

BOARD OF APPEALS CASE NO. 4927

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BEFORE THE

APPLICANT: Fred & Kim Cirrani

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ZONING HEARING EXAMINER

REQUEST: Variance to construct a deck within the required front yard setback in an R2 District; 1055 Alexandria Way, Bel Air

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OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 5/26/99 & 6/2/99

HEARING DATE: July 28, 1999

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Record: 5/28/99 & 6/4/99

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ZONING HEARING EXAMINER'S DECISION

The Applicants, Fred & Kim Cirrani, appeared before the Hearing Examiner requesting a variance to Section 267-36(B), Table V, and Section 267-23(C)(1)(a)(2) of the Harford County Code, to construct a porch within the required 37 foot front yard setback in an R2 District.

The subject parcel is located at 1055 Alexandria Way in the Third Election District. The parcel is identified as Parcel No. 219, in Grid 1-D, on Tax Map 48. The parcel contains .32 acres, more or less, all of which is zoned R2.

Mr. Fred Cirrani appeared and testified that the subject parcel is improved by a single-family dwelling and that he is requesting a variance to construct a deck with dimensions of 12 feet by 24 feet. The witness said that the deck will be on the Vale Road side of the property and that he is required to maintain a 40 foot setback from Vale Road and is proposing a reduction in the setback to 34 feet. Mr. Cirrani said that he originally wished to construct the dwelling facing Vale Road; however, he was told by the contractor that the dwelling must face Alexandria Way. The witness said the subject parcel is unique because it is connected to Alexandria Way by a panhandle, but also has frontage on Vale Road. The Applicant said that by having frontage on two roads, he must comply with two front yard setbacks, reducing the usable area on the parcel and that he did not feel approval of the variance would have an adverse impact on the neighborhood because the plans for the proposed deck have been approved by the community association and none of his neighbors appeared and testified in opposition to the request.

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

"The Zoning Code requires that a front yard setback be met on all double frontage lots. This requirement significantly reduces the area of the rear yard which can be utilized for accessory structures, such as pools, decks and sheds."

CONCLUSION:

The Applicants are requesting a variance to Section 267-36(B), Table V, to construct a deck within the required setback from Vale Road and also a variance to Section 267-23(C)(1)(a)(2), which provides:

"The following structures shall be allowed to encroach into the minimum yard requirements, not to exceed the following dimensions:...

(2) Bay windows, balconies, chimneys or porches: three (3) feet..."

Section 267-36(B), Table V, requires a 40 foot setback from Vale Road and Section 267-23(C)(1)(a)(2) allows a 3 foot encroachment; therefore, the required front yard setback is 37 feet and the Applicant is proposing a 34 foot setback.

The uncontradicted evidence is that the subject parcel is unique because it is a panhandle lot, has frontage on two public roads, and has an unusual shape. The evidence also indicates that 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 due to the uniqueness of the property. The variance shall be subject to the conditions:

1. That the Applicant obtain all necessary permits and inspections for the deck.
2. That the setbacks shall not be reduced to less than 34 feet.

Date AUGUST 12, 1999



L. A. Hinderhofer
Zoning Hearing Examiner