

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

RECEIVED

JUL - 5 2011

HARFORD COUNTY COUNCIL

Case No.	5749
Date Filed	6/29/11
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 5748 MAP 39 TYPE Variance**  
**ELECTION DISTRICT 04 TAX ID 04038460**  
**LOCATION 1952 Pleasantville Road, Forest Hill 21050**  
**BY Kenneth Kluge**  
Appealed because a variance pursuant to Section 267-27C(1) of the Harford County Code to allow a structure to be greater than fifty percent of the square footage of the habitable space of the principal structure in the AG District requires approval by the Board.

**Owner (please print or type)**

Name Kenneth Kluge Phone Number 410-688-2737  
 Address 1952 Pleasantville Rd Forest Hill MD 21050  
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**

11050 - AR

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

Acreage/Lot Size \_\_\_\_\_ Election District 04 Zoning AG Tax ID # 04038460

Tax Map No. 0039 Grid No. 0004E Parcel 0388 Water/Sewer: Private  Public \_\_\_\_\_

List ALL structures on property and current use:

Garage, Black Bear Shed,

Estimated time required to present case: \_\_\_\_\_

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

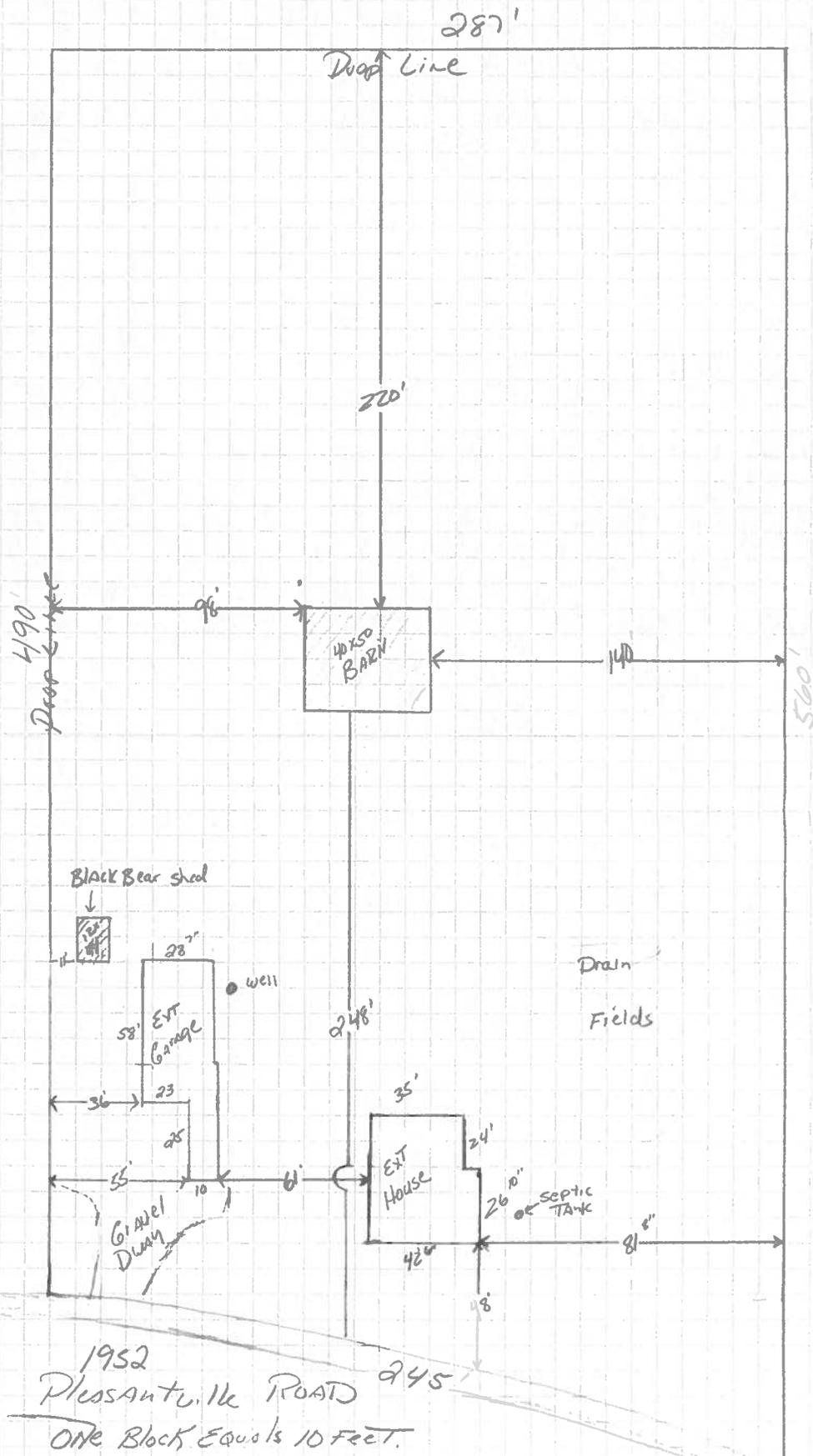
**Request**

For Permit of BARN.

**Justification**

Building is used for storage, and small hobby woodworking with my kids.

*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.)*



This drawing is an accurate depiction of the existing and proposed improvements on the property.

*Tom Kluge*  
Applicant or Owner

Pleasantville Rd

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

September 4, 2011



### AMENDED STAFF REPORT

**BOARD OF APPEALS CASE NO. 5748**

APPLICANT/OWNER: Kenneth Kluge  
1952 Pleasantville Road, Forest Hill, MD 21050

LOCATION: 1952 Pleasantville Road, Forest Hill, MD 21050  
Tax Map: 39 / Grid: 4E / Parcel: 388  
Election District: Fourth (4)

ACREAGE: 3.2+/- acres

ZONING: AG/Agricultural District

DATE FILED: June 29, 2011

HEARING DATE: September 21, 2011

### APPLICANTS' REQUEST and JUSTIFICATION:

#### Request:

"For permit of barn."

#### Justification:

"Building is used for storage, and small hobby woodworking with my kids."

### CODE REQUIREMENTS:

The Applicant is requesting a variance pursuant to Section 267-27C(1) of the Harford County Code to allow an accessory structure to exceed 50% of the square footage of the habitable space of the principal dwelling in the AG/Agricultural District.

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

STAFF REPORT

Board of Appeals Case Number 5748

Kenneth Kluge

Page 2 of 4

Section 267-27C(1) of the Harford County Code reads:

- (1) *In the AG, RR, R1, R2, R3, R4 and VR District, an accessory structure shall neither exceed 50% of the square footage of habitable space or 1,000 square feet, whichever is greater. The height of the accessory structure shall not exceed the height of the principal structure.*

Land Use – Master Plan:

The Applicant's property is located on the west side of Pleasantville Road north of Putnam Road. A location map and a copy of the Applicant's site plan are enclosed with the report (Attachments 1 and 2).

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 3 and 4).

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. Commercial uses are generally concentrated at the intersection of Pleasantville and Fallston Road. Commercial uses include a gas station with convenience store, restaurants, a retail greenhouse/nursery, a pharmacy and dental office. Institutional uses in the area include churches, schools, a community center, a library and a fire station.

The subject property is approximately 3.2+/- acres in size and nearly rectangular in shape. The topography of the subject property is flat to moderately sloping on the north side of the property. There are areas of large mature trees and maintained lawn throughout the subject property. The subject property is currently improved with a single family dwelling and accessory structures. The dwelling is rented as the property owner does not reside on the subject property. The property owner has indicated that the large accessory structure located on the west side of the house was a former post office building that is currently used as a garage. There is also a shed

## STAFF REPORT

Board of Appeals Case Number 5748

Kenneth Kluge

Page 3 of 4

located in the rear yard adjacent to the building that is the subject of this application. A copy of the topography map, aerial photographs and site photographs are enclosed with the report (Attachments 5, 6 and 7).

### Zoning Enforcement:

A complaint was filed with the Department of Planning and Zoning in October of 2010 regarding the construction of an accessory structure in addition to other zoning violations present on the subject property. An inspection of the subject property confirmed the construction of a two-story accessory structure without the benefit of a building permit. The inspector noted that the accessory structure exceeded 50% of the square footage of habitable space of the principal dwelling. The accessory structure is approximately 4,500 square feet in size with first floor dimensions of 50-feet by 40-feet and second floor dimensions of 50-feet by 50-feet. The State Department of Assessments and Taxation Real Property database shows that the existing dwelling is 1,888 square feet in size. An interior inspection of the accessory structure found that the structure is being used for personal storage and as a workshop.

The Department met with the property owner to discuss the violations and the Board of Appeals process. The zoning violations associated with the shed and storage container were subsequently abated. The property owner subsequently submitted the application for a variance to the Board of Appeals on June 29, 2011 to allow an accessory structure to exceed 50% of the habitable square footage of the principal dwelling.

### 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. Commercial zoning includes B1/Neighborhood Business District. The subject property is zoned AG/Agricultural District (Attachment 8).

### SUMMARY:

The Applicant is requesting a variance pursuant to Section 267-27C(1) of the Harford County Code to allow an accessory structure to exceed 50% of the square footage of the habitable space of the principal dwelling in the AG/Agricultural 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.

STAFF REPORT

Board of Appeals Case Number 5748

Kenneth Kluge

Page 4 of 4

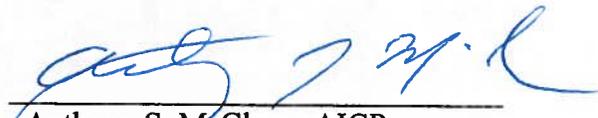
The Applicant has constructed a large accessory structure on the subject property without a building permit. The accessory structure exceeds the allowable size for residential accessory structures. The Applicant has not provided any justification related to the uniqueness of the property or practical hardship. The Department does not find that the subject property is unique or that the Applicant suffers a practical hardship that would warrant the granting of the requested variance.

The Applicant has provided letters from neighbors indicating that they have no objection to the requested variance (Attachment 9).

**RECOMMENDATION and/or SUGGESTED CONDITIONS:**

The Department of Planning and Zoning recommends the requested variance be denied.

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

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

SG/ASM/jf