

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

JUN 10 2008

Case No. 5666
Date Filed 6/5/08
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 5666 MAP 56 TYPE Variance ELECTION DISTRICT 01

LOCATION 311 Hunter Chase Court, Bel Air 21015

BY Gene & Betty Harrigan

Appealed because a variance pursuant to Section 267-36B Table VI of the Harford County Code to permit an addition to maintain a 20' rear yard setback (30' required) in the R3/COS 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 Gene & Betty HARRIGAN Phone Number 410-569-9721

Address 311 Hunter Chase Ct Bel Air md 21015
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 Richard Kaline Phone Number 410-238-4900

Address 712 Stemmers Run Rd Baltimore MD 21222
Street Number Street City State Zip Code

Land Description

Address and Location of Property 311 Hunter Chase Ct. Bel Air MD 21015

Subdivision Hunters Run Lot Number 329

Acreage/Lot Size 229 AC Election District 01 Zoning R3/C05

Tax Map No. 56 Grid No. 2E Parcel 451 Water/Sewer: Private _____ Public

List ALL structures on property and current use: HOUSE WITH ATTACHED GARAGE

Estimated time required to present case: 15 min

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

Build a 14x12 one story ADDITION ON RIGHT SIDE OF HOUSE

Justification

ARTICLE 267-11
Variance will not be substantially detrimental to adjacent properties
By reason of the uniqueness of the property the literal enforcement of the Code would result in practical difficulty or unreasonable hardship

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.)

1) Property has a front setback

2) House is on an angle unlike any other in neighborhood.

3) If house would have been moved to front setback other setback lines would have been OK.

HUNTERS RUN HOMEOWNERS ASSOCIATION

Architectural Application for Review



RECEIVED BY: _____ DATE: 4-23-08

RESIDENT'S NAME: Gene & Betty Harrigan

ADDRESS: 311 Hunter Chase Ct.

HARFORD COUNTY PERMIT # (if applicable): _____

JOB DESCRIPTION (ATTACH COLOR SWATCH IF APPLICABLE):
14x12 Addition on RIGHT side of house. Exterior will be brick on front to match existing as close as possible, siding on side and rear to match existing as close as possible. Roof will be asphalt shingles to match as close as possible. windows will be vinyl double hungs with grids to match windows in existing house. Beautiful moulding will be run at top to match existing house.

APPROXIMATE COMPLETION DATE: June 30, 2008

OWNER'S NAME (please print): EUGENE F. HARRIGAN

OWNER (S) SIGNATURE: Eugene F. Harrigan

DATE: 5/1/08

APPROVED: _____ DATE: _____

DISAPPROVED: _____ DATE: _____

REASON: _____

ACTION: _____

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

July 9, 2008

STAFF REPORT

BOARD OF APPEALS CASE NO. 5666

APPLICANT/OWNER: Gene Harrigan
311 Hunter Chase Court, Bel Air, Maryland 21015

Co-APPLICANT: Betty Harrigan
311 Hunter Chase Court, Bel Air, Maryland 21015

REPRESENTATIVE: Richard Kaline
712 Stemmers Run Road, Baltimore, Maryland 21222

LOCATION: 311 Hunter Chase Court-Hunters Run
Tax Map: 56 Grid: 2E Parcel: 451 Lot: 329
Election District: First (1)

ACREAGE: 0.229± acres

ZONING: R3/Urban Residential District/Conventional with Open Space
(R3/COS)

DATE FILED: June 5, 2008

HEARING DATE: August 13, 2008

APPLICANT'S REQUEST and JUSTIFICATION:

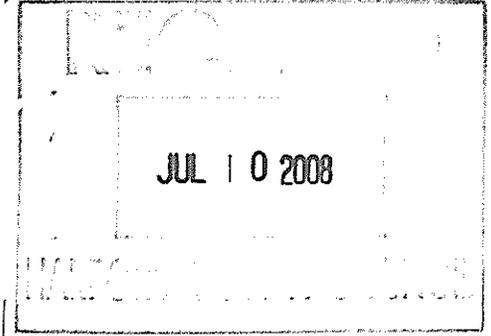
Request:

“Build a 14 by 12 one story addition on right side of house.”

Justification:

Preserving Harford's past; promoting Harford's future

MY DIRECT PHONE NUMBER IS (410) 638-3103



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Gene & Betty Harrigan

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“Variance will not be substantially detrimental to adjacent properties. By reason of the uniqueness of the property the literal enforcement of the Code would result in practical difficulty or unreasonable hardship.

1. Property has 2 front setbacks.
2. House is on an angle unlike any other in the neighborhood.
3. If house would have been moved to front setback other setback lines would have been ok.”

CODE REQUIREMENTS:

The Applicants are requesting a variance pursuant to Section 267-36B, Table VI of the Harford County Code to permit an addition to maintain a 20 foot rear yard setback (30 feet required) in the R3/Urban Residential District/Conventional with Open Space Development (R3/COS).

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

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The Applicant’s property is located at the corner of Shetland Way and Hunter Chase 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 2, 3 and 4).

The subject property is located within the Development Envelope. The Land Use designations in this area range from Low to High Intensities. There is a Community Center located to the west. The Natural Features Map reflects Parks, and Stream Systems. 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 the Abingdon-Riverside-Emmorton Community Area Map (Attachments 5, 6 and 7).

Land Use – Existing:

The existing land uses conform to the overall intent of the 2004 Master Plan. Residential development includes single-family dwellings, townhouses, garden apartments and condominiums. Other land uses include individual retail, personal and professional services,

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Gene & Betty Harrigan

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automotive related uses and shopping centers. There are also institutional uses which include schools, churches, nursing homes and recreational facilities. Copies of the aerial photograph and topography map for the general area are enclosed with the report (Attachments 8 and 9).

The Applicant's property is a corner lot with frontage on Shetland Way and Hunter Chase Court. It is approximately 0.299± acres in size. The topography ranges from gently sloping to sloping. The lot rises gently up from Hunter Chase Court to the garage side of the dwelling and then begins to slope down from north to south. Improvements consist of a brick and frame 2-story single family dwelling with attached 2-car garage. Other improvements include a split rail fence, a concrete driveway and a deck attached to the rear of the dwelling. The dwelling sits on an angle facing the intersection of the two roads. The driveway access is from Hunter Chase Court. The property is nicely landscaped and all improvements appear to be well maintained. Enclosed with the report are site photographs, a site topography map and Aerial Photographs (Attachments 10, 11 and 12).

Zoning:

The zoning classifications in the area are consistent with the 2004 Master Plan as well as the existing land uses. Residential zoning includes RO/Residential Office, R1, R2, R3 and R4/Urban Residential Districts. Commercial zoning includes B1/Neighborhood Business, B2/Community Business, B3/General Business and CI/Commercial Industrial. The subject property is zoned R3/Urban Residential District. The Hunters Run subdivision was created as a Conventional with Open Space development (COS). Enclosed with the report is a copy of the zoning map for the subject property and immediate surrounding area (Attachment 13).

SUMMARY:

The Applicants are requesting a variance pursuant to Section 267-36B, Table VI of the Harford County Code to permit an addition to maintain a 20 foot rear yard setback (30 feet required) in the R3/Urban Residential District/Conventional with Open Space Development (R3/COS).

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 was set at an angle facing the intersection and was located behind the required front yard setback. Because of the location of the house the area that serves as the rear yard was identified as a side yard for the purpose of meeting the code requirements. The area that functions as a side yard was identified as a rear yard in order to meet setback requirements. The requested variance will not adversely impact the adjacent properties or the intent of the code.

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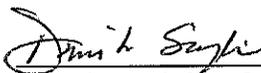
Enclosed with the report are copies of pervious setback variances approved within this development (Attachment 14).

The Applicants have submitted a request for approval to the Home Owners Association (Attachment 15).

Enclosed are drawings of the proposed addition provided by the Applicant (Attachment 16).

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 approvals for the construction of the addition.



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



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

DJS/ASM/jf