

BOARD OF APPEALS CASE NO. 5049

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BEFORE THE

APPLICANT: Margaret Reeves Grubb

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ZONING HEARING EXAMINER

REQUEST: Variance to permit a mobile home as cottage housing on 1.175 acres in the VR District; 1211 Main Street, Darlington

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OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 4/19/00 & 4/26/00

HEARING DATE: June 5, 2000

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Record: 4/21/00 & 4/28/00

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ZONING HEARING EXAMINER'S DECISION

The Applicant, Margaret Reeves Grubb, is requesting a variance to Section 267-27(B)(8)(b)(1) of the Harford County Code, to allow a mobile home as Cottage Housing (defined as a temporary second dwelling on a single lot) on less than the required two (2) acres in a VR Village Residential District.

The subject property is located at 1211 Main Street, Darlington in the Fifth Election District. The parcel is more specifically identified as Parcel No. 103, in Grid 4C, on Tax Map 20. The parcel contains approximately 1.175 acres, all of which is zoned VR.

The Applicant, Ms. Margaret Reeves Grubb, appeared and testified that she and her family have lived in Harford County and the Darlington area for most of her life. The subject property and its two and one-half story frame home have been in the family for some time. The lot is currently improved by the family home, a small shed, many mature trees, and significant landscaping and garden areas. The property is located on the corner of Main Street (MD Route 161) and Castleton Road (MD Route 623). Ms. Grubb testified that she is requesting the variance in order to have a place for her 89-year old mother to live that is close enough so that Ms. Grubb can offer her the daily care with medication and meals that her mother's health condition requires.

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According to Ms. Grubb, her mother has rented a home in Darlington for the past 28 years and must now move because the owner of the rental property has decided to take up residence there. Ms. Grubb stated that in order for her mother to retain any degree of independence, which is vital to maintain her current health status without further decline, it is important that she live in a place that is familiar to her and in very close proximity to Ms. Grubb. It would not be possible for Ms. Grubb's mother to move into the family home because she is unable to navigate the steps both going into the home and going up to the second floor. Thus, after much family discussion, it was determined that the only viable alternative was to place a mobile home on the subject property on a temporary basis so that her mother could be cared for by Ms. Grubb on the subject premises.

Ms. Grubb further testified that the mobile home would be located far back from the roadway, on the Castleton Road side of the property, and shielded from the road by significant landscaping, including many bushes, trees, and both annual and perennial flowers. Ms. Grubb testified that she is willing to comply with the conditions proposed by the Department of Planning and Zoning in its Staff Report, which was admitted into evidence and which recommends approval of the requested variance.

Ms. Grubb went on to testify that she does not believe that approval of the variance would have any detrimental effect on the adjoining properties or the neighborhood, particularly since she would take pride in beautifying the mobile home with flowers and plants, and the additional dwelling would only be located on the property on a temporary basis.

No witnesses appeared in opposition to the request.

CONCLUSION:

The Applicant is requesting a variance to Section 267-27(B)(8)(b)(1) of the Harford County Code to allow the temporary location of a mobile home as a second dwelling on a lot that is smaller than the required two (2) acres in a Village Residential District. The property is approximately 1.175 acres in size.

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The uncontradicted evidence, both in terms of the testimony of the Applicant and the information contained in the Staff Report submitted by the Department of Planning and Zoning, demonstrates that the subject property is unique in that it is a corner lot, at the intersection of two state roadways, with numerous mature trees and landscaping which provide significant visual buffers between the road and the proposed dwelling on the property. The attendant circumstances, including the fact that the existing dwelling is a longtime family home, the medical condition of the Applicant's mother and her need for daily care as well as some degree of independence, and the desire and ability of the Applicant to care for her mother and the proposed dwelling on the Applicant's property, are also factors which contribute to the uniqueness of the request. It is clear that denial of the request would cause the Applicant and her family significant hardship.

There was no evidence to suggest that the proposed location of the mobile home on a temporary basis would cause any detrimental effect to the adjoining properties or the neighborhood, nor would it appear to materially impair the purpose of the Code or the public interest. To the contrary, the granting of this request is in keeping with the utmost of public values, namely to enable a family to care for an elderly family member in a compassionate, effective and independent manner.

Therefore, it is the recommendation of the Hearing Examiner that the requested variance to allow a mobile home as Cottage Housing on less than the required two (2) acres be approved, subject to the following conditions:

1. The mobile home shall be removed when there is no longer a need, as set forth in the Code requirements for cottage housing;
2. A landscaping plan shall be submitted to the Department of Planning and Zoning for review and approval;
3. The Applicant shall obtain all necessary permits and inspections for the location of the mobile home on the subject property.

Date JUNE 14, 2000

Valerie H. Twanmoh
Zoning Hearing Examiner