

STANDARD APPLICATION Harford County Board of Appeals Bel Air, Maryland 21014	RECEIVED MAY - 9 2013		Case No. <u>5800</u>
			Date Filed <u>5/3/13</u>
			Hearing Date _____
			Receipt _____
			Fee <u>450.00</u>
HARFORD COUNTY COUNCIL		Type <u>Variance</u>	

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 <u>CASE 5800 MAP 23 TYPE Variance</u> <u>ELECTION DISTRICT 04 TAX ID 04028945</u> <u>LOCATION 2327 Cox Road, Jarrettsville 21084</u> <u>BY Richard and Mary Herbig</u> <u>Appealed because a variance pursuant to Section 267-54B(2) and Table 54-1 of the Harford County Code to permit a garage to maintain a 10' side yard setback (15' required) in the RR District requires approval by the Board.</u>
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Owner (please print or type)

Name Richard G. Herbig Phone Number call attorney
 Address 2327 Cox Road Jarrettsville, MD 21084-1011
Street Number Street City State Zip Code

Co-Applicant Mary Katherine Herbig Phone Number call attorney
 Address 2327 Cox Road Bel Air MD 21084-1011
Street Number Street City State Zip Code

Contract Purchaser N/A Phone Number _____
 Address _____
Street Number Street City State Zip Code

John J. Gessner
 Attorney/Representative _____ Phone Number 410-638-5100
 Address 26 South Main Street Bel Air MD 21014
Street Number Street City State Zip Code

Land Description

Address and Location of Property LOT 20 126/122X168 23 Cox Road Madonna Manor S1 P 16/32

Subdivision Madonna Manor Lot Number 20

Acreage/Lot Size 0.473 +/- Election District Fourth Zoning RR Tax ID # 028945

Tax Map No. 0023 Grid No. 0002E Parcel 0144 Water/Sewer: Private Public

List ALL structures on property and current use: Single family detached dwelling

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? 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

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 : 5/3/13
2 : 30608
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ATTACHMENT TO APPLICATION OF RICHARD G. AND MARY KATHERINE
HERBIG

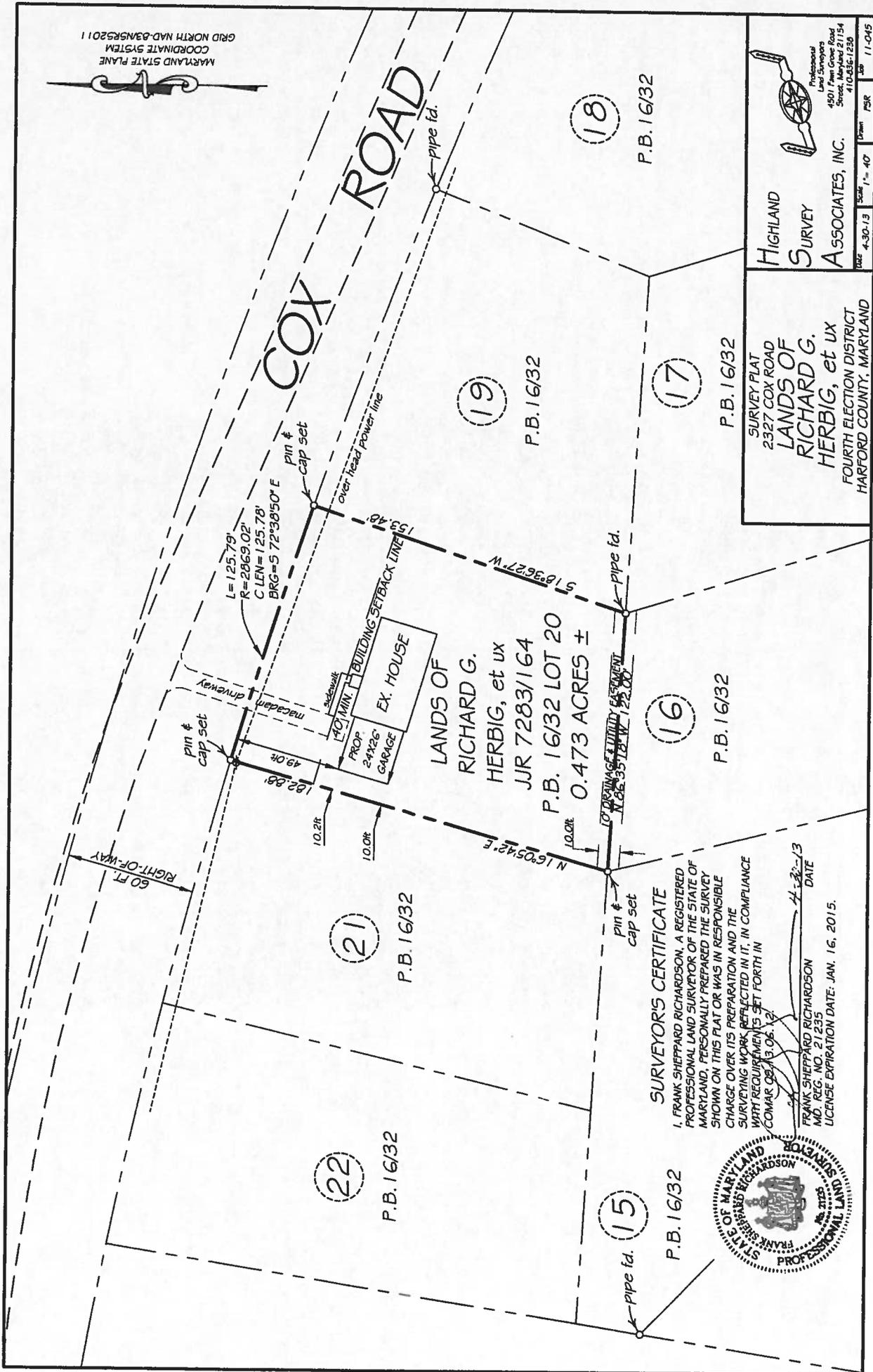
REQUEST:

A variance pursuant to Section 267-11 of the Harford County Zoning Code ("Code") from the provisions of Section 267-54, Table 54-1 of the Code to permit a single family detached dwelling to be located on the subject property zoned RR, Rural Residential with a side yard setback of less than 15 feet (10 feet proposed) as shown on the attached site plan.

JUSTIFICATION:

The Applicants need a garage for automobile and personal property storage. The subject property is unique. The dwelling located on the subject property is not centered on the lot but is located closer to the west side of the property than the east side. Accordingly, the western side yard setback is severely reduced. The applicants propose an attached garage similar to those found throughout the Madonna Manor subdivision. The garage will have a brick front, roof shingles and siding that matches the brick, roof shingles and siding on the existing dwelling as much as possible. The owner of the adjoining property known as 2323 Cox Road, received a similar side yard setback variance to construct a similar garage in Board of Appeals Case No. 5090. Due to the location of the well and septic reserve area, there is no other suitable location for the garage. Granting the requested variance will not cause any adverse impact.

MARYLAND STATE PLANE
 COORDINATE SYSTEM
 GRID NORTH NAD-83/NSRS2011



SURVEYOR'S CERTIFICATE
 I, FRANK SHEPPARD RICHARDSON, A REGISTERED PROFESSIONAL LAND SURVEYOR OF THE STATE OF MARYLAND, PERSONALLY PREPARED THE SURVEY SHOWN ON THIS PLAT OR WAS IN RESPONSIBLE CHARGE OVER ITS PREPARATION AND THE SURVEYING WORK REFLECTED IN IT, IN COMPLIANCE WITH REQUIREMENTS SET FORTH IN COMAR 08.15.06.12.
 FRANK SHEPPARD RICHARDSON
 MD. REG. NO. 21235
 LICENSE EXPIRATION DATE: JAN. 16, 2015.



SURVEY PLAT
 2327 COX ROAD
LANDS OF RICHARD G. HERBIG, et ux
 FOURTH ELECTION DISTRICT
 HARFORD COUNTY, MARYLAND

HIGHLAND SURVEY ASSOCIATES, INC.
 Registered Land Surveyors
 4501 Fern Grove Road
 Street, Maryland 21154
 410-836-1256
 DATE: 4-30-13
 SCALE: 1"=40'
 DRAWN: PSR
 JOB: 11-045

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 & ZONING

June 17, 2013

STAFF REPORT

BOARD OF APPEALS CASE NO. 5800

APPLICANT/OWNER: Richard G. and Mary K. Herbig
2327 Cox Road, Jarrettsville, MD 21084

LOCATION: 2327 Cox Road, Jarrettsville, MD 21084
Tax Map: 23 / Grid: 2E/ Parcel: 144
Election District: Fourth (4)

ACREAGE: 0.473+/- acres

ZONING: RR/Rural Residential District.

DATE FILED: May 3, 2013

HEARING DATE: July 10, 2013



APPLICANT'S 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 an attached garage to maintain a 10-foot side yard setback (15-foot required) in the RR/Rural Residential District.

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The Applicants' property is located on the south side of Cox Road approximately 500-feet east of Madonna Road in the Madonna Manor subdivision. Enclosed with the report are copies of a

Preserving Harford's past; promoting Harford's future

MY DIRECT PHONE NUMBER IS (410) 638-3103

STAFF REPORT

Board of Appeals Case Number 5800

Richard and Mary Herbig

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location map and the Applicants' site plan (Attachments 2 and 3).

The subject property is located outside of the Development Envelope. The predominant land use designation in this area of the County is Agricultural. The Natural Features Map reflects Agricultural Preservation Easements and Districts, Stream Systems and Sensitive Species Project Review Areas. The subject property is designated as Agricultural which is defined by the 2012 Master Plan as:

Agricultural – Areas where agriculture is the intended primary land use. Residential development potential is limited and available at a density of 1.0 dwelling unit for every 10 acres. No new commercial or industrial uses are permitted except those intended to serve the agriculture industry or residents of the area while maintaining the character of the surrounding countryside.

Enclosed with the report are copies of the 2012 Jarrettsville Community Area Map and the Natural Features Map (Attachments 4 and 5).

Land Use – Existing:

The existing land uses generally conform to the overall intent of the Master Plan. The predominant land uses in this area of the County are agricultural and residential. Agricultural uses include pasture and cropland. Residential uses include single-family dwellings within many older established subdivisions. Institutional uses include churches and schools. Commercial uses are located at the intersection of MD Route 23 and MD Route 146 and include a convenience store with gas pumps, motor vehicle repair shop, bank, restaurant, grocery store and personal services.

The subject property is 0.473+/- acres nearly rectangular in shape. The subject property is improved with a one story ranch style dwelling. The remainder of the subject property consists of maintained lawn, landscaping and scattered mature trees. The topography of the subject property is flat in the front yard to moderately sloping in the rear yard. An aerial photograph, topography map and site photos area are enclosed with the report (Attachments 6, 7 and 8).

Zoning:

The zoning classifications in this area of the County are generally consistent with the 2012 Master Plan as well as the existing land uses. The predominant zoning classifications in this area of the County are AG/Agricultural and RR/Rural Residential. Commercial zoning includes B3/General Business District located at the intersection of MD Route 23 and MD Route 146. The subject property is zoned RR/Rural Residential as shown on the enclosed copy of the Zoning Map (Attachment 9).

SUMMARY:

The Applicants are requesting a variance pursuant to Section 267-54B(2), Table 54-1 of the Harford County Code to allow an attached garage to maintain a 10-foot side yard setback (15-foot required) in the RR/Rural Residential District.

Variations 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 Applicants are proposing to construct a 24-foot by 26-foot attached garage on their existing dwelling which was constructed in 1971. Currently, there is a mixture of one and two car attached garages within the Madonna Manor subdivision. The lots along Cox Road are typically smaller than most other lots within the Madonna Manor subdivision. The topography of the subject property drops off steeply immediately to the rear of the dwelling. The Applicants' septic system is also located to the rear of the dwelling, making it difficult to construct a garage in that location.

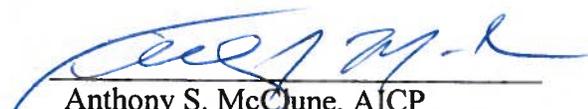
It is important to note that a similar variance was granted for an attached garage on the adjacent property located at 2323 Cox Road under Case No. 5090. The Board granted a variance for the construction of an attached garage with an 8-foot side yard setback. A copy of the Hearing Examiner's Decision in that case is enclosed with this report (Attachment 10). The Applicants proposal to locate the garage at the end of the driveway is the most practical location given the constraints of the property and the configuration of the dwelling. The proposed garage addition will not have an adverse impact on adjacent properties.

RECOMMENDATION and or SUGGESTED CONDITIONS:

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



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



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