

BOARD OF APPEALS CASE NO. 4892

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BEFORE THE

APPLICANT: Harford County Government

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ZONING HEARING EXAMINER

REQUEST: Variance to allow a highway maintenance building within the required setbacks; 2200 Ady Road, Forest Hill

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OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 1/27/99 & 2/3/99

HEARING DATE: March 31, 1999

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Record: 1/29/99 & 2/5/99

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ZONING HEARING EXAMINER'S DECISION

The Applicant, Harford County Government, is requesting a variance to Section 267-34(C), Table II, of the Harford County Code, to allow construction of a highway maintenance building within the required 80 foot side and rear yard setbacks in an Agricultural District.

The subject parcel is located at 2220 Ady Road in the Third Election District. The parcel is identified as Parcel No. 224, in Grid 4-B, on Tax Map 34. The parcel contains 6.648 acres, more or less, all of which is zoned Agricultural.

Ms. Linda Rickey appeared and testified that she is the Superintendent of Highway Districts for Harford County. Ms. Rickey introduced a site plan setting forth the location and setbacks for the proposed building. The site plan was marked as Petitioner's Exhibit No. 1. The witness said the structure will be a 3-sided pole building with dimensions of 36 feet by 156 feet and will be used to shelter existing equipment on the property. The witness said that no additional equipment is proposed for the location. Ms. Rickey explained that the parcel is currently used by the Department of Public Works and well as Emergency Operations and the Hazardous Material Team for Harford County. The witness said that the well location and topography made the location set forth on the site plan the most feasible location for the equipment building.

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Ms. Rickey explained that she did not feel that approval of the variance would be substantially detrimental to adjacent properties or materially impair the purpose of the Code because the equipment is currently stored on the property and construction of the building will minimize impact because the existing equipment will be stored within the proposed building.

Mr. Anthony McClune, Chief of Current Planning for the Department of Planning and Zoning, appeared and testified that Harford County has stored equipment of the subject property since prior to 1957 and that currently Emergency Operations, the Hazmat Team and Civil Defense, as well as Public Works, operate from the subject property. Mr. McClune said that there are environmental features and topographic conditions on the property which are unique. Mr. McClune said that the proposed building will be over 700 feet from the Hickory Elementary School and that he did not believe that the building would adversely impact the school operation and that approval of the variance may minimize the impact on the school because the highway equipment will be stored within the enclosed building.

No protestants appeared in opposition to the Applicant's request.

CONCLUSION:

The Applicant is requesting a variance to Section 267-34(C), Table II, of the Harford County Code, which requires an 80 foot side and rear yard setback. The Applicant is proposing a 10 foot setback.

The uncontradicted testimony of the Applicant's witness is that the subject parcel is unique because of the variety of uses which already exist on the parcel and topographic and environmental features which justify approval of the variance. The testimony also indicates that approval of the variance will not be substantially detrimental to adjacent properties or materially impair the purpose of the Code since the property was been used prior to 1957 for storage of highway equipment.

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It is the finding of the Hearing Examiner that the subject property is unique for the reasons set forth in the witnesses' testimony and, further, that approval 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 requested variance be approved, subject to the condition that the Applicant obtain all necessary permits for the building.

Date **APRIL 15, 1999**

L. A. Hinderhofer
Zoning Hearing Examiner