

BOARD OF APPEALS CASE NO. 4823	*	BEFORE THE
APPLICANT: Lewis Crosby & Alfreda Dunn	*	ZONING HEARING EXAMINER
REQUEST: Variance to construct a sun porch within the required rear yard setback; 3405 Periwinkle Way, Edgewood	*	OF HARFORD COUNTY
	*	Hearing Advertised
	*	Aegis: 6/3/98 & 6/10/98
HEARING DATE: July 20, 1998	*	Record: 6/5/98 & 6/12/98
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ZONING HEARING EXAMINER'S DECISION

The Applicants, Lewis Crosby and Alfreda Dunn, are requesting a variance pursuant to Section 267-36(B), Table VI, of the Harford County Code to construct a sun porch within the 35 foot rear yard setback (28.6 feet proposed).

The subject parcel is located at 3405 Periwinkle Way, Edgewood, Maryland 21040 and is more particularly identified on Tax Map 66, Grid 2D, Parcel 307. The property consists of 0.174 acres, is within the Otter Point Landing subdivision and is presently zoned R3. The parcel is entirely within the Third Election District.

Mr. Ken Hunter of Patio Enclosures, Inc. Appeared on behalf of the Applicants. Mr. Hunter testified that the Applicants propose to build a 10 ft. By 14 ft. Enclosed sun porch attached to the rear of the house. The subject lot is an irregularly shaped lot whose rear yard abuts a 10 foot open space buffer area to Willoughby Beach Road. The buffer is planted with pine trees. The witness stated that he designed the sun porch with angled corners so that side yard setback requirements could be maintained and to minimize the variance required in the rear yard setback. While 35 feet is the minimum Code rear yard setback requirement, because of the unique configuration of the lot and its location between two roads, it is impossible to construct the proposed sun porch without the need for the requested variance. The witness did not believe any detrimental impact to adjoining properties would result since side yard setbacks requirements will be met and there is no adjoining home to the rear, only the road and pine planted buffer.

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The Department of Planning and Zoning investigated the Applicants' request and set forth their findings and recommendations in the Staff Report dated June 15, 1998. The Department concluded that the requested variance was minor in nature and would not result in any detrimental impact to adjoining properties. Additionally, the department agreed that the subject property was irregularly shaped and bordered front and rear by roads.

There were no persons who appeared in opposition to the Applicants' request.

CONCLUSION:

The Harford County Code, pursuant to Section 267-11 permits area variances provided the Board finds that:

- (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Code would result in practical difficulty or unreasonable hardship.
- (2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Code or the public interest.

The Hearing Examiner concludes that the subject property is topographically unique, being irregularly shaped, relatively small, and backing to an existing road. The requested variance is minor in nature and will not have any detrimental impact to adjacent properties or materially impair the purposes of the Code.

The Hearing Examiner recommends approval of the Applicants' request subject to the condition that the Applicants obtain all necessary permits and inspections.

Date JULY 28, 1998

William F. Casey
Zoning Hearing Examiner