BOARD OF APPEALS CASE NO. 4710	*	BEFORE THE
APPLICANTS: Robert & Amy Booze	*	ZONING HEARING EXAMINER
REQUEST: Variance to construct a fence 7 feet high; 2 Bramble Lane, Churchville	*	OF HARFORD COUNTY
	*	
	*	Hearing Advertised Aegis: 5/21/97 & 5/28/97 Record: 5/23/97 & 5/30/97
HEARING DATE: July 9, 1997	*	

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ZONING HEARING EXAMINER'S DECISION

The Applicants, Robert and Amy Booze, appeared before the Hearing Examiner requesting a variance to Section 267-24(B)(1) of the Harford County Code, to construct a fence taller than the permitted 4 foot height above ground elevation in a front yard.

The subject parcel is located at 2 Bramble Lane in the Third Election District. The parcel is identified as Parcel No. 373, in Grid 3D, on Tax Map 42. The parcel contains .5 acres, more or less, all of which is zoned Rural Residential.

Ms. Amy Booze appeared and testified that the subject parcel is improved by a single-family dwelling and has frontage on MD Route 22 (Churchville Road) and Bramble Lane. She said access to the property is from a driveway on Bramble Lane. The witness said that she is requesting a variance to construct a fence 7 feet in height along the common boundary with MD Route 22 to provide privacy and as a buffer from the noise generated by traffic on the roadway. The witness said the parcel is unique because it is a corner lot with road frontage on Bramble Lane and Route 22 and also due to the intensity of the traffic on Route 22. The witness said that the fence would be solid board and that the Applicants will provide low landscaping to reduce the visual impart of the fence along the roadway. The witness said that denial of the variance would cause a hardship due to the noise and loss of privacy caused by the intensity of the traffic on the roadway. She said she did not feel the variance would be substantially detrimental to adjacent properties or materially impair the purpose of the Code because no one appeared to testify in opposition to the request and the Applicants have agreed to landscape the fence to reduce the visual impact.

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The Staff Report of the Department of Planning and Zoning recommends conditional approval and no protestants appeared in opposition to the request.

CONCLUSION:

The Applicants are requesting a variance to Section 267-24(B), which provides:

"Fences and walls may be located in required yards in accordance with the following:

Front yard: for single family detached units, all fences shall not exceed 4 feet above grade elevation...."

The Applicants are requesting a variance to construct a fence 7 feet in height. The Applicant said that the property is unique because it is a corner lot with 2 road frontages and that denial of the variance would cause unnecessary hardship due to the lack of privacy and noise created by the intensity of the traffic on MD Route 22. The witness also testified that she did not feel the variance would be substantially detrimental to adjacent properties or materially impair the purpose of the Code because no one appeared to testified in opposition to the request and the Applicant agreed to reduce the visual impact of the fence with some low landscaping.

It is the finding of the Hearing Examiner that the subject parcel is unique for the reasons stated by the Applicant is her testimony and that denial of 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 variance be approved to allow the Applicants to increase the height of the fence to 7 feet from ground elevation, subject to the following conditions:

1. The Applicants obtain all necessary permits and inspections for the fence.
2. The fence shall be located 2 feet inside the property line to allow low landscaping to be planted to reduce the visual impact of the fence along the road. A landscaping plan shall be submitted to the Department of Planning and Zoning for review and approval.

Date JULY 29, 1997

L. A. Hinderhofer

L. A. Hinderhofer
Zoning Hearing Examiner