

BOARD OF APPEALS CASE NO. 4551

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BEFORE THE

APPLICANTS: James & Linda Stovall

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ZONING HEARING EXAMINER

REQUEST: Variance to locate a mobile home as cottage housing in the AG District; 2040 Franklin Church Road, Darlington

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OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 8/9/95 & 8/16/95

HEARING DATE: September 20, 1995

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Record: 8/11/95 & 8/18/95

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ZONING HEARING EXAMINER'S DECISION

The Applicants, James C. and Linda I. Stovall, appeared before the Hearing Examiner requesting a variance to Section 267-27(B)(8)(b)(2) and (3) of the Harford County Code, to permit a mobile home as cottage housing on a lot less than 2 acres, and a variance to permit the mobile home to be located within the required 40 foot rear yard setback in an Agricultural District.

The property which is the subject of this hearing is located at 2040 Franklin Church Road in the Fifth Election District. The parcel is identified as Parcel No. 272, in Grid 1-A, on Tax Map 20. The parcel contains .89 acres, more or less, all of which is zoned Agricultural.

Ms. Linda Stovall appeared and testified the subject parcel is improved by a single-family dwelling and several small outbuildings. The witness said she is requesting a variance to the minimum 2 acre requirement to locate a mobile home on the subject property as a cottage house, to be occupied by her father, Leroy Crabbe, age 79, and her mother, Elizabeth Crabbe, age 75. The witness said she is also requesting a variance to the required 40 foot setback so that the mobile home may be placed in an area suggested by the Health Department. The witness said that the subject parcel has an unusual shape and that denial of the variance would cause practical difficulty because she would be unable to locate the mobile home on the parcel to be used by her parents. The witness said that she would comply with the conditions set forth in the Health Department's letter of June 8, 1995, and that when the need no longer exists, the mobile home will be removed from the property.

Case No. 4551 - James and Linda Stovall

Ms. Stovall said she did not feel that the variance would be substantially detrimental to adjacent properties or materially impair the purpose of the Code because the mobile home will be screened from adjacent properties and, further, that the property to the rear of the subject parcel where the mobile home will be located is owned by another daughter of Mr. and Mrs. Crabbe.

No protestants appeared in opposition to the Applicants' request, and the Staff Report of the Department of Planning and Zoning recommends conditional approval.

CONCLUSION:

The Applicants are requesting a variance to Section 267-27(B)(8)(2) and (3) of the Harford County Code to permit a mobile home as cottage housing on a lot of less than 2 acres to be used by Mrs. Stovall's parents, Leroy and Elizabeth Crabbe. The testimony indicates that Leroy Crabbe is 79 years of age and Elizabeth Crabbe is 75 years of age; therefore, both qualify for cottage housing.

The Applicants are also requesting a variance to the required 40 foot rear yard setback. The Applicants propose locating the mobile home 20 feet from the rear property line at the request of the Health Department so that additional septic reserve area may be available for future use. The testimony also indicated that the mobile home will be screened by existing shrubbery and that the parcel to the rear of the subject parcel which would be most affected by the reduction of the rear yard is owned by another daughter of Mr. and Mrs. Crabbe.

The Applicant testified that the subject parcel is unique because of its unusual shape and that denial of the variance would cause practical difficulty because the Applicants would be unable to locate a mobile home on the parcel to be occupied by the parents of Mrs. Stovall.

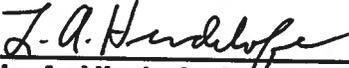
It is the finding of the Hearing Examiner that the subject parcel is unique for the reasons stated by the Applicant and, further, that the variance will not be substantially detrimental to adjacent properties or materially impair the purpose of the Code.

Case No. 4551 - James and Linda Stovall

Therefore, the requested variance to locate a mobile home on the subject parcel and a variance to reduce the rear yard setback to 28 feet is hereby recommended, subject to the following conditions:

1. The Applicants obtain all necessary permits and inspection for the placement of the mobile home.
2. Conditions of the Health Department letter, dated June 8, 1995, be made part of the permit approval.
3. The use shall be temporary and once the need no longer exists, the mobile home must be removed from the parcel.
4. This approval cannot be used as evidence of hardship in any future Board of Appeals request.

Date OCTOBER 5, 1995



L. A. Hinderhofe
Zoning Hearing Examiner