BOARD OF APPEALS CASE NO. 4840	*	**BEFORE THE**
APPLICANTS: Edward & Nancy Foltz	*	**ZONING HEARING EXAMINER**
REQUEST: Variance to construct an addition to a non-conforming structure within the required rear yard setback; 201 E. Belcrest Road, Bel Air	*	**OF HARFORD COUNTY**
	*	**Hearing Advertised**
	*	**Aegis: 6/17/98 & 6/24/98**
HEARING DATE: July 22, 1998		**Record: 6/19/98 & 6/26/98**
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ZONING HEARING EXAMINER'S DECISION

The Applicants, Edward and Nancy Foltz, appeared before the Hearing Examiner requesting a variance to Section 267-20(B) of the Harford County Code, to construct an addition closer than the existing non-conforming structure to the rear property line in an R2 District.

The subject parcel is located at 201 East Belcrest Road in the Third Election District. The parcel is identified as Parcel No. 779, in Grid 3-C, on Tax Map 49. The parcel contains .33 acres, more or less, all of which is zoned R2.

Ms. Nancy Foltz appeared and testified that the subject parcel is improved by a single-family dwelling and a storage shed. The witness said that she is requesting a variance to construct an addition to the rear of the existing dwelling with dimensions of 20 feet by 16 feet. The witness said the addition will replace an existing deck and will be 18 feet from the rear property line. Ms. Foltz said the subject parcel is unique because the parcel is a corner lot at the intersection of East Belcrest Road and Wakefield Drive. Ms. Foltz said that because the subject parcel is a corner lot, it has two front yards and, therefore, reduces the usable area to the rear of the parcel. The Applicant said she did not feel the variance would be substantially detrimental to adjacent properties or materially impair the purpose of the Code because even though her property was posted, none of her neighbors appeared to testify in opposition to the request.

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Ms. Shirley Love, 107 Wakefield Drive, appeared and testified that she did not feel approval of the variance would have an impact on her property.

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

> **"The buildable area of the lot is greatly constrained because of the location of the dwelling on the lot and the two front yard setbacks."**

CONCLUSION:

The Applicant is requesting a variance to Section 267-20(B), which provides:

> **"Any residential use may be continued and may be enlarged without increasing the number of dwellings units therein, provided that no such addition shall extend closer than any lot line than existing building surfaces for the required yard dimension for the district, whichever is less."**

The uncontradicted testimony of the Applicant's witness was that the subject parcel is unique because it is a corner lot and, therefore, the Applicants must comply with two front yard setbacks, thereby reducing the usable area on the parcel. The Applicant also testified she did not feel the variance would be substantially detrimental to adjacent properties or materially impair the purpose of the Code because although her property has been posted, none of her neighbors appeared in opposition to the request.

One of the Applicant's neighbors did appear and testified she did not feel approval of the variance would impact her property.

It is the finding of the Hearing Examiner that the subject property is unique for the reasons stated by the Applicant and her witness and, further, the variance will not be substantially detrimental to adjacent properties or materially impair the purpose of the Code.

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Therefore, it is the recommendation of the Hearing Examiner that the requested variance be approved, subject to the condition the Applicants obtain all necessary permits and inspections for the addition and the existing shed.

Date AUGUST 6, 1998

L. A. Hinderhofer
Zoning Hearing Examiner