BOARD OF APPEALS CASE NO. 4704	*	BEFORE THE
APPLICANT: James Cook	*	ZONING HEARING EXAMINER
REQUEST: Variance to allow an existing accessory structure within the front yard setback; 630 Riverview Avenue, Abingdon	*	OF HARFORD COUNTY
	*	Hearing Advertised
	*	Aegis: 4/9/97 & 4/16/97
HEARING DATE: June 18, 1997		Record: 4/11/97 & 4/18/97
	*	

* * * * * * * * *

ZONING HEARING EXAMINER'S DECISION

The Applicant, James Cook, appeared before the Hearing Examiner requesting a variance to Section 267-26(C)(4) of the Harford County Code, to allow an existing accessory structure to remain within the required front yard in an R2 District.

The subject parcel is located at 630 Riverview Avenue in the First Election District. The parcel is identified as Parcel No. 178, in Grid 4-D, on Tax Map 62. The parcel contains .294 acres, more or less, all of which is zoned R2.

Mr. James Cook appeared and testified that he is requesting a variance for an existing storage building which he constructed approximately 8 months ago. The witness said that the location on which the shed is constructed is located within several feet of Riverview Avenue, which is a non-existing paper road. The Applicant said the shed is actually about 40 feet from Harford Boat Club Road and that he selected the location for the shed due to the topographic conditions which exist on the subject parcel. The witness said he did not feel that approval of the variance would be detrimental to adjacent properties or materially impair the purpose of the Code. He said that the rear yard is too steep and that both side yards of the parcel are too narrow for the shed; therefore, he located the shed in the front yard. The Applicant said he did not feel the variance would have an adverse impact on the neighborhood because the property was posted prior to the hearing and none of his neighbors appeared in opposition to the request.

The Staff Report of the Department of Planning and Zoning recommends conditional approval.

Case No. 4704 - James Cook

CONCLUSION:

The Applicant is requesting a variance to Section 267-26(C)(4) of the Harford County Code, which provides:

> "No accessory use or structure shall be established within the required front yard, except agricultural, signs, fences, walls or parking areas and projections or garages as specified in Section 267-23(C), Exceptions and Modifications to Minimum Yard Requirements."

The Applicant testified that topographic conditions prevent construction of the shed in the rear yard, and both side yards were too narrow for location of the storage building. The Applicant said that although the shed is within a matter of feet of the right-of-way for Riverview Avenue, the road has never been constructed and the shed is actually about 40 feet from Harford Boat Club Road. The Applicant testified he did not feel that the variance would have a detrimental impact on the neighborhood because none of his neighbors appeared and testified in opposition to the location of the shed.

It is the finding of the Hearing Examiner that the subject parcel is unique for the reasons stated by the Applicant in his testimony and that the variance will not be substantially detrimental to adjacent properties or materially impair the purpose of the Code. Therefore, the requested variance is hereby recommended, subject to the condition that the Applicant obtain a permit for the shed.

Date JULY 15, 1997

L. A. Hinderhofer / do

L. A. Hinderhofer
Zoning Hearing Examiner