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**NOTIFICATION OF ZONING HEARING EXAMINER'S DECISION**

**DATE OF DECISION: October 31, 1996**

**HEARING EXAMINER: L. A. Hinderhofer**

**RE: Zoning Appeal Case No. 4656**

**APPLICANT: Bowen Weisheit**

**LOCATION: 2636 Calvary Road, Bel Air**

**REQUEST: Variance to create one lot without the required  
25 feet of road frontage**

Enclosed is an official copy of the Hearing Examiner's decision relative to the above referenced case.

The Hearing Examiner's decision shall become final twenty (20) calendar days after the date of the decision (NOVEMBER 20, 1996), unless a written request for final argument before the County Council/Board of Appeals is filed before the expiration of the twenty (20) calendar day period by the Applicant/Applicant's Attorney, Opponents/People's Counsel, or a person aggrieved who was a party to the proceedings before the Hearing Examiner. In addition, any Board Member, upon written notice to the Secretary of the Council, may request final argument.

COUNTY COUNCIL OF HARFORD COUNTY

James D. Vannoy  
Acting Secretary of the Council

Enclosure

cc: Applicant/Attorney; Opponents/Attorney; Adjoining Property Owners;  
Registered Hearing Attendees; Department of Planning and Zoning;  
Department of Law; People's Counsel



BOARD OF APPEALS CASE NO. 4656

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BEFORE THE

APPLICANT: Bowen Weisheit

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ZONING HEARING EXAMINER

REQUEST: Variance to create one lot  
without the required 25 feet of road frontage;  
2636 Calvary Road, Bel Air

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OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 8/28/96 & 9/4/96

HEARING DATE: October 16, 1996

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Record: 8/30/96 & 9/6/96

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**ZONING HEARING EXAMINER'S DECISION**

The Applicant, Bowen P. Weisheit, Sr., appeared before the Hearing Examiner requesting a variance to Section 267-22(c) of the Harford County Code to create one lot without the required 25 feet of road frontage in an Agricultural District.

The subject parcel is located at 2636 Calvary Road in the First Election District. The subject parcel is identified as Parcel No. 149 in Grid 3-B, on Tax Map 57. The parcel contains 5.165 acres, more or less, all of which is zoned Agricultural.

Mr. Bowen P. Weisheit, Sr. appeared and testified that the subject parcel is improved by a single-family dwelling, a detached garage, barn, and a storage shed. The applicant said that he would like to create a family conveyance lot for his son, Jonathan Weisheit. Mr. Weisheit said that if he extended the existing panhandle into the proposed parcel, there would be at least 200 feet of road frontage on a private road. The witness went on to testify that he felt the subject parcel was unique because the panhandle from Calvary Road to the subject parcel is approximately 1 mile in length and that the subject parcel is non-conforming. The Applicant said he did not feel the variance would be substantially detrimental to adjacent properties or materially impair the purpose of the Code because the land surrounding the subject parcel is unimproved and that the proposed lot will meet all Code requirements except that it will not have 25 feet frontage on a public or private road.

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Ms. Valerie Scheno, 2632 Calvary Road, appeared and testified that her father owns a parcel of land containing several dwellings which use the same panhandle for access and expressed concern about the maintenance of the common panhandle, although she did not testify in opposition to the Applicant's request.

The Staff Report of the Department of Planning and Zoning recommended denial of the request.

### CONCLUSION:

The Applicant is requesting a variance to Section 267-22(c) which provides:

"Lot frontage requirements. Any building, structure or use fronting on a public or private road shall be located on a lot abutting the road for at least 25 feet, except as otherwise required by this Part I. In attached dwelling projects, provided that all buildings are so located to provide access for servicing, fire protection and off-street parking, lots may front on open space, courts or group parking areas and each such attached dwelling in it shall not be required to meet the road frontage standard."

The evidence indicates that the Applicant owns a parcel of land which has a 15 foot wide right-of-way which adjoins another common right-of-way, then proceeds to Calvary Road. The length of the right-of-way has been estimated to be approximately 1 mile in length to the subject parcel, and the Applicant maintains that by extending the 15 foot panhandle into the subject parcel, he would have 200 feet of road frontage. However, assuming without deciding that the Applicant's argument is correct, the panhandle from the Applicant's property line is only 15 feet in width, therefore, the variance is required. The Applicant proposes to create a lot with zero frontage utilizing the existing 15 foot wide right-of-way for access to the proposed family conveyance lot.

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The Applicant indicates that the subject parcel is unique because it is non-conforming and it is connected to the public road by a 15 foot panhandle which is approximately 1 mile in length. The Applicant also testified that he did not feel the variance would be detrimental to adjoining properties or materially impair the purpose of the Code because an additional dwelling on the panhandle would have no affect on adjoining property owners and also because the subject property is surrounded by unimproved land.

An adjoining property owner's daughter did appear and testified that they use the same panhandle for access to Calvary Road and expressed concern about maintenance of the panhandle.

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

Therefore, it is the recommendation of the Hearing Examiner that the requested variance be approved, subject to the following condition:

The Applicant prepare and record a common driveway agreement to be executed by the Applicant and all users of the common driveway, setting forth the terms and conditions regarding maintenance of the common driveway. Said common driveway agreement shall be submitted to the Department of Planning and Zoning for their review and approval.

Date OCTOBER 31, 1996

  
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L. A. Hinderhofer  
Zoning Hearing Examiner