 acres

ZONING: AG/Agricultural

DATE FILED: January 23, 2007

HEARING DATE: March 21, 2007



APPLICANT'S REQUEST and JUSTIFICATION:

Request:

“To build an addition approximately 35 by 15 one story on side of home. Addition will include 2 bedrooms and 1 bathroom. Request is to encroach front and side setback.”

∞ Preserving Harford's past; promoting Harford's future ∞

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Daniel & Sharry Sparr

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Justification:

See Attachment 1.

CODE REQUIREMENTS:

The Applicants are requesting a variance pursuant to Section 267-34(C), Table II of the Harford County Code to permit an addition to maintain a minimum side yard setback of 15 feet (20 feet required) in the AG/Agricultural District.

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

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The Applicant's property is located on the north side of Prospect Mill Road just west of Thomas Run Road. A location map and a copy of the Applicant's site plan are enclosed with the report (Attachments 3 and 4).

Prospect Mill Road serves as the boundary for the Development Envelope in this area of the County. The area to the southwest side of the road is within the Development Envelope while the area to the northeast is outside the Development Envelope. The area contains a mix of land use designations. Inside the Development Envelope the predominant land use designations are Low and Medium Intensities. Outside of the Development Envelope the primary designations are Agricultural and Rural Residential. The Natural Features Map reflects Sensitive Species Project Review Areas and Agricultural Preservation Districts and Easements. The subject property is designated as Agricultural.

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.

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 Master Plan. Land uses include Agricultural, Residential, Commercial and Institutional. The topography of the area ranges from

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Daniel & Sharry Sparr

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rolling to steep. A topography map and a copy of the aerial photograph are enclosed with the report (Attachments 7 and 8).

The Applicants property is rectangular in shape, approximately 0.49 acres in size with 99 feet of frontage on the east side of Prospect Mill Road. The lot is part of a 5 lot subdivision recorded in 1964 as the Lands of William E. Sample (Attachment 9). The Applicant's dwelling is shown on the 1964 aerial photograph. The topography of the property is level to gently sloping. It rises up gently from the road to the front of the house and then slopes down gently to the rear property line. The property also slopes gently down from right to left as you face the lot from the road. Improvements consist of a small frame dwelling that is approximately 45 years old. There is a small addition off of the right rear corner of the dwelling. To the right side of the dwelling is a gravel driveway that extends from the road to the rear of the dwelling. The proposed addition is to go on the left side of the dwelling. Site photographs along with an enlargement of the aerial photograph are enclosed with the report (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. Residential zoning within the Development Envelope includes R1 and R2/Urban Residential Districts. Outside of the Development Envelope the predominant zoning classifications are AG/Agricultural and RR/Rural Residential. A copy of the zoning map is enclosed with the report (Attachment 12).

SUMMARY:

The Applicants are requesting a variance pursuant to Section 267-34(C), Table II of the Harford County Code to permit an addition to maintain a minimum side yard setback of 15 feet (20 feet required) 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 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 proposed location of the addition is the only practical area based on the location of the existing improvements. The existing home is small compared to other houses in the area. The proposed addition will be compatible with other structures in the area. The code permits front yard averaging, therefore a variance to the front yard setback is not necessary. The requested variance will not adversely impact the adjacent properties or the intent of the code.

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Daniel & Sharry Sparr

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RECOMMENDATION and or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends that the request be approved subject to the following conditions.

- 1) The Applicants shall obtain all necessary permits and inspections for the addition.
- 2) The Applicants shall provide landscaping between the addition and the property line. The Applicants shall submit a landscaping plan to the Department of Planning and Zoning for review and approval.



Shane P. Grimm, AICP
Chief, Site Plan and Building Permits
Review Section



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

SPG/ASM/jf