

BOARD OF APPEALS CASE NO. 4943

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BEFORE THE

APPLICANT: Christopher Fritsche

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ZONING HEARING EXAMINER

REQUEST: Variance to create a lot without the required 25 feet of road frontage in the Agricultural District; 4420 Kevin Road, Havre de Grace

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OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 7/14/99 & 7/21/99

HEARING DATE: August 25, 1999

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Record: 7/16/99 & 7/23/99

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ZONING HEARING EXAMINER'S DECISION

The Applicant, Christopher Fritsche, appeared before the Hearing Examiner requesting a variance to Section 267-22(C) of the Harford County Code, to create a lot without the required 25 foot of road frontage in the Agricultural District.

The subject parcel is owned by Herman Fritsche, Jr., and is located at 4420 Kevin Road in the Second Election District. The parcel is identified as Parcel No. 136, in Grid 2-C, on Tax Map 44. The parcel contains 11.374 acres, more or less, all of which is zoned Agricultural.

Mr. Christopher Fritsche appeared and testified that the subject parcel is owned by his father, Herman Fritsche, Jr., and that he would like to create one additional lot on the parcel. Mr. Fritsche said the lot is being created as a family conveyance lot and that the lot is connected to Kevin Road by 50 foot right-of-way. The witness said he did not feel approval of the variance would be substantially detrimental to adjacent properties or materially impair the purpose of the Code because the right-of-way is already in use and he said the subject parcel is unique because it has no road frontage.

Mr. Erich Schmitt, of Highland Survey Associates, Inc., appeared and testified that he is a licensed land surveyor and said that he has prepared a subdivision plat wherein the Applicant can comply with all other Code provisions other than the required 25 foot road frontage requirement.

Mr. Anthony McClune, Manager, Division of Land Use Management of the Department of Planning and Zoning, testified that the subject parcel is unique in configuration due to the lack of road frontage. Mr. McClune said that the creation of one additional lot will not have an adverse impact on the neighborhood nor the intent of the Zoning Code.

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

CONCLUSION:

The Applicant is requesting a variance to Section 267-22(C) of the Harford County Code, to create a lot without the required 25 foot of road frontage in an Agricultural District.

Section 267-22(C) provides:

"Lot frontage requirements. Any building, structure or use fronting on a public or private road shall be located on a lot abutting the road for at least twenty-five (25) feet, except as otherwise required by this Part 1. In attached dwelling projects, provided that all buildings are so located to provide access for servicing, fire protection and off-street parking, lots may front on open space, courts or group parking areas, and each such attached dwelling unit shall not be required to meet the road frontage standard."

The uncontradicted testimony of the Applicant, his expert witness, Mr. Schmitt, and Mr. McClune of the Department of Planning and Zoning was that the subject parcel is unique due to its configuration and lack of frontage on a public or private road. The Applicant and Mr. McClune both testified they 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 right-of-way is already in use.

It is the finding of the Hearing Examiner that the subject parcel is unique for the reasons stated by the witnesses and, further, that the variance shall 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 following conditions:

1. That a preliminary plan be submitted for review and approval by the Department of Planning and Zoning.
2. That a final plat be recorded among the Land Records of Harford County.
3. That written consent be obtained from the owner of the right-of-way for use of the right-of-way by the Applicant.

Date

9/21/99

L. A. Hinderhofer
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Zoning Hearing Examiner