

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

JUN 12 2007

Case No. 5608
 Date Filed 6/5/07
 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 5608 MAP 40 TYPE Variance
 ELECTION DISTRICT 03 LOCATION 806 Bear Cabin Drive, Forest Hill 21050
 BY Charles and Kathleen Ebner
 Appealed because a variance pursuant to Sec. 267-36B Table V of the Harford
 County Code to allow a garage to maintain a minimum side yard setback of 6.5'
 (10' 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 Charles Bryan Ebner Phone Number (410) 893-2979
 Address 806 Bear Cabin Drive Forest Hill MD 21050
Street Number Street City State Zip Code

Co-Applicant Kathleen Mary Ebner Phone Number (410) 893-2979
 Address 806 Bear Cabin Drive Forest Hill MD 21050
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 806 Bear Cabin Drive
Forest Hill, MD 21050

Subdivision Forest Lakes 335 Lot Number 115

Acres/Lot Size .230 Election District 03 Zoning R2

Tax Map No. 40 Grid No. 30 Parcel 199 Water/Sewer: Private _____ Public

List ALL structures on property and current use: Two-story, five bedroom colonial home
with deck and screened porch (residence), Black bear shed (storage)

Estimated time required to present case: 30

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

Will 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

see attached

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.)

REQUEST

We would like to replace the existing 12 x 21.5 feet, single-car garage with a 22 x 27 feet, two-car garage. We are requesting a variance to build closer to common property line than present code dictates.

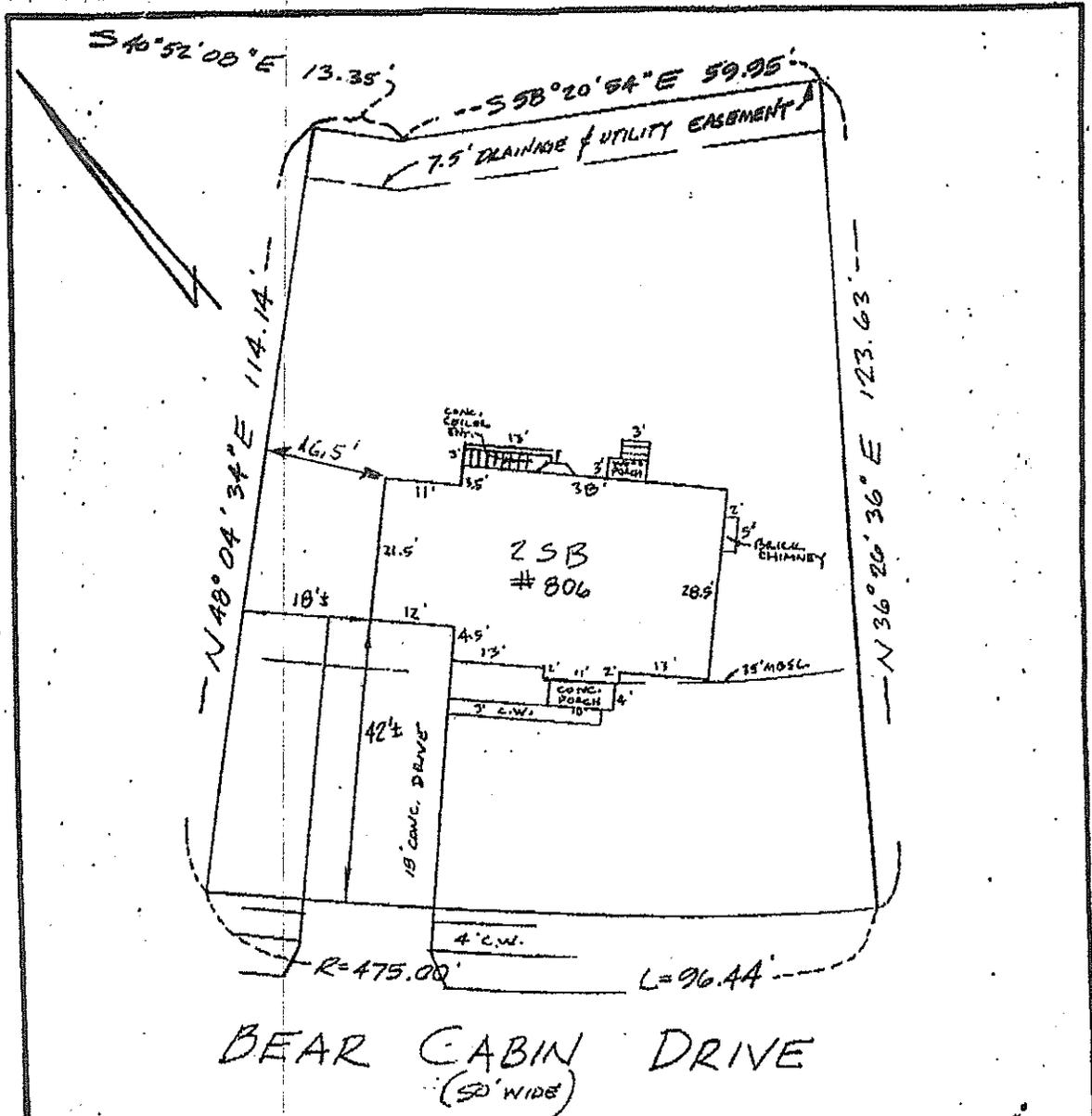
JUSTIFICATION

806 Bear Cabin Drive is a builder's model home built with a one-car garage. All other houses on block have two-car garages which are more appropriate and common for four or five bedroom colonials.

The existing garage has only been utilized for storage because it is too small to house either of the homeowner's vehicles. A two-car garage will allow us, the homeowners to use the garage by definition. It will also allow the home to maintain a competitive value with other homes on block.

A variance is needed because the property is irregular in shape (narrower in backyard), the side of the garage, especially the left, back corner section will encroach on 808 Bear Cabin's side yard setback.

(EXISTING)



FLOOD INSURANCE RATE
MAP ZONE: C

I HEREBY CERTIFY THAT I HAVE MADE
A SURVEY OF THIS LOT FOR THE PURPOSE
OF LOCATING THE IMPROVEMENTS THEREON
AND THAT THEY ARE LOCATED AS SHOWN.
THIS PLAT IS NOT INTENDED FOR USE
IN ESTABLISHING PROPERTY LINES

BEING THAT PARCEL OF LAND
DESIGNATED AS LOT 115, FINAL
PLAT - PLAT I, SECTION VI,
PHASE II, FOREST LAKE
RECORDED AMONG THE LAND
RECORDS OF HARFORD COUNTY
IN PLAT BOOK CGH 60 FOLIO 4.
REG. NO. 274

SURVEYOR: [Signature]



LOCATION SURVEY
206 BEAR CABIN DRIVE
HARFORD COUNTY, MD

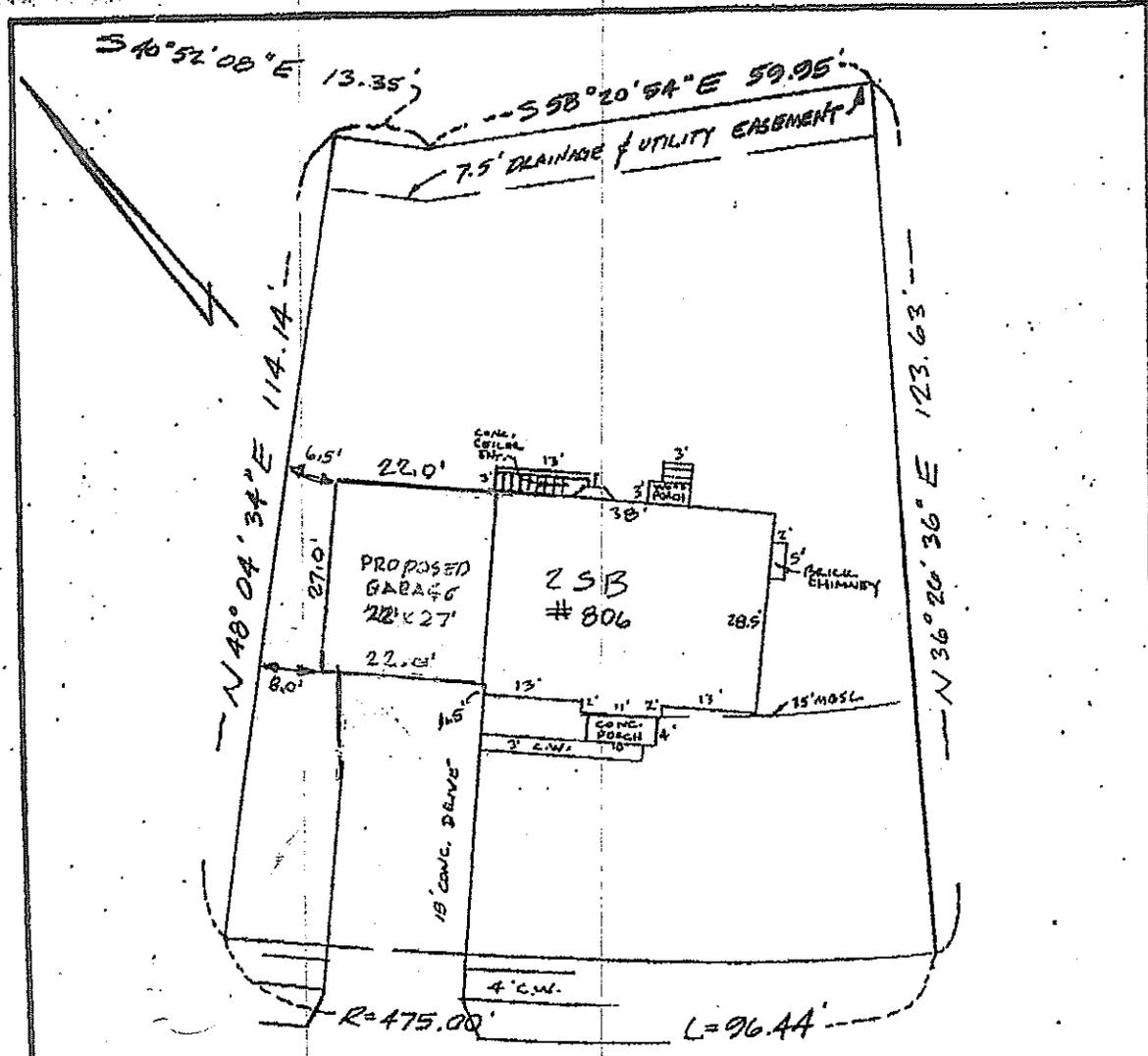
HOPKINS ENGINEERING
18 BRIGHT STAR COURT
BALTIMORE, MARYLAND 21206
PHONE: 866-8226

SCALE
1"=20'

DATE
12-15-92

JOB NO.

(PROPOSED 22' WIDE GARAGE)



BEAR CABIN DRIVE
(50' WIDE)

FLOOD INSURANCE RATE
MAP ZONE: C

I HEREBY CERTIFY THAT I HAVE MADE A SURVEY OF THIS LOT FOR THE PURPOSE OF LOCATING THE IMPROVEMENTS THEREON AND THAT THEY ARE LOCATED AS SHOWN. THIS PLAT IS NOT INTENDED FOR USE IN ESTABLISHING PROPERTY LINES.

BEING THAT PARCEL OF LAND DESIGNATED AS LOT 115, FINAL PLAT - PLAT I, SECTION VI, PHASE II, FOREST LAKE RECORDED AMONG THE LAND RECORDS OF HARFORD COUNTY IN PLAT BOOK CGH 60 FOLIO 4. REG. NO. 271

SURVEYOR:



LOCATION SURVEY
206 BEAR CABIN DRIVE
HARFORD COUNTY, MD

HOPKINS ENGINEERING
18 BRIGHT STAR COURT
BALTIMORE, MARYLAND 21206
PHONE: 866-8226

SCALE
1"=20'

DATE
12-15-92

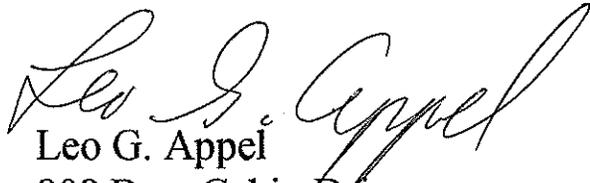
JOB NO.

Harford County
Board of Appeals
Zoning Examiner

6/23/2007

Subject: Proposed Garage at 806 Bear Cabin Drive

I have reviewed the plan for the proposed garage. I understand that the garage may be a few feet closer to our common property line than existing code dictates. I have no objection to this plan.


Leo G. Appel
808 Bear Cabin Drive
Forest Hill, MD 21050

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 22, 2007

STAFF REPORT

BOARD OF APPEALS CASE NO. 5608

APPLICANT/OWNER: Charles Bryan Ebner
806 Bear Cabin Drive, Forest Hill, Maryland 21050

Co-APPLICANT: Kathleen Mary Ebner
806 Bear Cabin Drive, Forest Hill, Maryland 21050

REPRESENTATIVE: Applicants

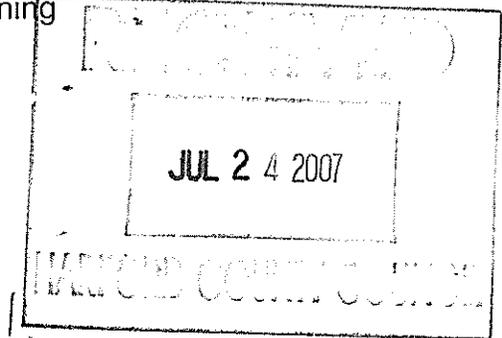
LOCATION: 806 Bear Cabin Drive – Forest Lakes
Tax Map: 40 / Grid: 3D / Parcel: 199 / Lot: 115
Election District: Three (3)

ACREAGE: 0.230 acres

ZONING: R2/Urban Residential District

DATE FILED: June 5, 2007

HEARING DATE: August 8, 2007



APPLICANT'S REQUEST and JUSTIFICATION:

See Attachment 1.

CODE REQUIREMENTS:

The Applicants are requesting a variance to Section 267-36B, Table V of the Harford County Code to allow a garage to maintain a minimum side yard setback of 6.5 feet (10-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.

STAFF REPORT

Board of Appeals Case Number 5608

Charles and Kathleen Ebner

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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 Applicants property is part of the Forest Lakes development situated to the west side of Rock Spring Road (Md. Route 24). The lot is located on the north side of Bear Cabin Drive four lots west of Bear Creek Drive. A location map, record plat and site plans provided by the Applicants are enclosed with the report (Attachments 3, 4, 5 and 6).

The Applicants property is located in the northern portion of 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 the 2004 Land Use Map and the Natural Features Map (Attachments 7 and 8).

Land Use – Existing:

The existing land uses conform to the overall intent of the Master Plan. Residential uses include single family dwellings, townhouses, garden apartments, and condominiums. Commercial uses include single retail uses, shopping centers, restaurants, professional and personal services. Other land uses include recreational facilities, passive open space, nursing homes, churches and schools. The topography for the area ranges from rolling to steep especially near the stream valleys. A copy of the aerial photograph and a topography map for the immediate area are enclosed with the report (Attachments 9 and 10).

The lot is wider across the front, narrowing across the rear. In addition the rear lot line is comprised of two different angles reducing the rear yard setback. The topography of the lot is considered gently sloping rising slightly from the front to the rear with a small swale across the center of the rear yard. Improvements consist of a frame 2-story single family dwelling with a one car attached garage. Other improvements consist of a double wide concrete driveway, a screened deck and open deck attached to the rear of the dwelling, a exterior access and a set of steps to the basement. There is a small frame shed located to the left rear corner of the lot. The property is nicely landscaped and all improvements appear to be well maintained. Enclosed with

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Charles and Kathleen Ebner

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the report are site photographs, and an enlargement of the aerial photograph (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 area includes R1, R2, and R3/Urban Residential Districts. There are a few small areas of RO/Residential Office. Commercial zoning includes B1/Neighborhood and B2/Community Business Districts. The subject property is zoned R2/Urban Residential District as shown on the enclosed copy of the Zoning Map (Attachment 13).

SUMMARY:

The Applicants are requesting a variance to Section 267-36B, Table V of the Harford County Code to allow a garage to maintain a minimum side yard setback of 6.5 feet (10-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 Applicants have provided a signed statement from the adjoining property owners at 808 Bear Cabin Drive, indicating that they are aware of the requested variance and have no objection (Attachment 14).

The Department finds that the subject property is unique. This is the only dwelling along Bear Cabin Drive that has a one car garage. Had the builder placed the dwelling closer to the right property line a variance would not be necessary. The proposed structure will be compatible with other garages in the area and will not adversely impact the adjacent property 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 following conditions:

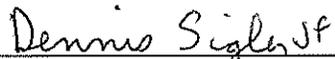
1. The Applicants shall obtain all necessary permits and inspections for the construction of the garage.
2. The Applicants shall landscape along the property line in the area of the garage.

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Charles and Kathleen Ebner

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

DJS/ASM/jf



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