

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

JUN 5 2007

Case No 5611
 Date Filed 6/11/07
 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 5611 MAP 62 TYPE Variance ELECTION DISTRICT 01

LOCATION 3406 Philadelphia Road, Abingdon 21009

BY Craig Mazzatenta

Appealed because a variance pursuant to Sec. 267-36(B) Table VI of the Harford County Code to permit a sunroom to maintain a rear yard setback of 31' (35' required) in the R2 District with NRD adjustment, 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 Mazzatenta Craig Phone Number 410-676-2826
 Address 3406 Philadelphia Rd. Abingdon Md 21009
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 _____ Phone Number _____
 Address _____
Street Number Street City State Zip Code

Land Description

Address and Location of Property 3406 Philadelphia Rd
Abingdon Md. 21009

Subdivision Pomeroy Manor Lot Number 57

Acreage/Lot Size 16,901 SF Election District 1 Zoning R-2

Tax Map No. 62 Grid No. 3B Parcel 862 Water/Sewer: Private _____ Public

List ALL structures on property and current use: _____

Estimated time required to present case: 30 min or less

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

To Build a Sunroom (12'x10') on rear of house
Sunroom will be on Existing deck.
We will only have 31' to the rear property line we need 35'

Justification

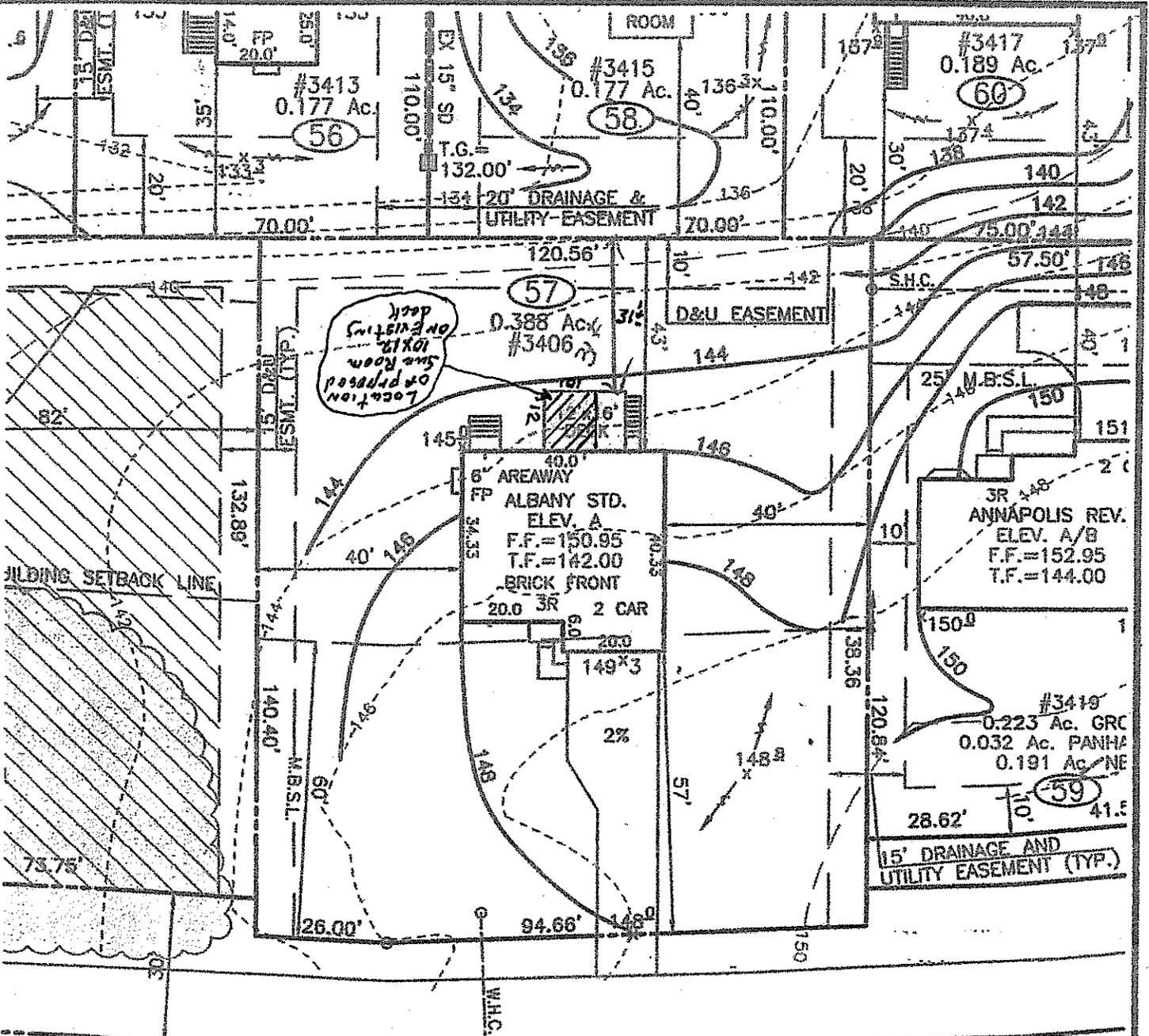
If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

Justification

Our property is located on MD Route 7, Old Philadelphia Rd., and we are required to have a 60ft front yard setback. This and the depth of our home does not leave us with a large rear yard.

The sunroom will be more than 70ft from the home behind us so it will not encroach on his home. The Room will be built on our existing deck which also has a patio door at the location. This is the only logical place we could build the sunroom.

Lastly, our lot is quite large with a lot area of 16,901 but being over 120ft wide and the 60ft setback it is not possible for us to meet the rear yard setback for our proposed sunroom.



OLD PHILADELPHIA RD (MD RT. 7)
EX. WAT.

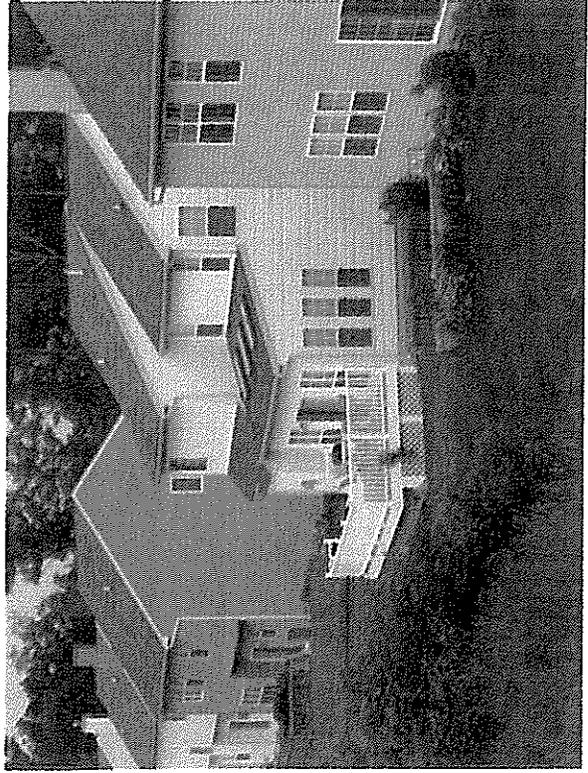
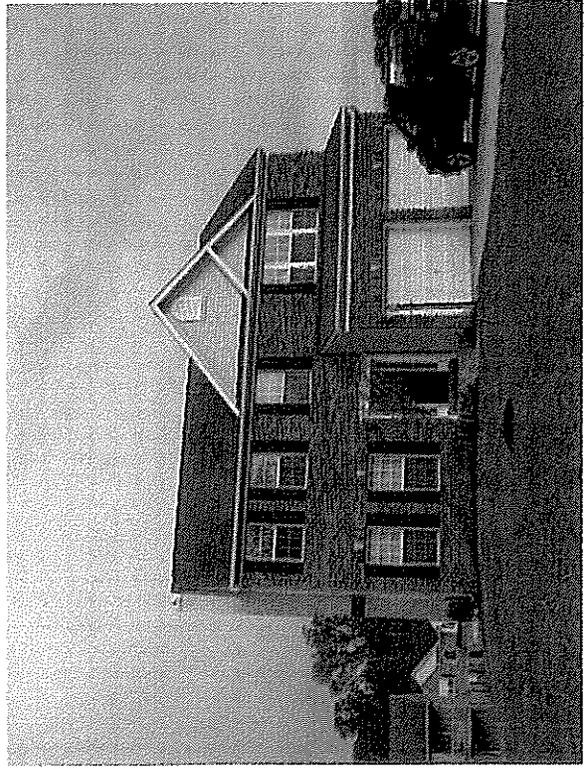
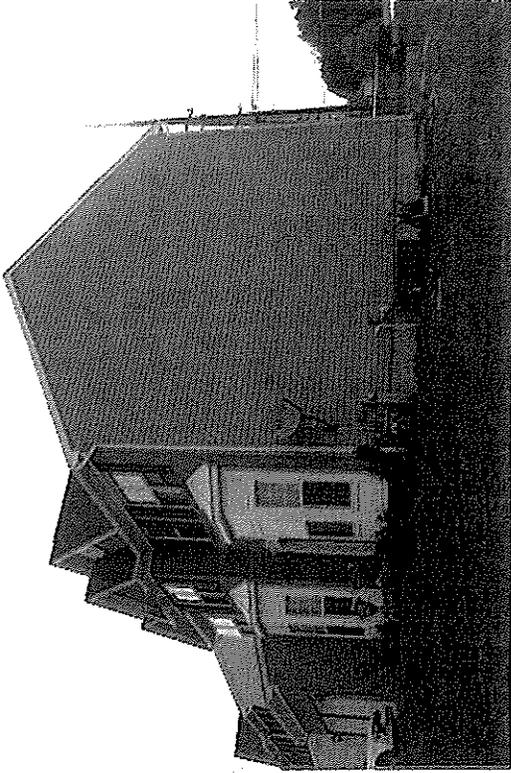
08-18-05 SALEM TO ALBANY (PB/W)
08-01-05 ADDED FIELD LOCATED WATER & SEWER SERVICES (PB/JT)

SETBACKS: ZONING R2 W/NRD ADJUSTMENT
FRONT YARD: 80' MIN.
SIDE YARD: 10' MIN.(20' TOTAL)
REAR YARD: 35' MIN.

BUILDER
GEMCRAFT HOMES
2205 A COMMERCE ROAD
FOREST HILL, MARYLAND 21050
PH:410-893-8458



Location of proposed sunroom
on Existing deck.



veiw of neighboring addition.

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 28, 2007

STAFF REPORT

BOARD OF APPEALS CASE NO. 5611

APPLICANT/OWNER: Craig Mazzatenta
3406 Philadelphia Road, Abingdon, Maryland 21009

REPRESENTATIVE: Applicant

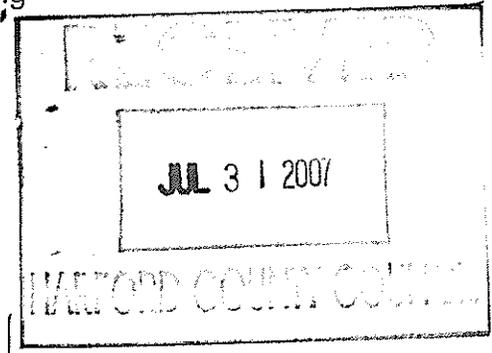
LOCATION: 3406 Philadelphia Road
Tax Map: 62 / Grid: 3B / Parcel: 862 / Lot: 57
Election District: First (1)

ACREAGE: 16,901 square feet

ZONING: R2/Uban Residential District

DATE FILED: June 11, 2007

HEARING DATE: August 27, 2007



APPLICANT'S REQUEST and JUSTIFICATION:

Request:

"To build a sunroom (12'x10') on rear of house. Sunroom will be on existing deck. We will only have 31' to the rear property line and we need 35'."

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 5611

Craig Mazzatenta

Page 2 of 4

CODE REQUIREMENTS:

The Applicant is requesting a variance pursuant to Section 267-36(B), Table VI of the Harford County Code to permit a sunroom to maintain a rear yard setback of 31 feet (35 feet required) in the R2/Urban Residential District with Natural Resource District (NRD) adjustment.

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

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The Applicant's property is lot 57 of the Pomeroy Manor subdivision. The lot is situated on the north side of Philadelphia Road, west of Abingdon Road. Enclosed with the report is a location map, the Applicant's site plan and copies of record plats 111-90 and 111-91 (Attachments 3, 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 and Industrial/Employment. The Natural Features Map reflects Stream Systems. The subject property is designated Industrial/Employment which is defined by the 2004 Master Plan as:

Industrial/Employment – Areas of concentrated manufacturing, distribution, technical, research, office, and other activities generally located along major transportation corridors.

Enclosed with the report is a copy of portions of the 2004 Land Use Map, the Natural Features Map and the Abingdon-Riverside-Emmorton Community Area Map (Attachments 7, 8 and 9).

Land Use – Existing:

Residential uses include single family dwellings, townhouses, garden apartments and condominiums. Commercial uses include warehousing, personal and professional services and retail. Other land uses include churches and schools. The topography for the area ranges from rolling to steep especially near the stream valleys. Enclosed with the report is a copy of the aerial photograph and a topography map for the area (Attachments 10 and 11).

The subject lot is square in shape, approximately 140 feet deep by 122 feet wide. The lot fronts on Philadelphia Road (MD Route 7) approximately 900 feet west of Abingdon Road. Philadelphia Road is a state owned Arterial Road. The lot is part of the Pomeroy Manor single family development recorded in July of 2003. Improvements consist of a brick and frame 2-story dwelling with an attached 2-car garage. The other adjacent houses in the immediate area front on and have access to Henry Harford Drive and back up to Route 7. Other improvements

STAFF REPORT

Board of Appeals Case Number 5611

Craig Mazzatenta

Page 3 of 4

consist of a concrete driveway and a deck off of the rear. The applicant proposes to use a portion of the existing deck to construct a 10' by 12' sunroom. The topography of the lot slopes gently up from the road to the front of the house and then slopes significantly to the rear lot line. Enclosed with the report are site photographs, a topography map of the lot along with an enlargement of the aerial photograph (Attachments 12, 13 and 14).

Zoning:

The zoning classifications in the area are consistent with the 2004 Master Plan as well as the existing land uses. Residential zoning includes R1, R2 and R3 /Urban Residential Districts. Commercial zoning includes B2/Community Business District. The subject property is zoned R2/Urban Residential district as shown on the enclosed copy of the zoning map (Attachment 15).

SUMMARY:

The Applicant is requesting a variance pursuant to Section 267-36(B), Table VI of the Harford County Code to permit a sunroom to maintain a rear yard setback of 31 feet (35 feet required) in the R2/Urban Residential District with Natural Resource District (NRD) adjustment.

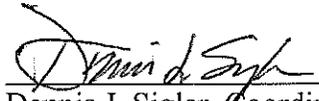
Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. 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. This lot was created around an existing dwelling which was originally intended to remain. The original dwelling was located within the 60 foot front setback line. That dwelling was removed and a new dwelling was located behind the 60 foot setback line. There is a significant change in elevation between the applicant's dwelling and the dwelling to the rear. This change in elevation helps to mitigate the reduced setback. The request will not have an adverse impact on the neighborhood or the intent of the code.

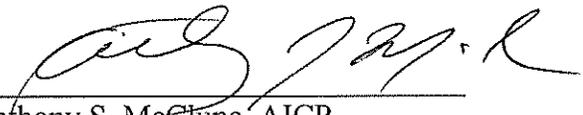
RECOMMENDATION and or SUGGESTED CONDITIONS:

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

STAFF REPORT
Board of Appeals Case Number 5611
Craig Mazzatenta
Page 4 of 4



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



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

DJS/ASM/jf