

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

SEP 11 2007

Case No. 5622
 Date Filed 9/5/07
 Hearing Date _____
 Receipt _____
 Fee \$700.00

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 5622 MAP 52 TYPE Variance
 ELECTION DISTRICT 06 LOCATION 2322 Sherwood Lane, Havre de Grace 21078
 BY Vilma Zaroodny Trust c/o Tania Cronin and Sandra Keith
 Appealed because a variance pursuant to Section 267-22G(1) to allow two panhandle
 lots to be created from the subject property and pursuant to Section 267-22G(4)(b) to
 permit two panhandles be created with panhandles less than 12 1/2 feet wide (10 feet
 proposed) 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)

Vilma Zaroodny Trust c/o
 Name Tania Cronin, Trustee Phone Number Call attorney

Address 7 Commons Road Colorado Springs CO 80904-2804
Street Number Street City State Zip Code

Vilma Zaroodny Trust c/o
 Co-Applicant Sandra Keith, Trustee Phone Number Call attorney

Address _____
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 8.609 AC 2322 Sherwood Lane N of Swan Creek Station

Subdivision _____ Lot Number _____

Acreage/Lot Size 8.609± Election District 6 Zoning R1

Tax Map No. 52 Grid No. 2C Parcel 117 Water/Sewer: Private Public _____

List ALL structures on property and current use: single family detached dwelling

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

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

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.)

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2 : 24550
300616

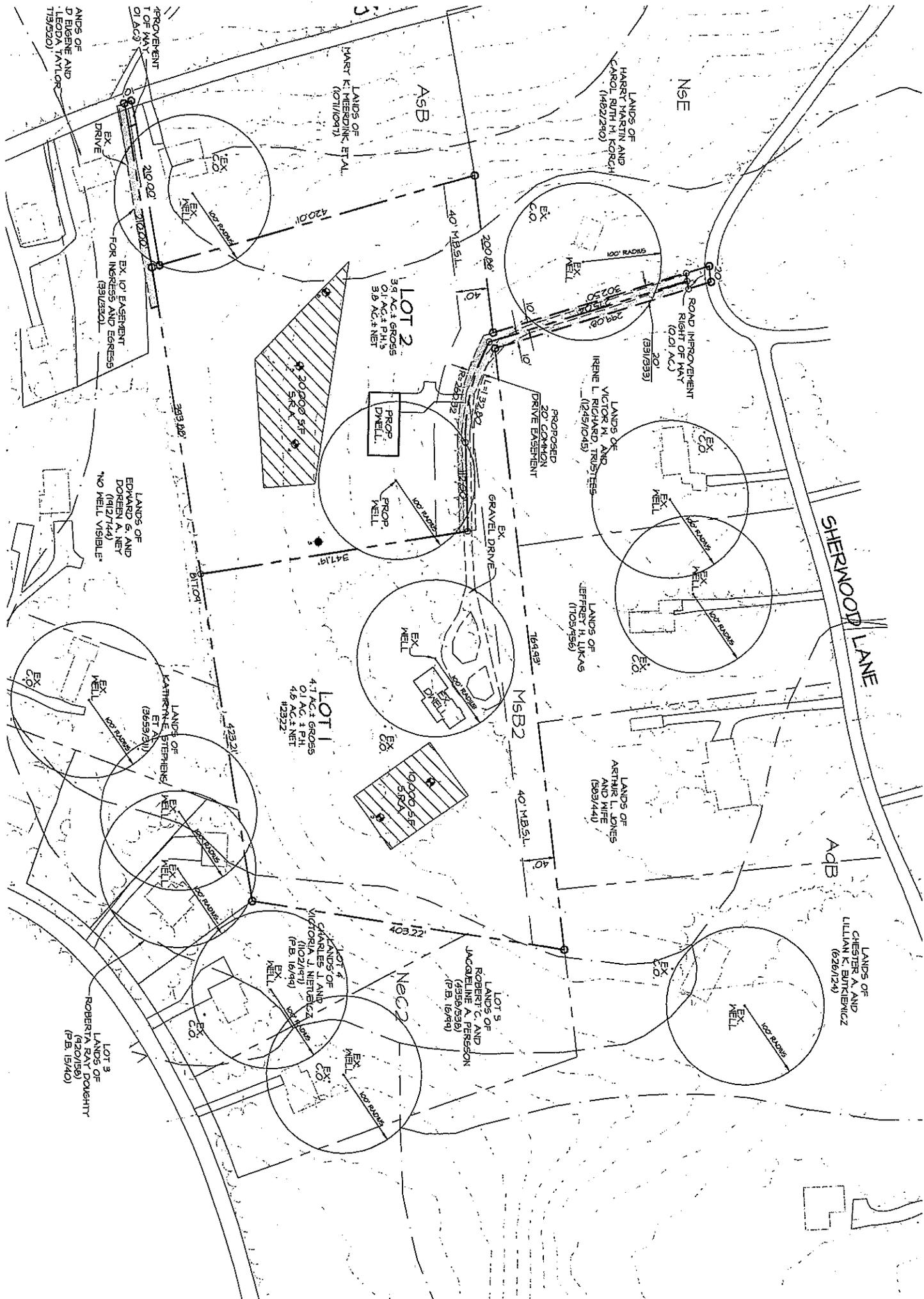
ATTACHMENT TO THE APPLICATION OF THE VILMA ZAROODNY TRUST

REQUEST:

1. A variance from the provisions of Section 267-22(G)(1) of the Harford County Zoning Code ("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.
2. A variance from the provisions of Section 267-22(G)(4)(b) of the Harford County Zoning Code ("Code") to permit two (2) panhandle lots to be created from the subject property, zoned R1, Urban Residential, with panhandles less than twelve and one-half (12 ½) feet wide (10 feet proposed) as shown on the attached site plan.

JUSTIFICATION:

1. and 2. 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

November 7, 2007

STAFF REPORT

BOARD OF APPEALS CASE NO. 5622

APPLICANT/OWNER: Vilma Zaroodny Trust c/o
Tania Cronin, Trustee
7 Commons Road, Colorado Springs Co, 80904-2804

REPRESENTATIVE: John J. Gessner, Esquire
Gessner, Snee, Mahoney and Lutche, PA,
11 South Main Street, PO Box 1776,
Bel Air, Maryland 21014

LOCATION: East side of Robin Hood Road south of
Sherwood Lane
Tax Map: 52 / Grid: 2C / Parcel: 117
Election District: Six (6)

ACREAGE: 8.609± acres

ZONING: R1/Urban Residential District

DATE FILED: September 5, 2007

HEARING DATE: December 19, 2007

APPLICANT'S REQUEST and 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.

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Vilma Zaroodny Trust

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CODE REQUIREMENTS:

The Applicant is 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. The Applicant is also requesting a variance pursuant to Section 267-22G(4)(b) to permit two panhandles to be created with less than the required 12.5-foot width (10-foot proposed) 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.*

Section 267-22G(4)(b) of the Harford County Code reads:

- (b) *Double panhandles: twelve and one half (12½) feet each, for a total of twenty five (25) feet.*

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The Applicant's property is located on the east side of Robin Hood Road south of Sherwood Lane. A location map and a copy of the Applicant's site plan are enclosed with the report (Attachments 2 and 3).

The subject property is located within the Development Envelope between the cities of Aberdeen and Havre de Grace. The predominant land use designations in the area are Low Intensity, High Intensity and Industrial Employment. 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 is a copy of the Greater Aberdeen-Greater Havre de Grace Community Area Map, the 2004 Land Use Map and the Natural Features Map (Attachments 4, 5 and 6).

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Land Use – Existing:

The existing land uses generally conform to the overall intent of the Master Plan. The area is predominately residential with single-family dwellings located on lots within established subdivisions. Commercial and industrial uses are located to the south of the subject property along US Route 40. Commercial uses include a shopping center and strip retail. Industrial uses include warehousing/distribution facilities and manufacturing. The Bulle Rock Golf Course is also located approximately one mile east of the subject property.

The subject property is irregular in shape, contains approximately 8.61+/- acres, and is currently improved with a single-family dwelling. The subject property has approximately 20-feet of road frontage along Sherwood Lane and approximately 10-feet of frontage along Robin Hood Road. The existing dwelling is accessed via a driveway from Sherwood Lane.

The topography of the area ranges from rolling to steep especially near the stream valleys. The topography of the subject property is moderately sloping from the north to the south. The subject property is predominately wooded with areas of maintained lawn. Enclosed with the report is a copy of the topography map, aerial photograph, and site photographs (Attachments 7, 8 and 9A-E).

Zoning:

The zoning classifications in the area are generally consistent with the 2004 Master Plan as well as the existing land uses. Residential zoning includes R, R1, R2 and R4/Urban Residential Districts. Industrial zoning includes CI/Commercial Industrial District and GI/General Industrial District. The area near the intersection of Robin Hood and Old Robin Hood is predominately zoned AG/Agricultural District. The subject property is zoned R1/Urban Residential district as shown on the enclosed copy of the Zoning Map (Attachment 10).

SUMMARY:

The Applicant is 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. The Applicant is also requesting a variance pursuant to Section 267-22G(4)(b) to permit two panhandles to be created with less than the required 12.5-foot width (10-foot proposed) in the R1/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.

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Section 267-22G(1):

(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.

The Applicant is proposing to subdivide the existing 8.6 acre tract zoned R1 into 2 lots. Based on the R1 zoning, a total of fifteen lots could potentially be created from the subject property. However, the Applicant cannot subdivide the subject property without a variance due to the limited amount of road frontage. The Applicant is proposing to create Lot 1 around the existing dwelling. Lot 1 will have frontage on Sherwood Lane via a 10-foot wide panhandle. Lot 2 will be created from the remainder and will have a two panhandle configuration with 10-feet of frontage on Sherwood Lane and 10-feet of frontage on Robin Hood Road.

Section 267-22G(4)(b):

(b) Double panhandles: twelve and one half (12½) feet each, for a total of twenty five (25) feet.

As mentioned above, the subject property has a limited amount of road frontage which requires the creation of two panhandle lots. Lot 1 will have frontage on Sherwood Lane via a 10-foot wide panhandle. Lot 2 will be created from the remainder and will have a two panhandle configuration with 10-feet of frontage on Sherwood Lane and 10-feet of frontage on Robin Hood Road. Lot 2 will have a total of 20-feet of road frontage between its two panhandles.

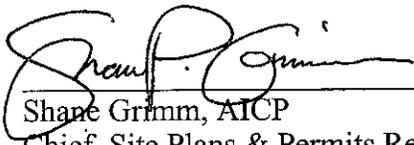
The Department finds that the subject property is unique due to its shape and limited amount of road frontage. The Applicants could potentially create up to fifteen lots from the subject property if enough frontage were available to allow the construction of a public road. The Applicants are only proposing two lots which will be larger than most of the lots in the adjacent residential subdivisions. The creation of these lots will not have an adverse impact on the surrounding area or local road system.

RECOMMENDATION and or SUGGESTED CONDITIONS:

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

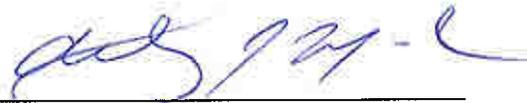
1. A preliminary plan shall be submitted to the Department of Planning and Zoning for review and approval and a final plat shall be recorded in the Harford County Land Records.
2. A Common Drive Agreement (CDA) shall be executed for the Sherwood Lane access. The agreement shall include the adjacent Land of Korch.

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Shane Grimm, AICP
Chief, Site Plans & Permits Review

SPG/ASM/jf



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