

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

RECEIVED

MAR 23 2011

HARFORD COUNTY COUNCIL

Case No.	5734
Date Filed	3/18/11
Hearing Date	
Receipt	
Fee	450.00
Type	Variance

Information to be Submitted with Application

1. A plot plan drawn to scale indicating all pertinent data.
2. A list of all adjoining property owners with mailing addresses.
3. Names and addresses of all persons having legal or equitable interest in the property.
4. All required supporting documentation or additional studies as may be required; including traffic and environmental studies, etc.

NOTE:

All applicants **MUST** schedule a pre-application meeting with the Department of Planning and Zoning prior to filing any application to the Board of Appeals.

To schedule please call 410-638-3119.

Shaded areas for Office Use Only

Nature of Request and Section(s) of Code
CASE 5734 MAP 47 TYPE Variance
ELECTION DISTRICT 03 TAX ID 03166708
LOCATION 2608 Claret Drive, Fallston 21047
BY Barbara and Anthony Mento
Appealed because a variance pursuant to Sec. 267-54B(2) and Table 54-1 of the Harford County Code to reduce the 15' side yard setback (10' proposed) in the RR district requires approval by the Board.

Owner (please print or type)

Name Barbara and Anthony Mento Phone Number 410-877-0755
 Address 2608 Claret Drive Fallston MD 21047
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 _____ Phone Number _____

Address _____
Street Number Street City State Zip Code

Land Description

Address and Location of Property 2608 Claret Drive

Subdivision Brandywine Farms Lot Number 36

Acreage/Lot Size 275'x130' Election District 03 Zoning RR Tax ID # A-03-166708

Tax Map No. 47 Grid No. 3E Parcel 4165 Water/Sewer: Private Public

List ALL structures on property and current use:

house occupied by owners

Estimated time required to present case: 15 minutes

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? Yes No 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: _____

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 attachment

Justification

see attachment

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.)

**Supplement to Appeal Application
Preliminary Hearing March 14, 2011**

Lot: Brandywine Farms Lot 36
Owners: Barbara and Anthony Mento
Address: 2608 Claret Drive, Fallston, MD 21047
Phone: 410-877-0755

Request:

We are requesting a variance from the 15 ft. setback to the side lot line. We would like to build a two-car attached garage. Since the house is now 30 ft. from the property line, a 20 ft. wide garage would place the garage at 10 ft. from the property line.

Justifications:

Without a garage, we have been storing the lawn mower, snow blower, and other equipment in the basement. Since the basement entrance is at the lower level in the back of the house, all equipment must be pushed uphill. Anthony injured his back in 2010, and cannot manage moving heavy equipment uphill.

We have lived in the house for 24 years, but as we age, snow and ice make it difficult for us to manage the long (50') outside sidewalk to get to our cars on the driveway. We both teach classes in the evenings, and during the winter have come home to just-fallen snow and ice on the driveway and sidewalk.

Adding a garage makes our house a better fit for the neighborhood. Two-car garages are prevalent in Brandywine Farms; there are only two other houses that do not have garages. We plan to use the same type and color of siding that we have on other parts of the house.

We cannot build a detached garage in the back because that's the location of the septic tank and drainage. We cannot build a garage in the front or on the other side because of those setback restrictions.

The vanRodens live adjacent to the side where we would build the garage, and they've given their approval of the setback variance (letter enclosed). Mrs. Peters across the street has also given her approval and will submit a letter for the hearing. The lot on the other side is undeveloped.

Adjoining Property Owners

Lot: Brandywine Farms Lot 37
Owners: Christopher and Carolyn vanRoden
Address: 2610 Claret Drive, Fallston, MD 21047

Lot: Brandywine Farms Lot 35 (undeveloped)
Owners: Nelson and Irene Polun
Address: 2604 Claret Drive, Fallston, MD 21047

Lot: Brandywine Farms Lot 50
Owner: Joan Peters
Address: 2607 Claret Drive, Fallston, MD 21047

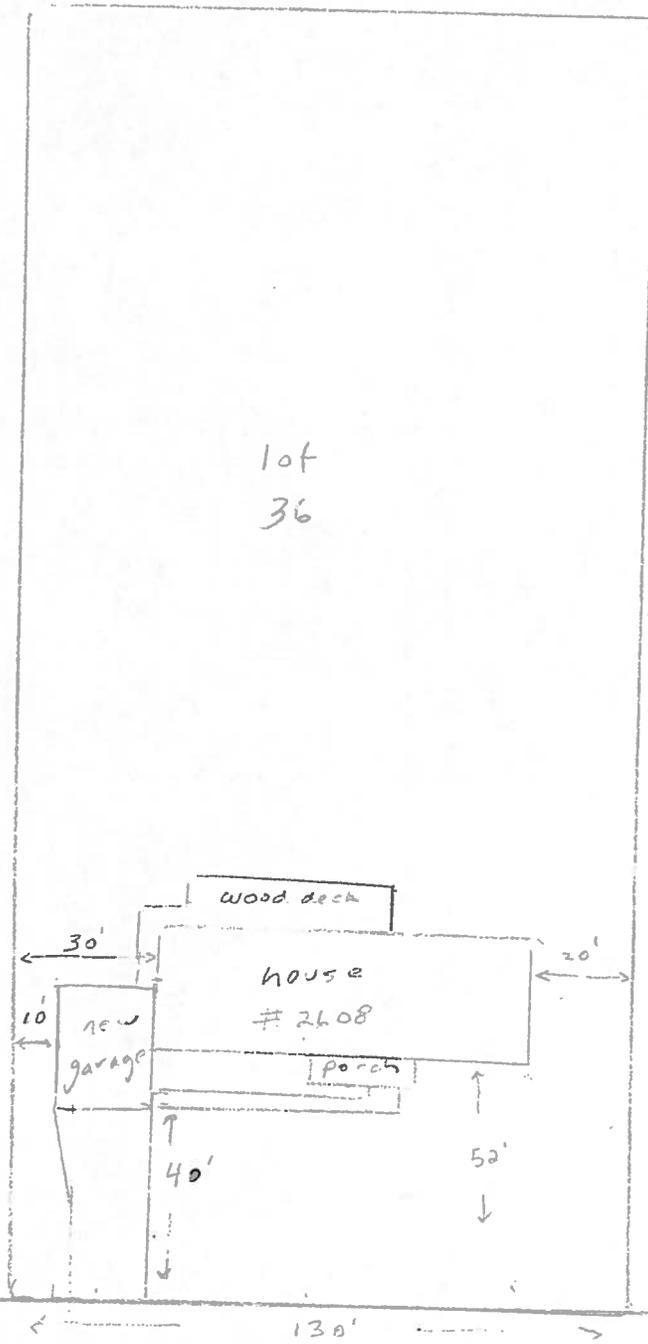
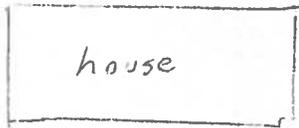
Van Roden

lot
37

lot
36

empty

lot
35



CLARET DRIVE

SCALE 1" = 40'

DAVID R. CRAIG
HARFORD COUNTY EXECUTIVE

MARY F. CHANCE
DIRECTOR OF ADMINISTRATION



C. PETE GUTWALD
DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

April 14, 2011

STAFF REPORT

BOARD OF APPEALS CASE NO. 5734

APPLICANT/OWNER: Barbara & Anthony Mento
2608 Claret Road, Fallston, MD 21047

LOCATION: 2608 Claret Road, Fallston, MD 21047
Tax Map: 47 / Grid: 3E / Parcel: 465
Election District: Third (3)

ACREAGE: 0.82+/- acres

ZONING: RR/Rural Residential District

DATE FILED: March 18, 2011

HEARING DATE: May 4, 2011

APPLICANTS' REQUEST and JUSTIFICATION:

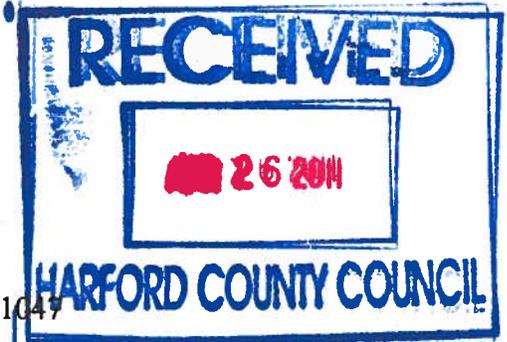
See Attachment 1.

CODE REQUIREMENTS:

The Applicants are requesting a variance pursuant to Section 267-54B(2) Table 54-1 of the Harford County Code to allow a 20-foot by 25-foot attached garage to encroach the minimum 15-foot (Total of 35') side yard setback (10-feet proposed) in the RR/Rural Residential District.

Section 267-54B(2) of the Harford County Zoning Code reads:

B. General regulations.



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

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- (2) *Minimum lot area, maximum lot area, maximum average lot area, area per dwelling or family unit, building setback from adjacent residential lot lines, lot width, front, side and rear yard and maximum building height, as displayed in Table 54-1, shall apply, subject to other requirements of this Part 1.*

A copy of Table 54-1 of the Harford County Zoning Code is enclosed with this report (Attachment 2).

Land Use – Master Plan:

The Applicants' property is located on the north side of Claret Drive west of Chateau Court in the Brandywine Farms subdivision. A location map and a copy of the Applicants' site plan are enclosed with the report (Attachments 3 and 4).

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

***Rural Residential** – Areas of focused rural development within the agricultural area which allow low intensity residential opportunities while maintaining the character of the surrounding countryside. Water and sewer services are not planned for these areas. Residential density is limited to 1.0 dwelling units per 2 acres.*

Enclosed with the report are copies of a portion of the 2004 Land Use Map and the Natural Features Map (Attachments 5 and 6).

Land Use – Existing:

The existing land uses in the area conform to the overall intent of the 2004 Master Plan. The predominant land use is single-family residential dwellings. The area is a mix of older established subdivisions with small lots and newer large lot subdivisions. Institutional uses in the area include churches, schools, a community center, a library and a fire station.

The subject property is located within the Brandywine Farms subdivision that was recorded in 1971. The subject property is approximately 0.82+/- acres in size, rectangular in shape and is improved with a single-family ranch style dwelling. The subject property is predominately forested. The topography of the subject property is moderately sloping from the south to the north. The rear of the subject property is underlain with Baile (Bab) soils as delineated on the Harford County Soil Survey map. Baile soils are listed as hydric soils which indicate the potential for non-tidal wetlands. Enclosed with the report is a copy of the soil survey map (Attachment 7).

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Barbara & Anthony Mento

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A copy of the topography map, aerial photographs and site photographs are enclosed with the report (Attachments 8, 9 and 10).

Zoning:

The zoning classifications in the area are generally consistent with the 2004 Master Plan as well as the existing land uses. The predominant zoning classifications in the area are AG/Agricultural and RR/Rural Residential Districts. The subject property is zoned RR/Rural Residential District (Attachment 11).

SUMMARY:

The Applicants are requesting a variance pursuant to Section 267-54B(2) Table 54-1 of the Harford County Code to allow a 20-foot by 25-foot attached garage to encroach the minimum 15-foot (Total of 35') side yard setback (10-feet proposed) 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 or unreasonable 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 subject property is approximately 0.82+/- acres in size and is predominately wooded. The septic tank and drainage field are located directly behind the dwelling in the back yard. The construction of a garage would not be practical in this location due to the layout of the house, the slope of the rear yard, the location of the septic, and the presence of hydric soils in the rear yard. Hydric soils indicate the potential for a high water table and/or non-tidal wetlands. It is also important to note that the subject property appears to be the narrowest lot within the subdivision with a width of approximately 107-feet at the building line.

Additionally, it should be noted that all of the lots within this section of the Brandywine Farms subdivision are heavily wooded with large mature trees which make the subdivision unique among others in the area. If a garage could be constructed in the rear yard, it would require the removal of several trees which would detract from the forested appearance of the neighborhood and reduce the buffer to the existing stream located behind the subject property. It appears that the construction of the garage at the proposed location will not require the removal of any existing trees.

The proposal to construct a 20-foot by 25-foot two car attached garage on the left side of the dwelling is the most practical given the location of the septic, the slope of the rear yard, the presence of hydric soils, and the forested nature of the subject property. There are only two other dwellings within the Brandywine Farms subdivision which do not currently have garages. The adjacent neighbor at 2610 Claret Drive has provided a letter stating that they have no

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Barbara & Anthony Mento
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objection to the requested variance (Attachment 12). The Applicants have also stated that the neighbor directly across the street from the subject property has no objection to the requested variance.

RECOMMENDATION and/or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends the requested variance be approved subject to the Applicants obtaining all necessary permits and inspections for the proposed garage.



Shane P. Grimm, Chief
Site Plan & Building Permits Review



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

SG/ASM/jf