

**BOARD OF APPEALS CASE NO. 5066**

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**BEFORE THE**

**APPLICANT: Harford County Parks & Recreation**

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**ZONING HEARING EXAMINER**

**REQUEST: Variance to allow an institutional use within the required 50 foot front yard setback; 1411 Conowingo Road, Bel Air**

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**OF HARFORD COUNTY**

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**Hearing Advertised**

**HEARING DATE: August 9, 2000**

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**Aegis: 7/5/00 & 7/12/00**

**Record: 7/7/00 & 7/14/00**

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**ZONING HEARING EXAMINER'S DECISION**

The Applicant, Harford County Department of Parks and Recreation, is seeking a variance pursuant to Section 267-34B, Table II, of the Harford County Code for an institutional use in an AG District setback less than the required 50 feet (25 feet proposed).

The subject parcel is located at 1411 Conowingo Road, Bel Air, Maryland 21014, north of Maryland Route 23 extended and is more particularly identified on Tax Map 41, Grid 1A, Parcel 420. The property consists of 9.4796 acres, more or less, is presently zoned AG/Agricultural and is entirely within the Third Election District.

Arden Holdredge McClune appeared on behalf of the Department of Parks and Recreation (P&R) and described the proposal. Ms. McClune stated that the subject property is an irregular "L" shape and contains wetland areas and new ball fields that constrain the site in terms of locating rest rooms, storage and concession. The parcel was formerly part of the Hickory Bypass project and was conveyed to Harford County as part of a land swap deal with the State. The Code requires a 50 foot setback from the right of way because this is AG property. Business zoning classifications are required to have only 25. The Department of Parks & Recreation proposes to construct a block building approximately 62 feet by 32 feet which will be used for rest rooms, a concession stand and equipment storage. The location is on the Route 23 side of the parcel as a result of ball field configuration and the location of parking and County sewer. In the opinion of the witness there is no other practical location for this building.

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Upon questioning of a neighboring property owner, the witness indicated that tree screening could be made a condition of approval. It was pointed out that the site plan showed an area of trees that apparently had been inadvertently removed during the grading process.

Mr. Tony Pierce appeared and qualified as an expert engineer. He described the site plan, the ball field locations and the proposed location of the subject building. He stated that the distance from the road bed to the edge of the building was 55 feet. The Applicant's request would not require a variance if the parcel were zoned CI and a number of neighboring properties are zoned in that manner and enjoy 25 foot setback requirements. The witness opined that it would pose practical difficulty if the Application were denied as there is no other practical location on the parcel other than the one proposed. Upon questioning by one of the neighboring property owners, Mr. Pierce indicated that no loudspeaker system was envisioned for the property.

The Department of Planning and Zoning recommends approval of the Applicant's request. While there were neighboring property owners who questioned the Applicant's witnesses, no persons appeared and offered testimony in opposition to the Applicant's request.

### **CONCLUSION:**

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

- (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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For the reasons stated by both of the Applicant's witnesses, the Hearing Examiner recommends approval of the variance requested herein subject to the following conditions:

1. The Applicant obtain all necessary permits and inspections.
2. The Applicant submit a revised landscaping plan to the Department of Planning and Zoning reflecting the addition of buffer screening along property lines that divide the subject parcel from residential uses.

**Date AUGUST 15, 2000**

**William F. Casey  
Zoning Hearing Examiner**