

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

MAY 23 2007

Case No. 5603  
 Date Filed 5/21/07  
 Hearing Date \_\_\_\_\_  
 Receipt \_\_\_\_\_  
 Fee \$50.00

Shaded Areas for Office Use Only

**Type of Application**

**Nature of Request and Section(s) of Code** \_\_\_\_\_

- 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

CASE 5603 MAP 56 TYPE Variance  
 ELECTION DISTRICT 01 LOCATION 2752 Parallel Path, Abingdon 21009  
 BY Edward and Sharon Shaw  
 Appealed because a variance pursuant to Section 267-36B, Table VI and  
 267-23C(1)(a)[2] of the Harford County Code to permit a covered porch to encroach the  
 22' front yard setback (20.5' 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.*

**Owner (please print or type)**

Name EDWARD R. SHAW Phone Number (410) 515-7791  
 Address 2752 PARALLEL PATH ABINGDON MD 21009  
Street Number Street City State Zip Code

Co-Applicant SHARON A. SHAW Phone Number (410) 515-7791  
 Address 2752 PARALLEL PATH ABINGDON MD 21009  
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 2752 PARALLEL PATH, ABINGDON, MD 21009

TWO HOUSES OFF INTERSECTION OF PARALLEL PATH AND LAUREL BUSH ROAD

Subdivision LAUREL VALLEY Lot Number 5

Acreage/Lot Size 60.00 X 125.00 Election District FIRST Zoning R3

Tax Map No. 510 Grid No. 4F Parcel 536 Water/Sewer: Private \_\_\_\_\_ Public

List ALL structures on property and current use: RESIDENTIAL - '2' STORY FRAMED WITH ATTACHED GARAGE AND REAR SINGLE STORY ADDITION

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

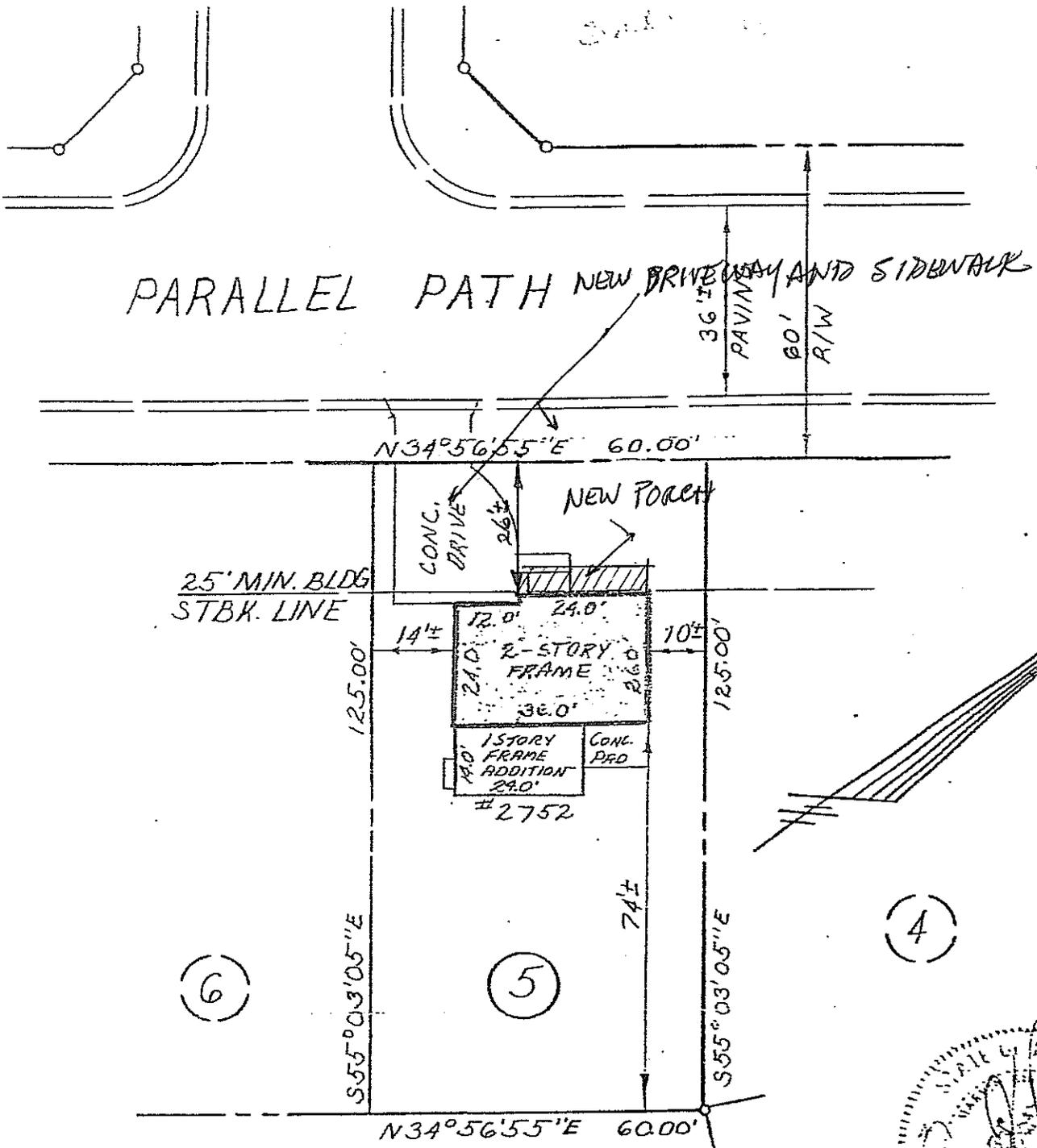
**Request**

INSTALL A 5'-6" X 24'-0" COVERED PORCH ATTACHED TO THE EXISTING HOME (ADDRESS SIDE). THE FINISHED FOUNDATION EDGE WILL BE 4'-6" +/- BEYOND THE 25' MIN. BLDG SET BACK LINE. THE NEW STOOP WILL ALLOW THE EXISTING GRADE TO BE RAISED, CREATING A SWALE FOR PROPER GROUND WATER RUN-OFF. THIS PROJECT INCLUDES NEW DRIVEWAY & SIDEWALK CONCRETE.

**Justification**

THE FRONT FOUNDATION HAS BEEN PLAGUED WITH MOISTURE, WOOD DESTROYING INSECTS AND MOLD DUE TO GROUND WATER INFILTRATION. THE SIDING / FOUNDATION LINE IS BELOW GRADE WITH A NEGATIVE PITCH TO THE YARD. IF A SWALE WAS CUT INTO THE GRADE, THE WATER LINE WOULD BE ABOVE THE FROST LINE AND REQUIRE RELOCATION. (SEE ATTACHED 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.)*



The information on this plat shows only that the improvements indicated hereon are located as shown within the outlines of the lot upon which they are erected, and is not to be construed as an establishment of property lines.



**MORRIS AND RITCHIE ASSOCIATES, INC.**  
 ENGINEERS AND SURVEYORS  
 141 NORTH MAIN STREET  
 BEL AIR, MARYLAND 21014  
 PHONE: 836-7560 - 879-1690

LOCATION OF EXISTING STRUCTURE  
 LOT 5 - PLAT I - SECTION I  
 'LAUREL VALLEY'  
 PLAT BOOK 44 FOLIO 104  
 FIRST ELECTION DISTRICT  
 HARFORD COUNTY, MARYLAND  
 FOR MARYLAND HOMES



NEIGHBORS NEW PORCH  
HAS FLEWED CONCRETE SLABS  
CONDITION

PITCH

YARD & DRIVEWAY PITCH  
DRAINS TOWARD FOUNDATION

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 31, 2007

### STAFF REPORT

### **BOARD OF APPEALS CASE NO. 5603**

APPLICANT/OWNER: Edward R. Shaw  
2752 Parallel Path, Abingdon, Maryland 21009

Co-APPLICANT: Sharon A. Shaw  
2752 Parallel Path, Abingdon, Maryland 21009

REPRESENTATIVE: Applicant

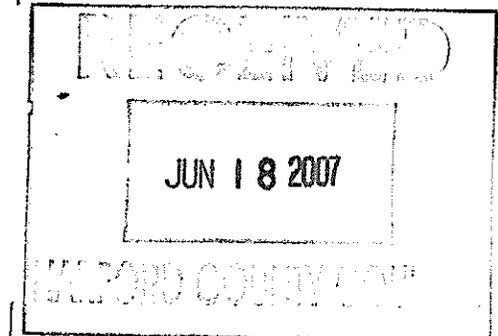
LOCATION: 2752 Parallel Path – Laurel Valley  
Tax Map: 56 / Grid: 4F / Parcel: 536 / Lot: 5  
Election District: First (1)

ACREAGE: 7,500 square foot lot

ZONING: R3/Urban Residential District

DATE FILED: May 21, 2007

HEARING DATE: July 11, 2007



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

#### Request:

“Install a 5’-6”x 24’-0” covered porch attached to the existing home (address side). The finished foundation edge will be 4’-6”± beyond the 25’ minimum building setback line. The new stoop will allow the existing grade to be raised, creating a swale for proper ground water run-off. This project includes new driveway and sidewalk concrete.”

#### Justification:

∞ 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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“The front foundation has been plagued with moisture, wood destroying insects and mold due ground water infiltration. The siding/foundation line is below grade with a negative pitch to the yard. If a swale was cut into the grade, the water line would be above the frost line and required relocation (see attached drawings).” (Attachment 1 & 2)

### **CODE REQUIREMENTS:**

The Applicants are requesting a variance pursuant to Section 267-36B, Table VI and 267-23C(1)(a)[2] of the Harford County Code to permit a covered porch to encroach the twenty (22) foot front yard setback (20.5 feet proposed) in the R3/ Urban Residential District.

Enclosed with the report is a copy of Sections 267-36B, Table VI and 267-23C(1)(a)[2] of the Harford County Code (Attachment 3).

### **LAND USE and ZONING ANALYSIS:**

#### Land Use – Master Plan:

The Applicants property is part of the Laurel Valley subdivision. The lot is located west of Laurel Bush Road on the southeast side of Parallel Path. A location map, a copy of the record plat and a copy of the Applicants site plan are enclosed with the report (Attachments 4, 5 and 6).

The subject property is located within the Development Envelope. The predominant land use designations in this area are Low, Medium and High Intensities. The Natural Features Map reflects Stream Systems. The subject property is 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 7 and 8).

#### Land Use – Existing:

The existing land uses in this area of the County conform to the overall intent of the Master Plan. Residential uses include single family dwellings, townhouses, condominiums and garden apartments. Commercial uses are located along Route 24 and Route 924. The topography of the area ranges from rolling to steep especially near the stream valleys and their numerous tributaries. Enclosed with the report is a copy of the aerial photograph and topography map (Attachments 9 and 10).

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The subject property is approximately 7,500 square feet in size. There is slight pitch downward from sidewalk to the front of the house. The property slopes down from the front of the house to the rear lot line. Improvements consist of a single family 2-story dwelling with an attached one car garage. In front of the garage are a double wide concrete pad and a concrete pad to the right side of the dwelling. Attached to the rear of the dwelling is a 1-story frame addition approximately 14 by 24 feet in size and a deck over a concrete pad next to the addition constructed in 1994 (permit #94251B0140). The property is nicely landscaped and all improvements appear to be well maintained. Site photographs along with an enlargement of the aerial photograph are enclosed with the report (Attachments 11 and 12).

### 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 R3/Urban Residential Districts. The subject property is zoned R3/Urban Residential District as shown on the enclosed copy of the zoning map (Attachment 13).

### SUMMARY:

The Applicants are requesting a variance pursuant to Section 267-36B, Table VI and 267-23C(1)(a)[2] of the Harford County Code to permit a covered porch to encroach the twenty (22) foot front yard setback (20.5 feet proposed) in the R3/ 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 Department finds that the subject property is unique. The existing grade of the property does not allow for positive drainage away from the dwelling. The requested variance is less than 2 feet into the setback and will not have an adverse impact on the neighborhood or the intent of the Code. The porch will be consistent with other structures in the community. The Applicant has submitted statements from neighbors indicating they have no objection to the proposed porch addition (Attachment 14).

### RECOMMENDATION and or SUGGESTED CONDITIONS:

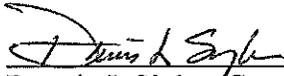
The Department of Planning and Zoning recommends that the request be approved subject to the applicants obtaining all necessary permits and inspections.

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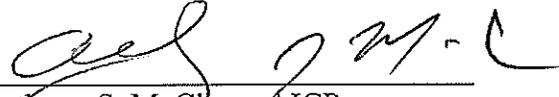
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Dennis J. Sigler, Coordinator  
Zoning & Board of Appeals Review

DJS/ASM/jf



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