

**STANDARD APPLICATION
Harford County
Board of Appeals**

Bel Air, Maryland 21014

MAY 31 2007

Case No. 5604
Date Filed 5/25/07
Hearing Date _____
Receipt _____
Fee \$50.00

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 5604 MAP 61 TYPE Variance ELECTION DISTRICT 01

LOCATION 3244 Meadow Valley Drive, Abingdon 21009

BY Charles and Linda Seubert

Appealed because a variance pursuant to Sec. 267-36(B) Table VII of the Harford County Code to permit an addition to maintain a minimum rear yard setback of 25' (30' required) in the R4/PRD 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 Charles J. Seubert Jr Phone Number 443-512-8787
Address 3244 Meadow Valley Dr Abingdon MD 21009
Street Number Street City State Zip Code

Co-Applicant Linda M. Seubert Phone Number _____
Address same
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 3244 Meadow Valley Dr Abingdon, MD 21009

Subdivision Box Hill South Lot Number 42

Acreage/Lot Size 1,791 sq ft. Election District 01 Zoning R4

Tax Map No. 601 Grid No. 2F Parcel 448 Water/Sewer: Private _____ Public X

List ALL structures on property and current use: _____

Estimated time required to present case: 30 min

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 ✓

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

Request minor variance to build addition

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.)

Justification:

For purpose of this justification, the term "our house" refers to 3244 Meadow Valley Drive.

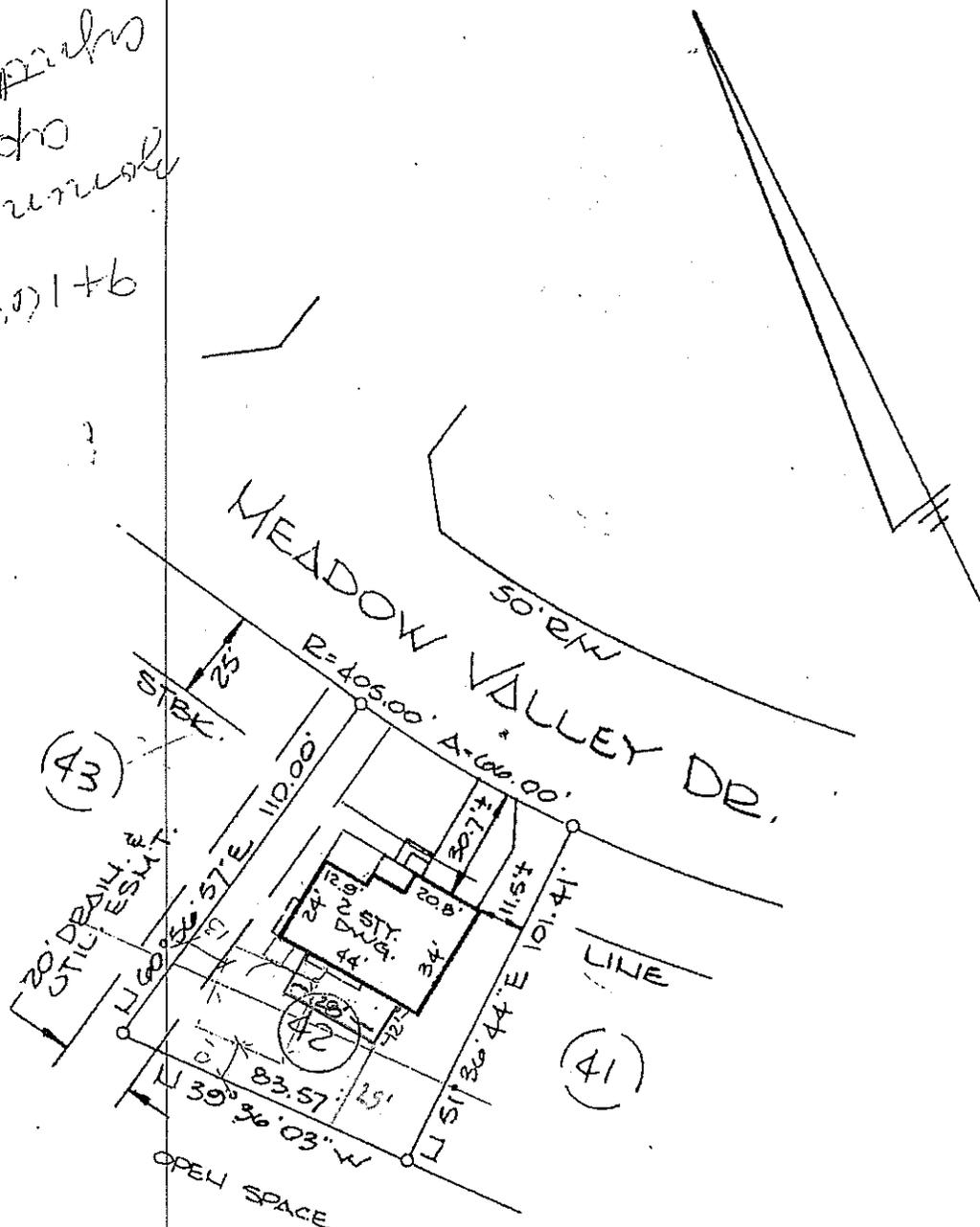
1. In this immediate area, there is a precedence of a variance issued for similar construction. The house immediately to the southeast of our house, 3246 Meadow Valley Drive, had a twelve foot deep, completely enclosed sunroom constructed for year round living space. This house is extremely similar to our house in design, and the addition that required the variance is in the same location relative to the house as the one we are proposing. This addition impinged on the rear setback and a variance was granted due to the uniqueness of the property. Ironically, our property is not less unique than this property.
2. The front of our house is set more than 7 feet behind the front setback. Same model houses in our development (similar in style and design) are built right at the front setback. For example, measuring from the front of house, our house is 32'-1" from the sidewalk. 3222 Meadow Valley Drive, a similar model house, measures 26-9 from the house to the sidewalk. Inspection of other homes leads us to believe that our home has the largest front setback in the neighborhood.
3. Additionally, our house appears to be rotated clockwise on the lot, placing it closer to the rear left setback.
4. If our house had been built at the front setback, a variance would not be needed at all. In addition, our house could have been located another three feet in front of the front setback, since the garage, with no living space located above, would be the only portion of the house in front of the front setback. We have been told this is allowable in Harford County.
5. The property is unique for the area in that our front setback is so large. This large front setback prohibits us from building on the back of the house without a variance. No additions can be built on the front of the house without violating the homeowner's association codes and covenants.
6. The property backs up to an area designated as open space. There are no houses to the immediate rear of our house, as the open space runs from our property line to a forest stand and stream located rearward of our parcel. We believe that our property is unique because of its size and the existence of large tract of land to the rear. The placement of the home abutting such a large tract

of open space in Harford County is somewhat unique, and in our opinion, justifies the request for variance.

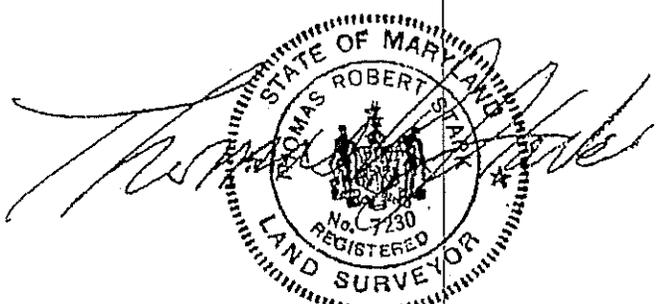
7. We do not feel that adverse impact to the neighboring properties would result.

I HEREBY CERTIFY TO THE LENDER AND PURCHASER THAT: (1) AN ON-SITE SURVEY WAS MADE PURSUANT TO THE RECORDED DESCRIPTION FOR THE PURPOSE OF LOCATING THE EXISTING BUILDING IMPROVEMENTS ONLY; (2) THAT SAID IMPROVEMENTS ARE, TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, LOCATED AS SHOWN WITHIN THE OUTLINES OF THE LOT UPON WHICH THEY ARE ERECTED; (3) THAT THERE ARE NO ENCROACHMENTS ONTO ANY ADJOINING PREMISES, STREETS OR ALLEYS OF SAID IMPROVEMENTS, EXCEPT AS SHOWN HEREON AND (4) THAT, BASED UPON THE FLOOD INSURANCE RATE MAP NO. 240040 0123 B DATED 03/02/83, THE SUBJECT PROPERTY APPEARS TO BE LOCATED IN ZONE C, AREA OF MINIMAL FLOODING.

4/6/97
 General
 97160 B0310



NEW ADDITION
 12' DEEP
 28' WIDE



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

June 13, 2007

STAFF REPORT

BOARD OF APPEALS CASE NO. 5604

APPLICANT/OWNER: Charles S. Seubert Jr.
3244 Meadow Valley Drive, Abingdon, Maryland 21009

Co-APPLICANT: Linda M. Seubert
3244 Meadow Valley Drive, Abingdon, Maryland 21009

REPRESENTATIVE: Applicant

LOCATION: 3244 Meadow Valley Drive - Box Hill South
Tax Map: 61 / Grid: 2F / Parcel: 448 / Lot: 42
Election District: First (1)

ACREAGE: 7,791 square feet

ZONING: R4/Urban Residential District.

DATE FILED: May 25, 2007

HEARING DATE: August 8, 2007

APPLICANT'S REQUEST and JUSTIFICATION:

Request:

"Request a minor variance to build addition."

Justification:

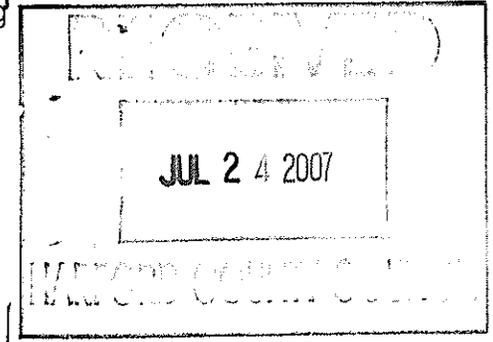
See Attachment 1.

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.



STAFF REPORT

Board of Appeals Case Number 5604

Charles & Linda Seubert

Page 2 of 3

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 maintain a minimum rear yard setback of 25 feet (30 feet required) in the R/4 Urban Residential District/Planned Residential Development (R4/ PRD).

Enclosed with the report is a copy of Section 267-36(B) Table VII of the Harford County Code (Attachment 2).

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The Applicants property is located on the east side of Route 924 in the development of Box Hill South. The lot is located on the west side of Meadow Valley Drive, one lot south of Arrow Wood Court. A location map, a copy of the Applicant's site plan and a copy of the record plat are enclosed with the report (Attachments 3, 4 and 5).

The subject property is located within the Development Envelope. The predominant land use designations are Low, Medium and High Intensities. 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 the 2004 Land Use Map and the Natural Features Map (Attachments 6 & 7).

Land Use – Existing:

The existing land uses conform to the overall intent of the Master Plan. Residential uses include single family dwellings, townhouses and garden apartments. Commercial uses are generally located along Route 924 and Route 24. The topography of the area ranges from rolling to steep especially near the stream valleys. A topography map and a copy of aerial photograph are enclosed with the report (Attachments 8 and 9).

The lot contains a dwelling, deck, attached garage, and pool. The lot backs up to an area recorded as open space. Enclosed with the report are site photographs along with an enlargement of the aerial photograph (Attachments 10 and 11).

STAFF REPORT

Board of Appeals Case Number 5604

Charles & Linda Seubert

Page 3 of 3

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 includes R1, R2, and R4/Urban Residential Districts. Commercial zoning includes B3/General Business and CI/Commercial Industrial Districts. The subject property is zoned R4/Urban Residential District as shown on the enclosed copy of the zoning map (Attachment 12).

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 maintain a minimum rear yard setback of 25 feet (30 feet required) in the R/4 Urban Residential District/Planned Residential Development (R4/ PRD).

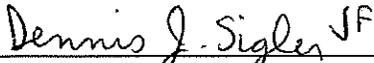
Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. 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 Applicants provided computer generated drawings of the existing dwelling and proposed addition (Attachment 13).

The Department finds that the subject property is unique. The dwelling was located substantially behind the front setback compared to other homes on this road. The adjacent lot (Lot 4) was also setback from the front setback line and received a similar variance in Case #5202 (Attachment 14). There are no homes to the rear of the Applicants property. The request, if approved, will not adversely impact any adjacent properties or the intent of the code.

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 for the addition.



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



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

DJS/ASM/jf