

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

OCT - 1 2007

Case No. 5626
Date Filed 9/20/07
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 5626 MAP 55 TYPE Variance
ELECTION DISTRICT 03 LOCATION 605 Remington Road, Fallston 21047
BY John and Barbara Ann Green
Appealed because a variance pursuant to Sec. 267-35B Table III of the Harford
County Code to allow a garage to maintain a minimum side yard setback of 3'
(15' required) in the RR 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 JOHN GREEN Phone Number 410 877 3120
Address 605 REMINGTON ROAD FALLSTON MD 21047
Street Number Street City State Zip Code

Co-Applicant BARBARA ANN GREEN Phone Number 410 877 3120
Address 605 REMINGTON ROAD FALLSTON MD 21047
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 605 REMINGTON RD FALLSTON MD 21047

Subdivision _____ Lot Number 4

Acres/Lot Size 3/4 AC Election District 03 Zoning RR

Tax Map No. 55 Grid No. 1A Parcel 656 Water/Sewer: Private Public _____

List ALL structures on property and current use: HOUSE, SHED // RESIDENCE

Estimated time required to present case: 20 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: 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

ATTACHED GARAGE ABOUT 16 X 32 FT
WITHIN 3 FT OF PROPERTY LINE
ABOUT 5 FT HIGHER THAN EXISTING ROOF LINE

Justification

SEE ATTACHED SEE (3)

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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JUSTIFICATION

A variance to build an attached garage within 3 feet of the northerly property line is needed because the topography, soil, water table, septic and well location preclude placement of a garage anywhere but on the northerly side of the house. Separation from the property line will be 3 feet at the front corner of the garage and 7 feet at the back corner; this is due to the shape of the property.

As noted on the topographic maps (attachments 3-1 and 3-2) the house is located in an area where the land rises in three directions. Up hill is generally North, East and West. As a consequence when it rains or the snow melts there is considerable run off behind the house. Attachment 3-3 shows a typical water flow. The run off flows from North to South isolating the house from the rest of the property and makes the area behind the house unusable.

Trees, shrubs and ground cover have been planted in an attempt to stabilize the ground. Removal of the large maple tree would increase the erosion problem. Construction of a garage anywhere in the flow area would dam the drainage and change the flow both for us and our down hill neighbors.

Since up hill is in three directions we have considerable hydraulic pressure and a high water table. The south easterly portion of the level area is soggy (not trafficable) except during extended dry periods.

The well is behind the house (Easterly side) and the septic system is to the left (Southwesterly side).

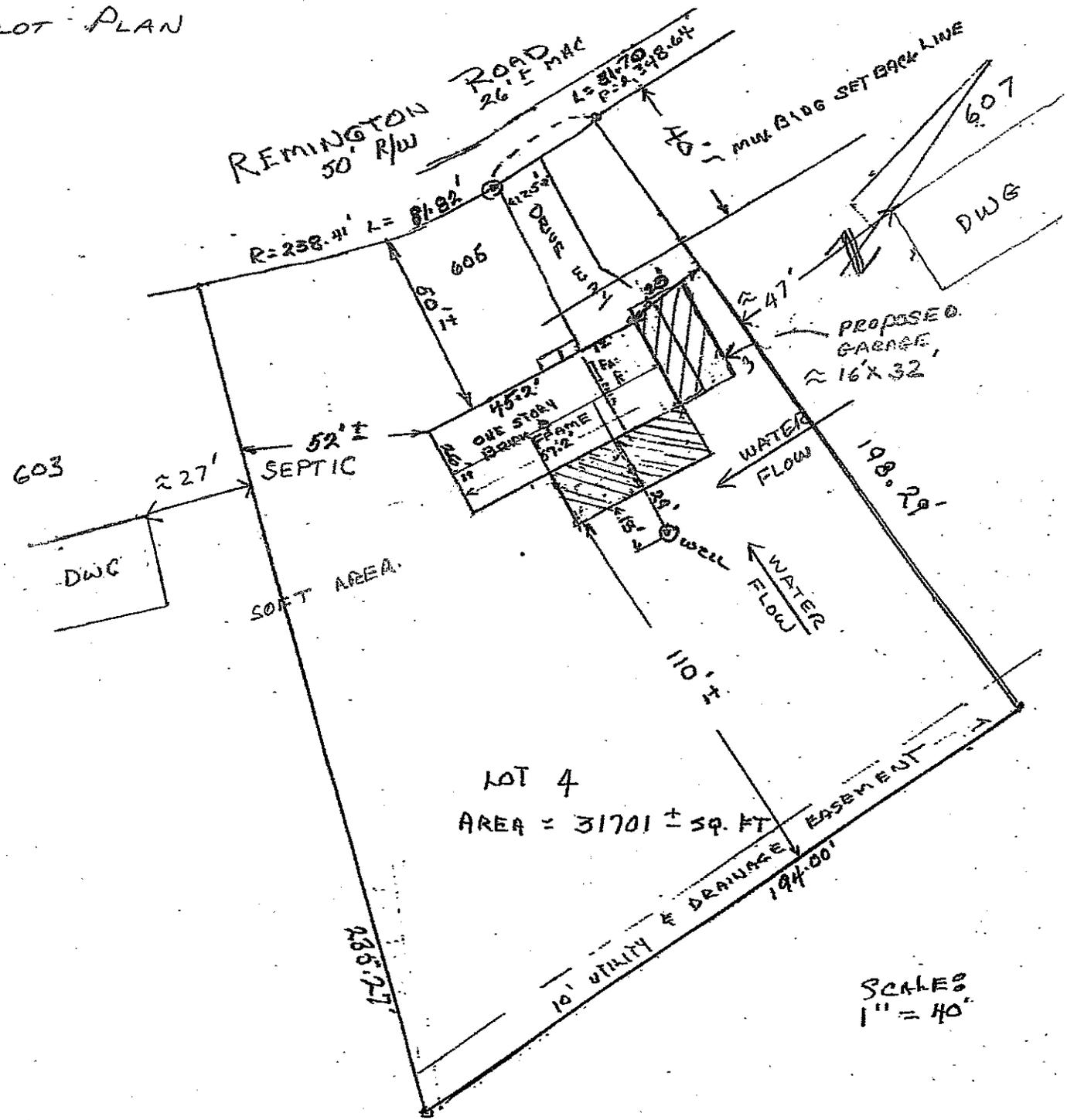
The area between 605 Remington Road and 607 Remington Road, where the garage is proposed, is currently screened by trees and other plants. It will continue to be screened

The garage will not harm adjacent properties. Our neighbors have been contacted and informed of our intentions. No one has objected. Notes from three of our neighbors are attachments 3-6, 3-7 and 3-8.

Attachment 3-4 is a view of the existing driveway. Attachment 3-5 is a view of the portion of the house to which the garage will be attached. It will shield our driveway clutter from view. Construction will be consistent with the existing structure as well as with other homes in the neighborhood.

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PLOT PLAN

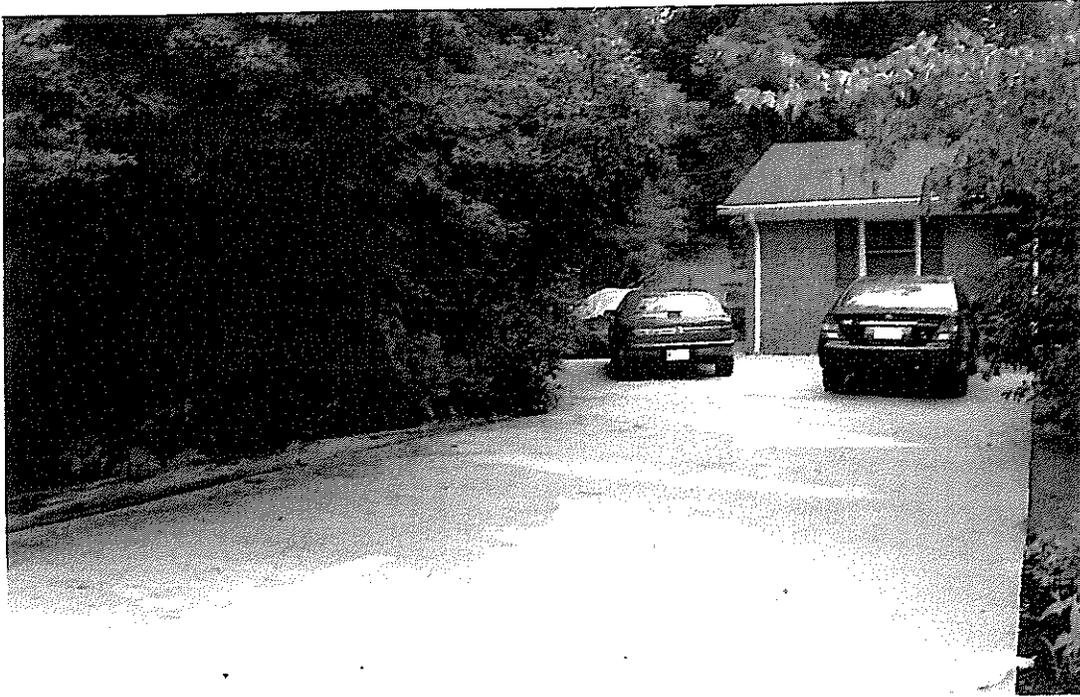


SCALE 1" = 40'

MR MRS JOHN & BARBARA GREEN
 605 REMINGTON ROAD
 FALLSPON, MD 21047
 877-3120

REVISED PLAT OF POWDER MILL
 PLAT BK 13 FOLIO 93

EXISTING DRIVEWAY



LOCATION OF PROPOSED GARAGE



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 13, 2007

STAFF REPORT

BOARD OF APPEALS CASE NO. 5626

APPLICANT/OWNER: John Green
605 Remington Road, Fallston Maryland 21047

Co-APPLICANT: Barbara Ann Green
605 Remington Road, Fallston Maryland 21047

REPRESENTATIVE: Applicants

LOCATION: 605 Remington Road – Powder Mill Subdivision
Tax Map: 55 / Grid: 1A / Parcel: 656 / Lot: 4
Election District: Three (3)

ACREAGE: ¾ of an acre

ZONING: RR/Rural Residential

DATE FILED: September 20, 2007

HEARING DATE: December 5, 2007

APPLICANT'S REQUEST and JUSTIFICATION:

Request:

“Attached garage about 16 feet by 32 feet, within 3 feet of the property line and about 5 foot higher than the existing roof line of the dwelling.”

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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John and Barbara Ann Green

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Justification:

See Attachment 1.

CODE REQUIREMENTS:

The Applicants are requesting a variance pursuant to Section 267-35B, Table III of the Harford County Code to allow a garage to maintain a minimum side yard setback of 3 feet (15 feet required) in the RR/Rural Residential District.

Enclosed with the report is a copy of Section 267-35B, Table III of the Harford County Code (Attachment 2).

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The Applicants property is located west of Reckord Road and north of Guyton Road in the development of Powder Mill. The lot fronts on the east side of Remington Road. Enclosed with the report is a location map, a copy of the Applicant's site plan and a copy of the subdivision plan (Attachments 3, 4 and 5).

The subject property is located outside of the Development Envelope. The predominant land use designations are Agricultural and Rural Residential. The Natural Features Map reflects Sensitive Species Project Review Areas, Agricultural Preservation Districts and Easements and Stream Systems. The subject property is designated as Agricultural which is defined by the 2004 Master Plan as:

Agricultural - Areas where agriculture is the primary land use, but where development rights are available. Residential development is possible at a density of 1.0 dwelling unit for every 10 acres. Commercial uses within this area are intended to serve the agriculture industry or residents of the area while maintaining the character of the surrounding countryside.

Enclosed with the report are copies of the 2004 Land Use Map, Natural Features Map and the Fallston Community Area Map (Attachments 6, 7 and 8).

Land Use – Existing:

The existing land uses conform to the overall intent of the Master Plan. The predominant land use north of Harford Road (MD Route 147) is Agricultural which includes cropland, pastureland and large areas of dense woodland. There are several single family residential developments in the area. Other land uses in the area include churches and schools. More intensive commercial uses are located along Bel Air Road (Route 1) to the south. The topography of the area ranges

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John and Barbara Ann Green

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from rolling to steep. An aerial photograph and a topography map for this general area are enclosed with the report (Attachments 9 and 10).

The subject property is part of the Powder Mill subdivision and is located on the south side of Remington Road. The lot is approximately 31,701 square feet in size. The front half of the lot slopes down from left to right with approximately a 15 feet difference in elevation. The rear half of the lot slopes up from an area just to the rear of the dwelling to the rear lot line. The elevation difference is approximately 20 feet. The lot to the north slopes down to the subject lot and the subject lot sits higher than the lot adjoining on the south side. The property to the rear is actively farmed. Improvements on the subject lot consist of a brick and frame one story single family dwelling. Other improvements include a concrete driveway and parking pad to the front and left side of the dwelling, a well and septic system, small frame shed and mature trees and shrubbery. The dwelling was located to the left side of the lot due to the topography. Site photographs, a topography map of the lot and aerial photographs are enclosed with the report (Attachments 11, 12 and 13).

Zoning:

The zoning classifications in the area are consistent with the 2004 Master Plan as well as the existing land uses. The predominant zoning classification is AG/Agricultural. There are also areas of RR/Rural Residential. The subject property is zoned RR/Rural Residential as shown on the enclosed copy of the Zoning Map (Attachment 14).

SUMMARY:

The Applicants are requesting a variance pursuant to Section 267-35B, Table III of the Harford County Code to allow a garage to maintain a minimum side yard setback of 3 feet (15 feet required in the RR/Rural 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 Department finds that the subject property is unique. It appears that the garage will be approximately 6 feet from the property line. Due to the topography and water run off issues, the proposed location is the only practical location for the garage. The garage will be consistent with other structures in the neighborhood. The existing vegetation will provide adequate screening. The request if approved will not adversely impact the adjacent properties or the intent of the code.

STAFF REPORT

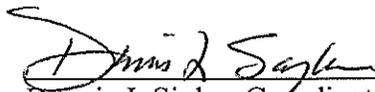
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RECOMMENDATION and or SUGGESTED CONDITIONS:

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 proposed garage.



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



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

DJS/ASM/jf