

STANDARD APPLICATION Harford County Board of Appeals Bel Air, Maryland 21014	RECEIVED		Case No. <u>5745</u>
	JUN 27 2011		Date Filed <u>6/20/11</u>
	HARFORD COUNTY COUNCIL		Hearing Date _____
			Receipt _____
			Fee <u>150.00</u>
			Type <u>Variance</u>

Shaded areas for Office Use Only

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.

Nature of Request and Section(s) of Code CASE 5745 MAP 54 TYPE Variance ELECTION DISTRICT 03 TAX ID 03373525 LOCATION 1322 Martin Meadows Drive, Fallston 21047 BY Sandeep and Jaspreet Singh Appealed because a variance pursuant to Section 267-46.1B(5)(a) of the 1982 Harford County Code (as amended) to allow a deck to encroach a 100' conservation buffer in the RR district requires approval from the Board.

Owner (please print or type)

Name Sandeep Singh, Jaspreet K. Singh Phone Number 443-955-2040

Address 1322 Martin Meadows 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 Richmond American Homes of Maryland Phone Number 410-872-0267

Address 6200 Old Dobbin Lane, Suite 190 Columbia, MD 21045
Street Number Street City State Zip Code

Land Description

Address and Location of Property 1322 Martin Meadows Drive, Fallston, MD 21047

Subdivision Martin Meadows Lot Number 36

Acreage/Lot Size 1.710 acres Election District 3rd Zoning RR Tax ID # 03373525

Tax Map No. 54 Grid No. 1F Parcel 27 Water/Sewer: Private Public

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

Estimated time required to present case: 30 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

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

The construction of a 35' x 27' deck with stairs to grade, a portion of the deck and stairs would encroach the 100' conservation setback.

Justification

The Homeowners lot exhibits uncommon qualities that contribute to the request for a variance. Lot shape and topography are attributes that define the lots uniqueness. The buildable area is restricted by the 11,927 square foot septic reserve area, well location and the 100' conservation setback. The topography also limits the buildable area of the lot. The driveway is set at 13% and was influenced by the need to maintain a 56' setback from garage to the right-of-way. This setback was necessary to grade the front yard properly with the existing street grade.

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.)

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

August 1, 2011

STAFF REPORT

BOARD OF APPEALS CASE NO. 5745

APPLICANT/OWNER: Sandeep Singh & Jaspreet K. Singh
1322 Martin Meadows Drive, Fallston, MD 21047

LOCATION: 1322 Martin Meadows, Fallston, MD 21047
Tax Map: 54 / Grid: 1F / Parcel: 27
Election District: Third (3)

ACREAGE: 1.710+/- acres

ZONING: RR/Rural Residential District

DATE FILED: June 20, 2011

HEARING DATE: August 17, 2011

APPLICANTS' REQUEST and JUSTIFICATION:

Request:

"The construction of a 35' x 27' deck with stairs to grade, a portion of the deck and stairs would encroach the 100' conservation setback."

Justification:

"The Homeowners lot exhibits uncommon qualities that contribute to the request for a variance. Lot shape and topography are attributes that define the lots uniqueness. The buildable area is restricted by the 11, 927 square foot septic reserve area, well location and the 100' conservation setback. The topography also limits the buildable area of the lot. The driveway is set at 13% and was influenced by the need to maintain a 56-foot setback from the garage to the right-of-way. This setback was necessary to grade the front yard properly with the existing grade."

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



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Board of Appeals Case Number 5745

Sandeep and Jaspreet Singh

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CODE REQUIREMENTS:

The Applicants are requesting a variance pursuant to Section 267-46.1B(5)(a) of the 1982 Harford County Code (as amended) to allow a deck to encroach the 100-foot conservation setback in the RR/Rural Residential district.

Section 267-46.1B(5)(a) of the 1982 Harford County Zoning Code reads:

(5) Setbacks.

- (a) *A minimum one hundred (100) foot setback shall be established along existing public roads (measured from the edge of the right-of-way) and along the adjacent property boundaries, and waterways. This setback may be reduced to fifty (50) feet from the edge of the right-of-way and along the adjacent property boundary if the area within the fifty (50) feet contains existing forest and that forest is retained and designated as an undisturbed forest buffer area and, if necessary supplemental landscaping is provided to adequately screen the proposed development from the public road. Lots may be located within the fifty (50) foot setback provided that no structures are located within this area.*

A copy of Section 267-46.1 of the 1982 Harford County Zoning Code is enclosed with this report (Attachment 1).

Land Use – Master Plan:

The Applicant's property is located on the south side of Martin Meadows Drive approximately 200-feet east of Rochelle Drive. A location map and a copy of the Applicants' site plan are enclosed with the report (Attachments 2 and 3).

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 4 and 5).

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Sandeep and Jaspreet Singh

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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 approximately 1.710+/- acres in size, trapezoidal in shape and is improved with a single-family dwelling. The dwelling is serviced by a private well and septic system. The subject property is predominately maintained lawn with scattered trees along the rear property line. The topography of the subject property ranges from moderately sloping in the rear yard to steeply sloping in front of the dwelling along Martin Meadows Drive.

A copy of the topography map, aerial photograph and site photographs are enclosed with the report (Attachments 6, 7 and 8).

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 (Attachment 9).

SUMMARY:

The Applicants are requesting a variance pursuant to Section 267-46.1B(5)(a) of the 1982 Harford County Code (as amended) to allow a deck to encroach the 100-foot conservation setback 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 Department finds that the subject property is unique. The steep topography of the subject property along Martin Meadows Drive dictated that the dwelling be constructed 31-feet behind the required 25-foot front yard setback line. The foundation of the dwelling is approximately 10 to 12 feet above the road grade. In addition, the location of the septic reserve area and the 100-foot setback significantly reduce the Applicants' use of their rear yard. Approximately half of the Applicants' proposed deck will be located within the 100-foot conservation setback. The proposed deck will not adversely impact any adjacent properties.

STAFF REPORT

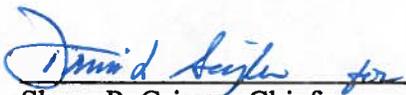
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Sandeep and Jaspreet Singh

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RECOMMENDATION and/or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends the requested variance be granted subject to the Applicants' obtaining all applicable permits and inspections.



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



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

SG/ASM/jf