

BOARD OF APPEALS CASE NO. 5063

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BEFORE THE

APPLICANT: Taconic LLC

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ZONING HEARING EXAMINER

REQUEST: Variance to locate a paved outside storage area within the required 50 foot setback; 1700 Trimble Road, Edgewood

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OF HARFORD COUNTY

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Hearing Advertised

HEARING DATE: August 9, 2000

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Aegis: 6/28/00 & 7/5/00

Record: 6/30/00 & 7/7/00

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ZONING HEARING EXAMINER'S DECISION

The Applicant, Taconic LLC, is requesting a variance pursuant to Section 267-40B, Table XIV, of the Harford County Code to allow less than the required 50 foot setback from the adjacent residentially zoned lot line (20 feet proposed) for storage in the LI District.

The subject parcel is located on the north side of Trimble Road west of Maryland Route 24 and consists of 10.82 acres, more or less. The property is zoned LI Light Industrial and is more particularly identified on Tax Map 65, Grid 4E, Parcel 1052. The parcel adjoins the Edgewood Park and is located entirely within the First Election District.

For the Applicant appeared Mr. Davis Emory, Managing Partner of Taconic LLC. He explained that Taconic is a real estate development company which acquires and develops properties for specific end uses. Planned for the subject property is a 105,000 square foot warehouse which will be leased to a fence manufacturing company, which has required that 5 acres of outside storage be available for fence product. According to the witness, this area for outside storage is critical to the business operations of the tenant. Based on the size of the property and proposed warehouse, the witness stated that the size and configuration of the outside storage area could not be reconfigured to avoid the need for this requested variance. Lastly, the witness stated that the adjoining residentially zoned property is not being used for residential purposes but rather, is owned by Harford County and is used for ball fields. Together with a chain link fence and landscape screening, the higher elevation of the subject property compared to the recreational field will effectively screen the warehouse and storage operation from the view of persons using the ball fields.

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If the variance were not granted, Mr. Emory stated that his company would be in default under the terms of the lease, practical difficulty that could be avoided if the Application herein were granted.

Mr. Anthony McClune, Chief of Current Planning for the Department of Planning and Zoning appeared and testified that the Department of Planning and Zoning supported the Applicant's request. The witness stated that his Department's investigation of the subject request concluded that the subject parcel was unique because of its elevation compared to the adjoining property as well as its proximity to a residentially zoned lot that is not and will not be used for residential purposes. Mr. McClune stated that the storage area can be adequately screened from the recreational fields minimizing any undesired impacts if the variance were granted. Mr. McClune described the surrounding area and stated that Edgewood Park, currently owned by Harford County and used for ball fields, is located to the north and west of the subject property. A warehouse/distribution center is located across the street and to the southeast is a convenience store/gas station. The Applicant's request, to pave and use additional area for storage, is not inconsistent with other uses in the surrounding area and can be done in a manner that does not adversely impact adjacent properties. The Department of Planning and Zoning recommends approval subject to several conditions.

There were no persons who appeared in opposition to the Applicant's request.

CONCLUSION:

The Harford County Code, pursuant to Section 267-11 permits variances, provided the Board finds that:

- (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Part 1 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 Part 1 or the public interest.

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The Hearing Examiner finds that the elevation of the subject property is a unique topographical feature of the subject property. It will allow natural screening of the operations on the parcel. If the Applicant were denied its request, it would suffer practical difficulty in that its tenant could not occupy the parcel and Taconic could be further limited to the possible uses allowed at this location. In the opinion of the Hearing Examiner, the Applicant's requested use of additional space for storage of fencing materials can be conducted in a manner that does not materially impair the purposes of the Zoning Code nor in a manner substantially detrimental to adjacent properties.

The Hearing Examiner recommends approval of the Applicant's request subject to the following conditions:

1. A revised site plan be submitted to the Department of Planning and Zoning.
2. A landscaping and lighting plan showing buffer plantings be submitted for review and approval by the Department of Planning and Zoning and the Department of Parks and Recreation.
3. No structures shall be located within the reduced setback. The area is to be used for storage and vehicular movement and shall be paved.
4. The setbacks not be further reduced.

Date **AUGUST 15, 2000**

William F. Casey
Zoning Hearing Examiner