

BOARD OF APPEALS CASE NO. 5058

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BEFORE THE

APPLICANT: Scott Campbell

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ZONING HEARING EXAMINER

REQUEST: Variance to locate a sun porch within the required setbacks of a non-conforming dwelling; 1942 Park Beach Drive, Aberdeen

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OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 6/7/00 & 6/14/00

HEARING DATE: July 26, 2000

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Record: 6/9/00 & 6/16/00

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ZONING HEARING EXAMINER'S DECISION

The Applicant, Scott Campbell, is requesting a variance pursuant to Section 267-19C(2) of the Harford County Code to allow a sun porch within the required 40 foot setback (28 feet proposed) in an R1 District.

The subject property is located at 1942 Park Beach Drive, Aberdeen, MD 21001 and is more particularly identified on Tax Map 63, Grid 4A, Parcel 233, Lot 72. The parcel consists of 0.223 acres, is zoned R1 Urban Residential and is entirely within the Second Election District. The lot is within the subdivision of Bayard Harbor.

As a preliminary matter the owner of the property, Scott Campbell, was substituted as the Applicant in the instant case.

The Applicant's builder, David Walenza of Patio Enclosures, Inc. appeared before the Hearing Examiner and testified on behalf of the Applicant's request. Patio Enclosures, Inc. has been contracted by the property owner to construct a sun porch attached to the rear of the existing home. The addition will be glassed and screened and will connect to the existing dining room on the first floor and have a second story balcony connected to an existing bedroom. The total encroachment into the rear yard is approximately 10 feet. Mr. Walenza described the property as very narrow and backing up to the Bush River. There are similar sun porches attached to neighboring properties and the witness opined that no adverse impacts would result from this construction. A landscaping plan has been developed to mitigate the creation of additional impervious surface areas. There is a notch to the rear of the house where the sun porch will be located and it, according to the witness, is the natural and practical location for the addition.

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Mr. Campbell, the Applicant, appeared and testified that the sun porch will give his family additional outdoor living space as well as enclosed protection from the elements and the biting insects associated with waterfront living. He also stated that no adverse impacts to adjoining properties would result from this proposed construction and that no other practical location existed on the property for such an addition.

No persons appeared in opposition to the proposal and the Department of Planning and Zoning has recommended approval of the request.

CONCLUSION:

Section 267-19C(2) of the Harford County Code requires a 40 foot rear yard setback in the R1 District. The Applicant proposes a 28 foot setback. Section 267-19C(2) provides specifically as follows:

“The depth of the rear yard of any such lot shall be twenty percent (20%) of the depth of the lot, but in no case shall it be less than ten (10) feet.”

Variances from the provisions of the Code may be granted, provided the Board finds:

- (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Code would result in practical difficulty or unreasonable hardship.
- (2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Code or the public interest."

The Hearing Examiner agrees that the subject property is topographically unique and severely constrained as a result. The addition of a sun porch will not result in any adverse impacts to adjoining properties and will not impair the purposes of the Code. The Hearing Examiner therefore, recommends approval of the Applicant's request, subject to the following conditions:

1. The Applicant obtain all necessary permits and inspections.
2. The Applicant submit for approval, a detailed landscaping and mitigation plan.

Date JULY 31, 2000

William F. Casey
Zoning Hearing Examiner