

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

APR 2008

Case No. 5658  
 Date Filed 3/31/08  
 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 5658 MAP 62 TYPE Variance ELECTION DISTRICT 01  
LOCATION 3735 Sewell Road  
BY Steven Hutchinson, 1032 Emmerick Drive, Joppa 21085  
Appealed because a variance pursuant to Section 267-22G(1) of the Harford County  
Code to create two panhandle lots (one permitted) 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 STEVEN M. HUTCHINSON Phone Number call attorney

Address 1032 Emmerick Drive Joppa MD 21085-3732  
Street Number Street City State Zip Code

Co-Applicant N/A Phone Number \_\_\_\_\_

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 3735 Sewell Road

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

Acreage/Lot Size 2.14 Election District 1 Zoning R1

Tax Map No. 62 Grid No. 3D Parcel 409 Water/Sewer: Private \_\_\_\_\_ Public X

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

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: \_\_\_\_\_

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.)*

4 : 3/31/08  
2 : 25321  
301351

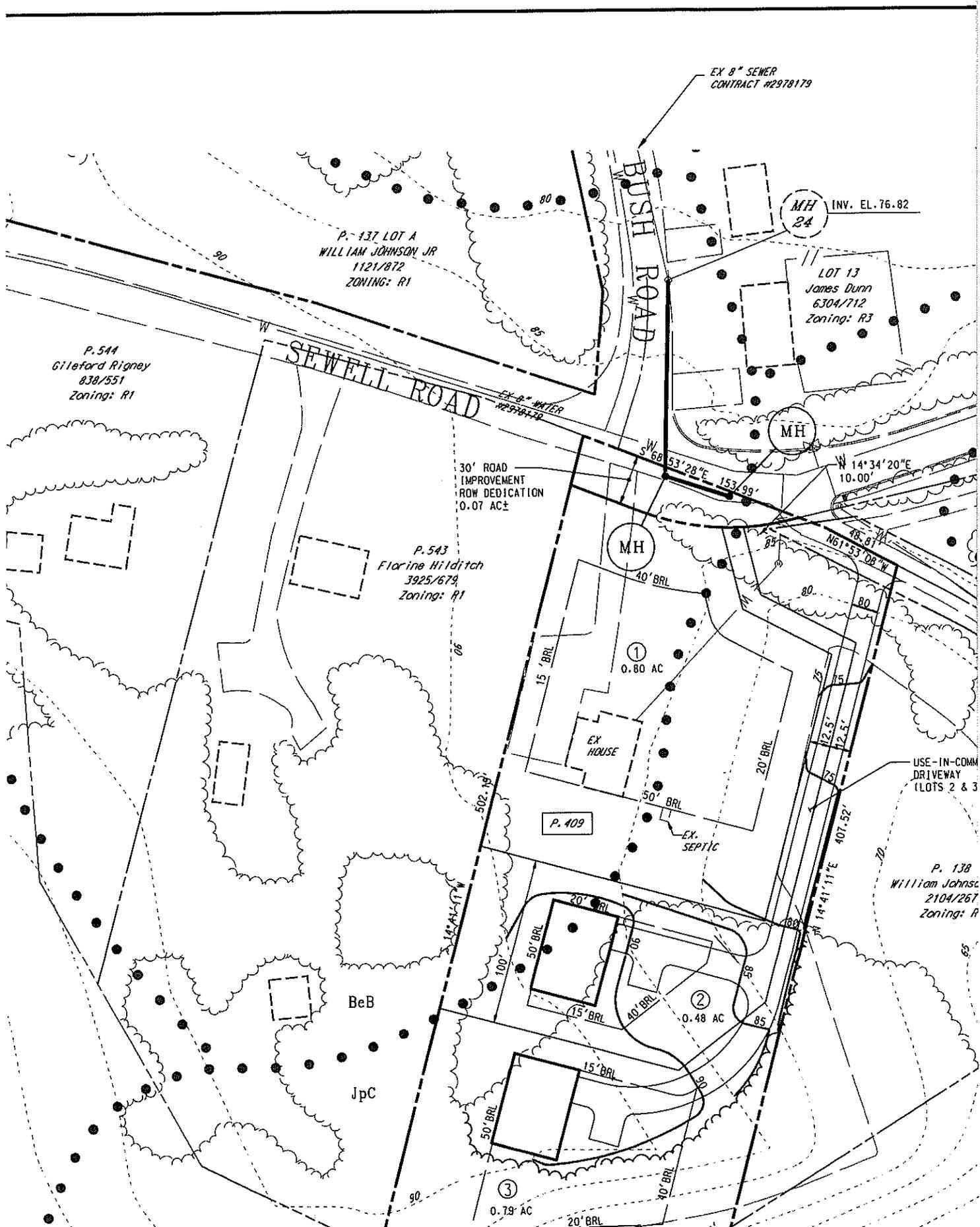
ATTACHMENT TO APPLICATION OF STEVEN M. HUTCHINSON

REQUEST:

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

JUSTIFICATION:

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



EX 8" SEWER  
CONTRACT #2978179

P. 137 LOT A  
WILLIAM JOHNSON JR  
1121/872  
ZONING: R1

MH 24  
INV. EL. 76.82

LOT 13  
James Dunn  
6304/712  
Zoning: R3

P. 544  
Gileford Rigney  
838/551  
Zoning: R1

SEWELL ROAD

EX 8" WATER  
#2978119

30' ROAD  
IMPROVEMENT  
ROW DEDICATION  
0.07 AC±

P. 543  
Florine Hilditch  
3925/679  
Zoning: R1

MH

W 14° 34' 20" E  
10.00'

USE-IN-COMM  
DRIVEWAY  
(LOTS 2 & 3)

P. 409

EX HOUSE

EX SEPTIC

P. 138  
William Johns  
2104/267  
Zoning: R

BeB

JpC

③  
0.79 AC

②  
0.48 AC

①  
0.80 AC

**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

May 16, 2008

### STAFF REPORT

### **BOARD OF APPEALS CASE NO. 5658**

**APPLICANT/OWNER:** Steven M. Hutchinson  
1032 Emmerick Drive, Joppa, Maryland 21085

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

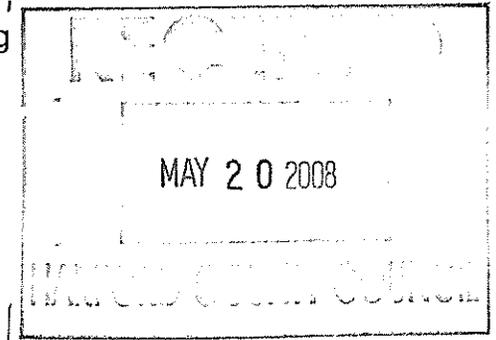
**LOCATION:** 3735 Sewell Road, Abingdon 21009  
Tax Map: 62 / Grid: 3D / Parcel: 409  
Election District: First (1)

**ACREAGE:** 2.14 acres

**ZONING:** R1/Urban Residential District

**DATE FILED:** March 31, 2008

**HEARING DATE:** June 4, 2008



### APPLICANT'S REQUEST and JUSTIFICATION:

See Attachment 1.

### CODE REQUIREMENTS:

The Applicants are requesting a variance pursuant to Section 267-22G(1) of the Harford County Code to create two panhandle lots (one permitted) in the R1/Urban Residential District.

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

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

MY DIRECT PHONE NUMBER IS (410) 638-3103

STAFF REPORT

Board of Appeals Case Number 5658

Steven Hutchinson

Page 2 of 4

G. *Panhandle lot requirements....*

- (1) *Except in Agricultural and Rural Residential Districts, with regard to any 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 Applicant's property is located on the south side of Sewell Road across from Bush Road. The property backs up to the CSX Railroad. Enclosed with the report are copies of a location map and the Applicant's site plan (Attachments 2 and 3).

The subject property is located within the Development Envelope. Land use designations include Low, Medium and High Intensities and Industrial/Employment. The Natural Features Map reflects Chesapeake Bay Critical Area, Habitats of Local Significance 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 2004 Land Use Map, the Natural Features Map and Abingdon-Riverside-Emmorton Community Area Map (Attachments 4, 5 and 6).

Land Use – Existing:

Residential use in this area include mobile home subdivisions and mobile home parks, townhouses and single family dwellings. The topography of the area is rolling to steep especially near the stream valleys and along the land owned by the railroad. Enclosed with the report are copies of the aerial photograph and topography map (Attachments 7 and 8).

The Applicant's property is rectangular in shape and approximately 2.14 acres in size. The property has road frontage on the south side of Sewell Road and is located directly across from Bush Road and Smith Landing Court. The rear of the property backs up to the CSX railroad. The topography of the lot slopes down from west to east. Improvements consist of a 1½ story dwelling, driveway, existing septic system and above ground pool. The front portion of the property contains scattered trees and the rear half is more densely wooded. It appears that the buildable area of the proposed lots has been cleared. Enclosed with the report are site photographs, site topography map and Aerial Photographs (Attachments 9, 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 primary zoning classifications are R1, R2 and R3/Urban Residential Districts. The subject property is zoned R1/Urban Residential District as shown on the enclosed zoning map (Attachment 12).

SUMMARY:

The Applicants are requesting a variance pursuant to Section 267-22G(1) of the Harford County Code to create two panhandle lots (one permitted) in the R1/Urban Residential District.

Section 267-22G(1):

H. *Panhandle lot requirements....*

- (1) *Except in Agricultural and Rural Residential Districts, with regard to any 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 Department finds that the subject property is unique. The proposed subdivision will meet the setback, area and density requirements for the R1 District. Because of the configuration of the intersecting roads the construction of one new driveway at this location is more appropriate than the creation of a public road. The request, 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 following conditions:

1. The Applicant shall prepare a preliminary plan to be reviewed and approved by the Department of Planning and Zoning.
2. The Applicant shall submit a final plat to the Department of Planning and Zoning for approval and recordation.

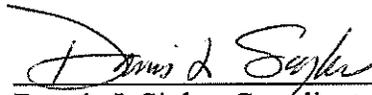
STAFF REPORT

Board of Appeals Case Number 5658

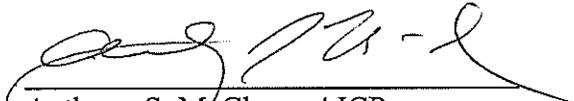
Steven Hutchinson

Page 4 of 4

3. The Applicant shall submit a copy of the common drive agreement to the Department of Planning and Zoning 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