

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

AUG 21 2007

Case No. 5618  
 Date Filed 8/14/07  
 Hearing Date \_\_\_\_\_  
 Receipt \_\_\_\_\_  
 Fee \$450.00

*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 5618 MAP 65 TYPE Variance  
 ELECTION DISTRICT 01 LOCATION 1501 Old Joppa Road, Joppa 21085  
 BY Joseph and Elizabeth Dlugokenski  
 Appealed because a variance pursuant to Section 267-22G(1) to allow two parhandle  
 lots to be created from the subject property in the R1 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 Joseph S. Dlugokenski Phone Number Call Attorney  
 Address 1501 Old Joppa Road Joppa MD 21085  
Street Number Street City State Zip Code

Co-Applicant Elizabeth L. Dlugokenski Phone Number Call Attorney  
 Address 1501 Old Joppa Road Joppa MD 21085  
Street Number Street City State Zip Code

Contract Purchaser N/A Phone Number \_\_\_\_\_  
 Address \_\_\_\_\_  
Street Number Street City State Zip Code

Attorney/Representative John J. Gessner, Esquire Phone Number 410-893-7500  
 Address 11 South Main Street Bel Air MD 21014  
Street Number Street City State Zip Code

**Land Description**

Address and Location of Property 3.7405 AC 1501 Old Joppa Road N of Joppa; PO LT 1  
125 X 56 Rear SS Stans Road 55 P 25/47

Subdivision \_\_\_\_\_ Lot Number \_\_\_\_\_

Acreeage/Lot Size 2.42~~4~~ Election District 01 Zoning R1

Tax Map No. 65 Grid No. 2A Parcel 446 Water/Sewer: Private X Public \_\_\_\_\_

List ALL structures on property and current use: Single family detached dwelling; garage

Estimated time required to present case: 30 minutes

If this Appeal is in reference to a Building Permit, state number N/A

Would approval of this petition violate the covenants and restrictions for your property? N/A

Is this property located within the County's Chesapeake Bay Critical Area? Yes \_\_\_\_\_ No X

If so, what is the Critical Area Land Use designations: N/A

Is this request the result of a zoning enforcement investigation? Yes \_\_\_\_\_ No X

Is this request within one (1) mile of any incorporated town limits? Yes \_\_\_\_\_ No X

**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.)*

6 : 8/14/07  
2 : 24544  
300637

ATTACHMENT TO THE APPLICATION OF JOSEPH S. DLUGOKENSKI AND  
ELIZABETH L. DLUGOKENSKI

REQUEST:

A variance pursuant to Section 267-11 of the Harford County Zoning Code ("Code") from the provisions of Section 267-22(G)(1) of the Code to permit two (2) panhandle lots to be created from the subject property, zoned R1, Urban Residential, as shown on the attached site plan.

JUSTIFICATION:

By reason of the uniqueness of the property or topographical conditions, the literal enforcement of the Code would result in practical difficulty. Granting the variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

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

September 18, 2007

### STAFF REPORT

### **BOARD OF APPEALS CASE NO. 5618**

APPLICANT/OWNER: Joseph S. Dlugokenski  
1501 Old Joppa Road, Joppa Maryland 21085

Co-APPLICANT: Elizabeth L. Dlugokenski  
1501 Old Joppa Road, Joppa Maryland 21085

REPRESENTATIVE: John J. Gessner, Esquire  
11 South Main Street, Bel Air, Maryland 21014

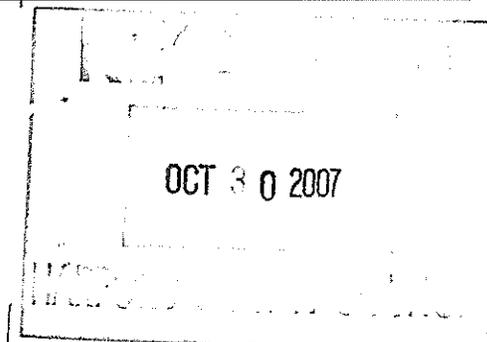
LOCATION: 3.7405 acres located at 1501 Old Joppa Road  
Tax Map: 65 / Grid: 2A / Parcel: 446  
Election District: First (01)

ACREAGE: 2.42± acre average lot size

ZONING: R1/ Urban Residential District

DATE FILED: August 14, 2007

HEARING DATE: November 14, 2007



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

See Attachment 1.

### **CODE REQUIREMENTS:**

The Applicants are requesting a variance pursuant to Section 267-22G(1) to allow two panhandle lots to be created from the subject property in the R1/Urban Residential District.

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

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Board of Appeals Case Number 5618

Joseph & Elizabeth Dlugokenski

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Section 267-22G(1) of the Harford County Code reads:

- (1) *Except in Agricultural and Rural Residential Districts, with regard to a parcel, as it existed on September 1, 1982, not more than one (1) lot or five percent (5%) of the lots intended for detached dwellings, whichever is greater, and not more than ten percent (10%) of the lots intended for attached dwellings may be panhandle lots.*

### LAND USE and ZONING ANALYSIS:

#### Land Use – Master Plan:

The subject property is located in the southwest area of the County. The parcel is located east of Old Joppa Road on the south side of Stans Road. The property backs up to an old right-of-way recorded as Faber Road. A location map and a copy of the Applicant's site plan are enclosed with the report (Attachments 2 and 3).

The Applicants property is located within the Development Envelope. The predominant land use designations are Low, Medium and High Intensities as well as Industrial/Employment. The natural Features Map reflects Chesapeake Bay Critical Area. The subject property is located in an area designated as 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 are copies of the Joppa/Joppatowne Community Area Map, the 2004 Land Use Map and the Natural Features Map (Attachments 4, 5 and 6).

#### Land Use – Existing:

The existing land uses are residential agricultural and dense woodland. There are commercial industrial uses along Route 7 to the east and along Route 40 to the south. The topography is generally rolling to steep especially near the stream valleys. Enclosed with the report is a copy of the aerial photograph and a topography map (Attachments 7 and 8).

The subject property is L-shaped with frontage on Stans Road which is a paved Private Road. There is also a 25 foot wide private right-of-way recorded as Faber Road owned by the Dlugokenski family along the south side of the parcel. Access to the existing improvements is from Stans Road by way of a gravel driveway approximately 200 feet in length. A second access is from Faber Road out to Old Joppa Road. This driveway access has been recently paved. Lots 1, 2 and 3 will have direct road frontage on Stans Road. Lots 2 and 3 will access Faber Road out to Old Joppa Road. Faber Road also serves as access to lot 19 of Goose Pond Estates (Attachment 9). The topography of the subject property is level to gently sloping. Existing

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improvements consist of a single family dwelling, garage and smaller outbuildings. The area between the dwelling and garage is now paved. Site photographs along with an enlargement of the aerial photograph are enclosed with the report (Attachments 10A-E and 11).

### Zoning:

The predominant residential zoning classification in the area is R1/Urban Residential District. Commercial zoning includes B1/Neighborhood Business, B3/General Business and CI/Commercial Industrial Districts. There are also areas of LI/Light Industrial and GI/General Industrial Districts. The subject property is zoned R1/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 267-22G(1) to allow two panhandle lots to be created from the subject property in the R1/Urban Residential District.

Section 267-22G(1) of the Harford County Code reads:

- (1) *Except in Agricultural and Rural Residential Districts, with regard to a parcel, as it existed on September 1, 1982, not more than one (1) lot or five percent (5%) of the lots intended for detached dwellings, whichever is greater, and not more than ten percent (10%) of the lots intended for attached dwellings may be panhandle lots.*

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 are proposing to subdivide their 3.74 acre parcel into 3 lots. Lot 1 has 142± feet of frontage onto Stans Road. Lots 2 and 3 are to have panhandles out to Stans Road. Lots 2 and 3 also back up to a 25 foot private lane recorded as Faber Road which is used in common with other properties.

The Department finds that the subject property is unique based on its configuration and limited amount of road frontage. The proposed lots will meet all other requirements for lots within the R1/Urban Residential District. The lots will be consistent with other lots in the area. The requested variance will not have an adverse impact on the neighborhood or the intent of the Code.

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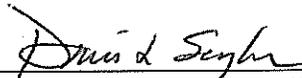
Joseph & Elizabeth Dlugokenski

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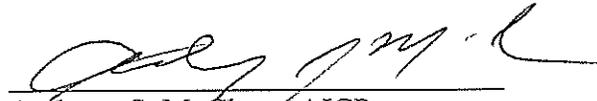
**RECOMMENDATION and or SUGGESTED CONDITIONS:**

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

1. The Applicants shall prepare a preliminary plan to be reviewed and approved by the Department of Planning and Zoning.
2. The Applicants shall submit a final plat to the Department of Planning and Zoning to be approved and recorded in the land records.
3. Any necessary common drive agreements shall be submitted to the County for review and approval with the final plat.



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



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

DJS/ASM/jf