

BOARD OF APPEALS CASE NO. 4813

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BEFORE THE

APPLICANT: Thomas & Robin Schaech

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ZONING HEARING EXAMINER

REQUEST: Variance to construct an attached garage within the required side yard setback; 3311 Dublin Manor Road, Street

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OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 4/8/98 & 4/15/98

HEARING DATE: May 13, 1998

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Record: 4/10/98 & 4/17/98

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ZONING HEARING EXAMINER'S DECISION

The Applicants, Thomas and Robin Schaech, appeared before the Hearing Examiner requesting a variance to Section 267-34(C), Table II, of the Harford County Code, to construct an attached garage within the required 20 foot side yard setback.

The subject parcel is located at 3311 Dublin Manor Road in the Fifth Election District. The parcel is identified as Parcel No. 332, in Grid 4-D, on Tax Map 19. The parcel contains .46 acres, more or less, all of which is zoned Agricultural.

Mr. Thomas Schaech appeared and testified that the subject parcel is improved by a single-family dwelling with dimensions of 26 feet by 47 feet and a storage shed with dimensions of 8 feet by 12 feet. The witness said that approximately 10 years ago a variance was approved to construct a garage in Board of Appeals Case No. 3464. The witness said that the prior owner did not construct the garage and now he is requesting a variance to construct a garage within 3 feet of the side property line. The Applicant said that his request is to construct a one-story garage with dimensions of 24 feet by 28 feet. The Applicant said the parcel is unique because the lot is non-conforming and that the parcel most impacted by the Applicant's request is Lot 26 in the Dublin Manor subdivision. Lot 26 is used for the septic area for Lots 27 and 28 and cannot be developed.

The Applicant said that it would not be possible to construct the garage to the rear of the existing dwelling because he would like to utilize the existing driveway, would be required to remove substantial woodland, and would impact the septic reserve area.

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

“Based on the previous approval, and the size and shape of the lot, approval of the variance would not create an adverse impact on the community and/or the intent of the Code.”

No protestants appeared in opposition to the Applicants’ request.

CONCLUSION:

Section 267-34(C), Table II, of the Harford County Code requires a 20 foot side yard setback. The Applicant is proposing a 3 foot side yard setback. The record indicates that the parcel most impacted by the Applicants’ request is used as a septic area for other lots and cannot be developed. Additionally, the Applicant indicated that denial of the variance would cause an unnecessary hardship since the Applicant would be required to move his driveway and construct the garage to the rear of the dwelling, which would impact existing woodland and the septic reserve area. The Applicant said he did not feel the variance would be detrimental to adjacent properties or materially impair the purpose of the Code. The Applicant’s testimony is corroborated by the Staff Report of the Department of Planning and Zoning.

It is the recommendation of the Hearing Examiner that the Applicants’ request to construct a garage within 3 feet of the side property line be approved for the reasons stated by the Applicant in his testimony and, further, it is the finding of the Hearing Examiner that the variance will not be substantially detrimental to adjacent properties or materially impair the purpose of the Code.

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The variance shall be subject to the following conditions:

- 1. The Applicant shall obtain all necessary permits and inspections for the existing shed and proposed garage.**
- 2. The garage shall be used for personal use only and shall not be used in the furtherance of a business.**
- 3. The garage shall not be used for the storage of commercial vehicles and/or contractors' equipment.**

Date MAY 22, 1998

**L. A. Hinderhofer
Zoning Hearing Examiner**