

BOARD OF APPEALS CASE NO. 4993

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BEFORE THE

APPLICANT: John Schaefer

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ZONING HEARING EXAMINER

REQUEST: Variance to construct a covered porch within the front yard setback; 503 Mauser Drive, Bel Air

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OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 11/24/99 & 12/1/99

HEARING DATE: January 12, 2000

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Record: 11/26/99 & 12/3/99

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ZONING HEARING EXAMINER'S DECISION

The Applicant is John A. Schaefer. The Applicant is 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 covered porch within the required 32 foot front yard setback in an R2 District.

The subject parcel is located at 503 Mauser Drive in the Third Election District. The parcel is identified as Parcel No. 621, in Grid 3-F, on Tax Map 41. The parcel contains 11,960 square feet, all of which is zoned R2.

Mr. John Schaefer appeared and testified that the subject parcel is improved by a single-family dwelling and an 8 foot by 12 foot storage shed. The witness said that he is requesting a variance to construct an 8 foot by 21 foot covered front porch. Mr. Schaefer said the subject property is unique due to its unusual shape and because the existing dwelling was constructed closer to Mauser Drive than many of the other dwellings in the subdivision. The witness said he did not feel approval of the variance would have an adverse impact on adjacent properties or materially impair the purpose of the Code because many of the other dwellings in the subdivision have front porches and, further, because none of his neighbors appeared and testified in opposition to the request.

Mr. Anthony McClune, Manager, Division of Land Use Management, for the Department of Planning and Zoning, appeared and testified that the Staff has reviewed the Applicant's request and found the property to be unique because the existing dwelling was constructed closer to the front setback line than many of the other dwellings in the subdivision and, also due to the existence of the curve in the road in front of the subject parcel. Mr. McClune said that the Staff Report recommended conditional approval of the Applicant's request.

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CONCLUSION:

The Applicant is requesting a variance to Section 267-36(B), Table V, which requires a 35 foot front yard setback in the R2 District. The Applicant is also requesting a variance to Section 267-23(C)(1)(a)(2) of the Code, which provides:

“The following structures shall be allowed to encroach into the minimum yard requirement, not to exceed the following dimensions:

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

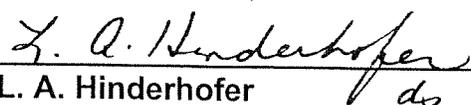
The Applicant is required to maintain a 32 foot front yard setback and he is proposing a 28 foot setback and is, therefore, requesting a 4 foot area variance.

The uncontradicted testimony of the Applicant as corroborated by Mr. McClune of the Department of Planning and Zoning is that the subject parcel is unique because the Applicant’s dwelling was constructed closer to the front setback line than many of the other homes in the subdivision and also due to the existence of a curve in the road in front of the subject property. The evidence also indicates that approval of the variance would not cause an adverse impact on adjacent properties or materially impair the purpose of the Code because many of the other dwellings in the neighborhood have existing porches and, further, because no area residents appeared to express concern about the Applicant’s request.

It is the finding of the Hearing Examiner that the subject parcel is unique for the reasons stated by the Applicant and Mr. McClune in their 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 variance to reduce the required front yard setback to 28 feet to construct a covered porch be approved, subject to the condition that the Applicant obtain all necessary permits and inspections for the porch.

Date FEBRUARY 11, 2000



L. A. Hinderhofer do
Zoning Hearing Examiner