

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

OCT 25 2007

Case No. 5630  
 Date Filed 10-19-07  
 Hearing Date \_\_\_\_\_  
 Receipt \_\_\_\_\_  
 Fee \$50.00

*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 5630 MAP 69 TYPE Variance ELECTION DISTRICT 01

LOCATION 407 Tanglewood Court, Joppa 21085

BY Bernie and Carol Stokeling

Appealed because a variance pursuant to Ordinance 6, Section 10.05 of the Harford County Code to permit an addition to maintain a rear yard setback of 29' (35' required) in the R3/CDP 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 Bernie + Carol Stokeling Phone Number 410 538-4495  
 Address 407 Tanglewood Ct. Joppa MD 21085  
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

<sup>Contractor</sup>  
 Attorney/Representative Gus M. Mack Phone Number (410) 238-4900  
 Address 712 Stemmers Run Rd. BAQ. MD 21221  
Street Number Street City State Zip Code

**Land Description**

Address and Location of Property 407 Tanglewood Ct.

Subdivision \_\_\_\_\_

Lot Number 51

Acreage/Lot Size 9,435 SF Election District 01

Zoning R3

Tax Map No. 69 Grid No. 1C Parcel 166 Water/Sewer: Private \_\_\_\_\_ Public

List ALL structures on property and current use: 8x8' shed.

Estimated time required to present case: 30

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 construct 17'x12' one story addition on REAR of existing dwelling that would impede on the required 35' setback by 6'.

**Justification**

See Attached information

*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.)*

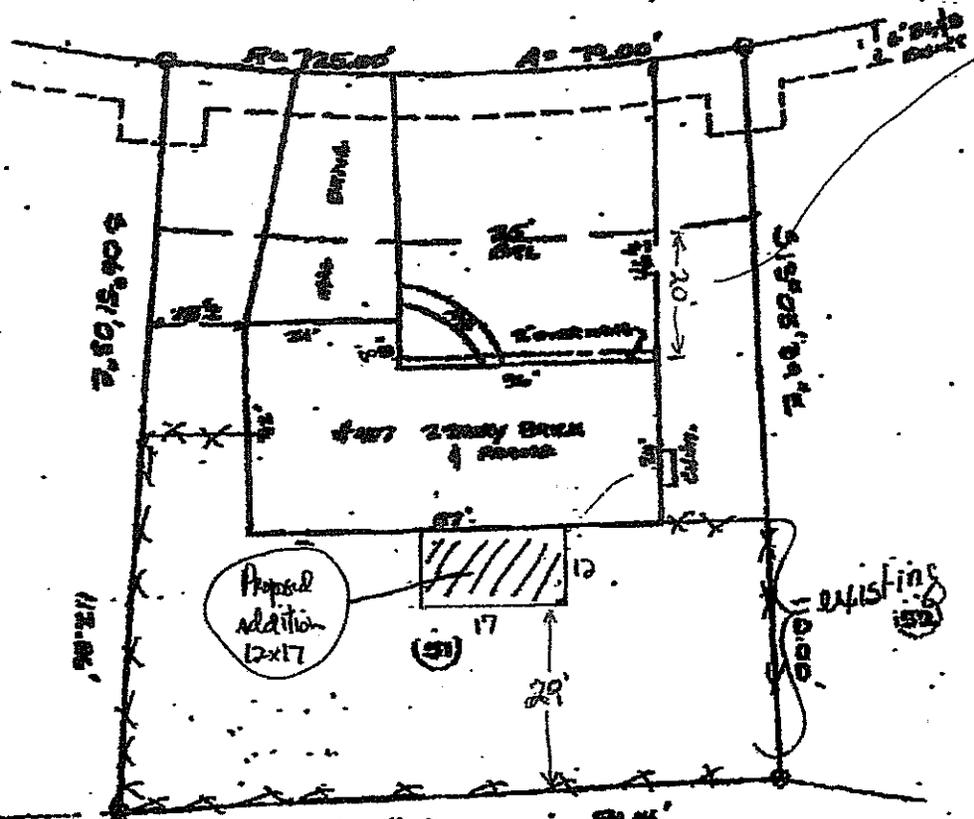
## Minor Variance Justification 407 Tanglewood Ct.

The justification for this proposed addition primarily goes to the unique placement of the existing dwelling which is further back than most lots in the neighborhood. The builder had approximately 20' that they could have moved the house forward. Furthermore, there would be no impact to rear properties if we are granted this minor variance. In closing we would like to acknowledge that half of our neighbors have rear additions and ask why can't we?

Statement is supported by pictures and maps



# TANGLEWOOD COURT 50' RW

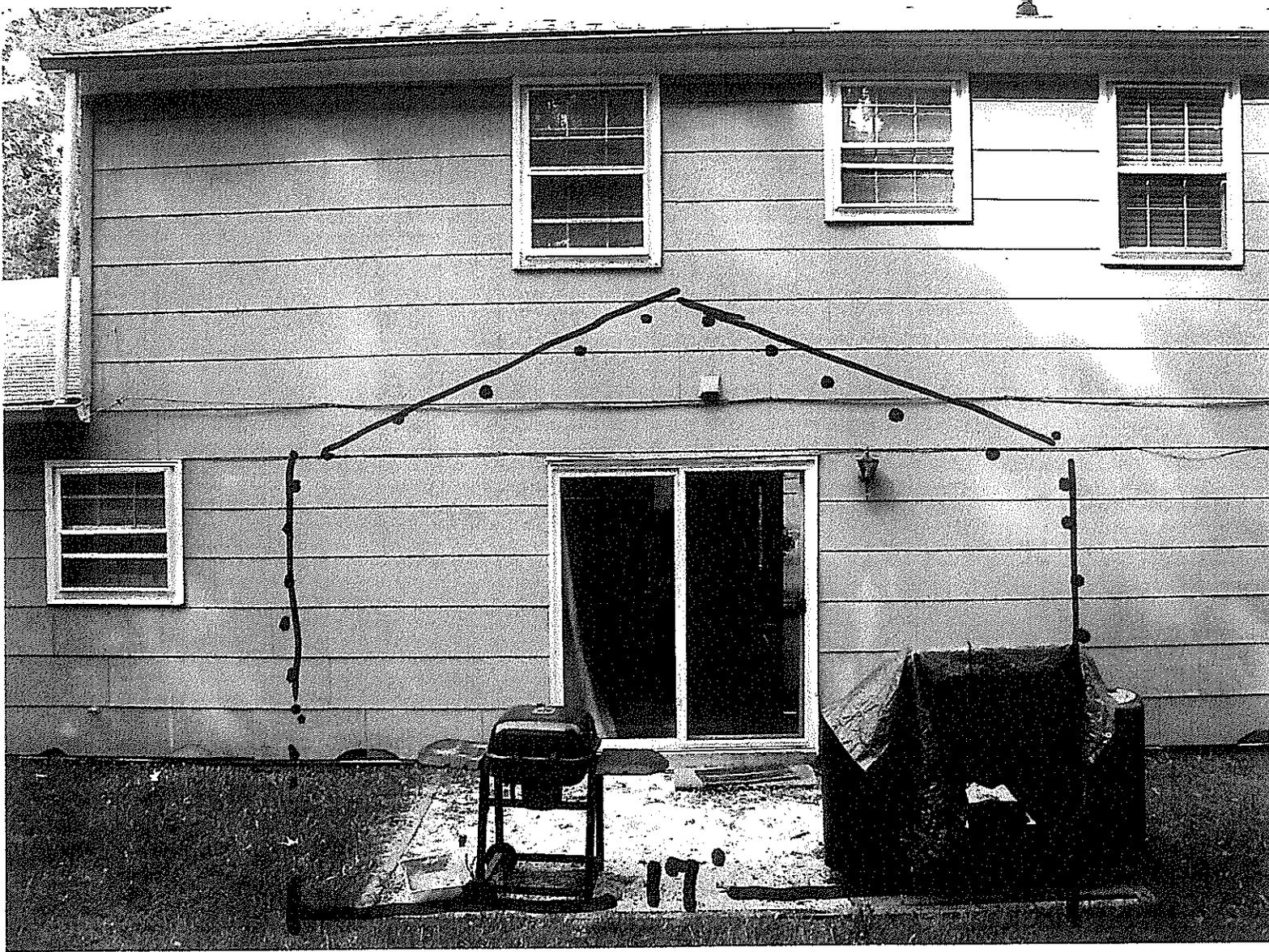


Builder could of moved house approx. 20' closer To B.R.L.

Scale 1"=30'

Joseph M. Cullen  
John E. Cullen





Proposed REAR addition  
12' x 17'

Ⓢ This picture also shows this house is on slab found.

100\_0491.JPG



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

December 5, 2007

### STAFF REPORT

### BOARD OF APPEALS CASE NO. 5630

APPLICANT/OWNER: Bernie Stokeling  
407 Tanglewood Court, Joppa Maryland 21085

Co-APPLICANT: Carol Stokeling  
407 Tanglewood Court, Joppa Maryland 21085

REPRESENTATIVE: Gus M. Mack-Contractor  
712 Stemmers Run Road, Baltimore Maryland 21221

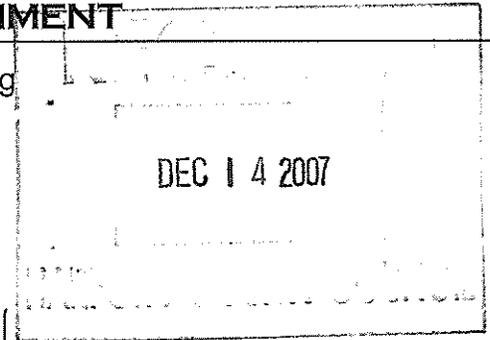
LOCATION: 407 Tanglewood Court - Joppatowne  
Tax Map: 69 / Grid: 1C / Parcel: 166 / Lot: 51  
Election District: First (1)

ACREAGE: 9,435 square feet

ZONING: R3/Urban Residential District

DATE FILED: October 19, 2007

HEARING DATE: January 9, 2007



### APPLICANT'S REQUEST and JUSTIFICATION:

#### Request:

"To construct 17' x 12' one story addition on rear of existing dwelling that would impede on the required 35' setback by 6'."

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

## STAFF REPORT

Board of Appeals Case Number 5630

Bernie and Carol Stokeling

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### Justification:

See Attachment 1.

### **CODE REQUIREMENTS:**

The Applicants are requesting a variance pursuant to Ordinance 6, Section 10.05 of the Harford County Code (1957 Zoning Ordinance), to permit an addition to maintain a rear yard setback of 29 feet (40 feet required), in the R3/Urban Residential District/Community Development Project (R3/CDP).

Enclosed with the report is a copy of Ordinance 6, Section 10.05 of the 1957 Zoning Ordinance (Attachment 2).

### **LAND USE and ZONING ANALYSIS:**

#### Land Use – Master Plan:

The Applicant's property is located in the southwest area of the County in the community of Joppatowne. It is situated to the south of Trimble Road, east of Foster Knoll Drive on the south side of Tanglewood Court. A location map, a copy of the Applicant's site plan and a copy of the record plat are enclosed with the report (Attachments 3, 4 and 5).

The subject property is located within the Development Envelope. The predominant land use designations are Low, Medium and High Intensities. Other land use designations include: a Neighborhood Center and Industrial/Employment. The Natural Features map reflects Stream Systems, Parks, Chesapeake Bay Critical Area and Sensitive Species Project Review Areas. The subject property is designated as Medium Intensity which is defined by the 2004 Master Plan as:

*Medium Intensity - Areas within the Development Envelope where residential development is the primary land use. Density ranges from 3.5 to 7.0 dwelling units per acre. Grocery stores, variety stores and other commercial uses are examples of some of the more intensive uses associated with this designation.*

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

#### Land Use – Existing:

The existing land uses generally conform to the overall intent of the Master Plan. The community of Joppatowne was developed as a Community Development Project (CDP) and includes residential, commercial and institutional uses. The topography of the overall area ranges from rolling to steep especially around the stream valleys and their tributaries. Enclosed

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Bernie and Carol Stokeling

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with the report is a copy of the aerial photograph and a topography map for the general area (Attachments 9 and 10).

The lot is basically rectangular in shape. The lot slopes gently upward from the road to the front of the house. To the rear of the dwelling the lot is fairly level. However, within the last 10 to 15 feet the lot rises approximately 6 feet. The lot backs up to an area of wooded open space and a small stream valley. The improvements consist of a two story brick and frame dwelling with an attached 2-car garage. Other improvements include a small utility building situated in the right rear corner of the lot, a 6 foot fence, a patio off of the rear of the dwelling, and a driveway. The dwelling sits further back on the lot than the adjacent dwellings. Enclosed with the report are site photographs, aerial photographs of the property and a copy of a topography map (Attachments 11, 12 and 13).

### Zoning:

Residential zoning classifications include R1, R2, R3 and R4/Urban Residential Districts. Commercial zoning is mainly B2/Community Business District. The subject property is zoned R3/Urban Residential District as shown on the enclosed copy of the zoning map (Attachment 14).

### SUMMARY:

The Applicants are requesting a variance pursuant to Ordinance 6, Section 10.05 of the Harford County Code (1957 Zoning Ordinance), to permit an addition to maintain a rear yard setback of 29 feet (40 feet required), in the R3/Urban Residential District/Community Development Project (R3/CDP).

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. The house sits substantially behind the required setback line. It appears that the house was placed behind the setback in part due to the curve in the road. The addition will be similar to other structures in the neighborhood and will not have an adverse impact on adjacent properties or the intent of the code.

### RECOMMENDATION and or SUGGESTED CONDITIONS:

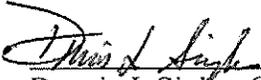
The Department of Planning and Zoning recommends that the requested variance be approved subject to the Applicant obtaining all necessary permits.

STAFF REPORT

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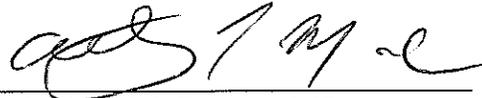
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Dennis J. Sigler, Coordinator  
Zoning & Board of Appeals Review

DJS/ASM/jf



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