

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

AUG 22 2007

Case No. 5620  
Date Filed 8/17/07  
Hearing Date \_\_\_\_\_  
Receipt \_\_\_\_\_  
Fee 450

*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 5620 MAP 49 TYPE Variance  
ELECTION DISTRICT 03 LOCATION 1401 Coventry Court, Bel Air 21014  
BY Thomas & Mary Ditunno  
Appealed because a variance pursuant to Section 267-36B Table V to permit a sunroom to encroach the 40' rear yard setback (24' proposed), 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 Thomas & Mary Ditunno Phone Number 410-638-5335  
Address 1401 Coventry Ct Bel Air MD 21014  
*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 1401 Country Court Bel Air, MD 21014

Subdivision West Riding Lot Number 119

Acreage/Lot Size \_\_\_\_\_ Election District 3 Zoning R2

Tax Map No. 49 Grid No. 4C Parcel 807 Water/Sewer: Private \_\_\_\_\_ Public X

List ALL structures on property and current use: single family home with an attached deck built with the home 1 1/2 story dwelling

Estimated time required to present case: 15 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? 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 ✓

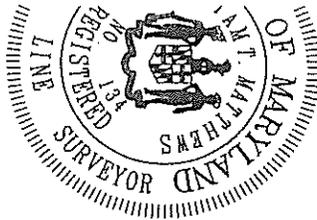
**Request**

We would like to expand the width of the deck (pre-existing deck) and enclose it to make it a sunroom. We would like to expand it from 16' wide to 30' and put a roof over it. It would enclose a pre-existing deck & patio that was built when the original house was built.

**Justification**

The house was built already infringing on the setback and so was the existing deck. The house was not properly aligned on the property to allow the proper enforcement of the setbacks. Our neighbors Ted & Judy Muehl located at 102 West Riding Drive had a similar situation and ~~it~~ were granted a variance for their sunroom.

*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.)*



2  
Drawing  
Scale: 1" = 30'

A consumer only insofar as it is title insurance company or its agent upon for the establishment or location of dwellings or other existing or to do this plat purport to reflect or the accurate identification of such identification may not be required for securing financing or refinancing of the dwelling is shown in relation lines for the property known as Coventry Court

Coventry Court  
Baltimore, Maryland

Matthew  
3/31/05

Design Corporation

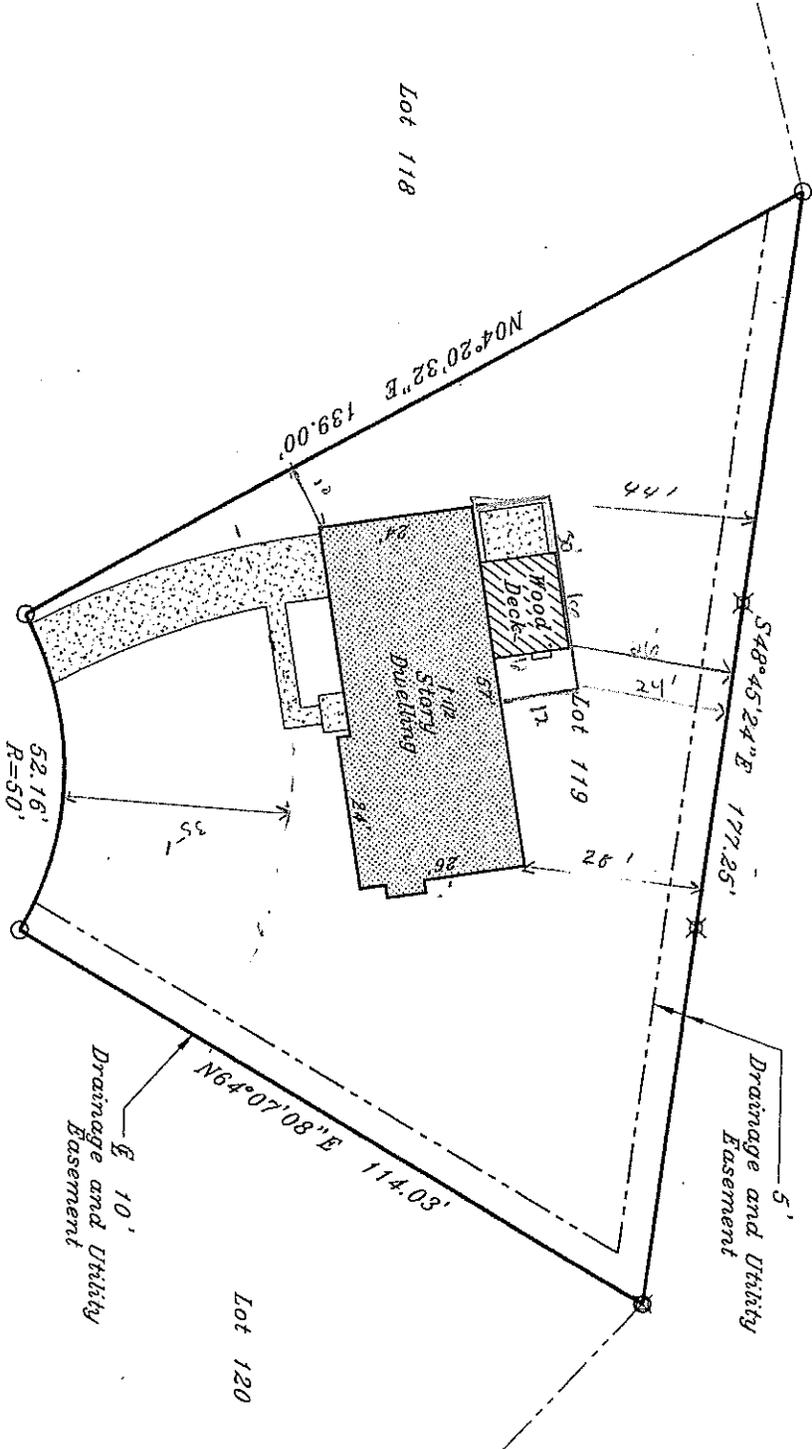
11000  
Suite 300

Baltimore, Maryland 21204

410-5000  
410-0115fax

www.ruxtondesign.com

05-7352CJM



Need section  
40' setback for

Lot Number: 119  
Block/Section: -  
Plat Reference: Book: 24  
Title of Plat: Plat IV, S  
West Riding

1401 COVENTRY COURT

Diamond Res

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

October 5, 2007

### STAFF REPORT

### BOARD OF APPEALS CASE NO. 5620

APPLICANT/OWNER: Thomas Ditonno  
1401 Coventry Court, Bel Air, Maryland 21014

Co-APPLICANT: Mary Ditonno  
1401 Coventry Court, Bel Air, Maryland 21014

REPRESENTATIVE: Applicants

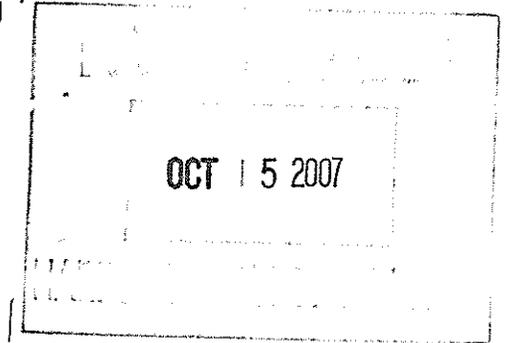
LOCATION: 1401 Coventry Court – West Riding  
Tax Map: 49 / Grid: 4C / Parcel: 807 / Lot: 119  
Election District: Three (3)

ACREAGE: 0.333± acres

ZONING: R2/Urban Residential District

DATE FILED: August 17, 2007

HEARING DATE: November 14, 2007



### APPLICANT'S REQUEST and JUSTIFICATION:

#### Request:

“We would like to expand the width of the (pre-existing deck) and enclose it to make it a sunroom. We would like to expand it from 16’ wide to 30’ and put a roof over it. It would enclose a pre-existing deck and patio that was built when the original house was built.”

*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 5620

Thomas & Mary Ditunno

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### Justification:

“The house was built already infringing on the setback and so was the existing deck. The house was not properly aligned on the property to allow the proper enforcement of the setbacks. Our neighbors Ted and Judy Muehl located at 102 West Riding Drive had a similar situation and were granted a variance for their sunroom.”

### CODE REQUIREMENTS:

The Applicants are requesting a variance pursuant to Section 267-36B, Table V to permit a sunroom to encroach the 40 foot rear yard setback (24 feet proposed), in the R2/Urban Residential District.

Enclosed with the report is copy of Section 267-36B, Table V of the Harford County Code (Attachment 1).

### LAND USE and ZONING ANALYSIS:

#### Land Use – Master Plan:

The subject lot is part of the West Riding residential subdivision. The lot is located west of Route 924 on the north side of Coventry Court near the end of the cul de sac. A location map, a copy of the record plat and a copy of the Applicant’s site plan are enclosed with the report (Attachments 2, 3 and 4).

The subject property is located within the Development Envelope. The predominant land use designation in this area of the County is Low Intensity. The Natural Features Map reflects Stream Systems. The subject property is designated as Low Intensity which is defined by the 2004 Master Plan as:

*Low Intensity – Areas within the Development Envelope where residential development is the primary land use. Density ranges from 1.0 to 3.5 dwelling units per acre. Neighborhood commercial uses such as convenience stores, doctors' offices, and banks are example of some of the nonresidential uses associated with this designation.*

Enclosed with the report are copies of the Greater Bel Air Community Area Map, the 2004 Land Use Map and the Natural Features Map (Attachments 5, 6 and 7).

#### Land Use – Existing:

The land uses for this area of the County conform to the overall intent of the Master Plan. Residential uses range from single family dwellings to apartments, townhouses and condominiums. Other land uses include individual commercial retail businesses, shopping

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centers, professional and personal services, nursing homes, churches, and schools. Enclosed with the report are copies of the aerial photograph and topography map (Attachments 8 and 9).

The Applicants property is part of the West Riding single family residential subdivision. Because the lot is on the end of the cul de sac it is triangular in shape. The topography of the lot is gently sloping upward from the road, leveling off around the house. Beyond the deck the last 16 to 20 feet of the lot rises upward. Improvements consist of brick and frame split level dwelling with an attached one car garage, a concrete driveway, and a wooden deck attached to the rear of the dwelling. A portion of the rear yard is fenced with a solid board fence. 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 10 and 11).

### Zoning:

The zoning classifications in the area are consistent with the 2004 Master Plan as well as the existing land uses. The predominant zoning classifications are R1 and R2/Urban Residential Districts. There are some areas of RO/Residential Office and B3/General Business Districts. The subject property is zoned R2/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 267-36B, Table V to permit a sunroom to encroach the 40 foot rear yard setback (24 feet proposed), 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 propose to expand the width of the pre-existing deck and enclose it to make it a year round living area. They will be expanding the deck from its existing 16 foot width to 30 feet. They plan to maintain the existing 12 foot depth. The builder located the house incorrectly on the lot placing it at an angle and between 7 to 13 feet behind the minimum front building setback line. The house was not properly aligned on the property in order to meet the required rear yard setback. This encroachment was only recently discovered when the Applicants applied for a building permit.

The Department finds that the subject lot is unique based on its configuration, topography and location of existing improvements. The reduced setback will not have an adverse impact on the

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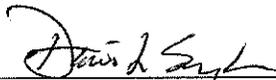
Thomas & Mary Ditonno

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adjacent properties. The change in topography and existing vegetation along with the fencing provide adequate screening for the addition. The proposed sunroom is consistent with other structures in the area and the variance, if granted, 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 requested variance be approved subject to the Applicants obtaining all necessary permits and inspections for the sunroom.



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



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

DJS/ASM/jf