

APPLICANT:
Constance C. Ward

REQUEST: A variance to allow an addition located within the required side yard setback

HEARING DATE: June 15, 2005

BEFORE THE
ZONING HEARING EXAMINER
FOR HARFORD COUNTY
BOARD OF APPEALS
Case No. 5485

ZONING HEARING EXAMINER'S DECISION

APPLICANT: Constance C. Ward

LOCATION: 896 Randall Drive, Village of Bynum Run, Abingdon
Tax Map: 62 / Grid: 1B / Parcel: 788 / Lot: 52
First Election District (1st)

ZONING: R1 / Urban Residential District (NRD Adjustment to R2 standards)

REQUEST: A variance, pursuant to Section 267-36B, Table IV, of the Harford County Code, to permit an addition to be located within the required 30 foot combined side yards (28 foot combined setback proposed)

TESTIMONY AND EVIDENCE OF RECORD:

The Applicant, Constance C. Ward, requests a variance to allow the construction of an attached garage to her dwelling. The subject property is approximately 1/4 acre in size, and is "pie" shaped. Attachment 4 to the Staff Report of the Department of Planning and Zoning shows that the property has frontage along Randall Drive of approximately 95 feet, while its rear lot line is approximately 54 feet.

The Applicant testified that while she is able, even with the construction of the proposed garage addition, to meet the 10 foot side yard setback, she cannot meet the Code required combined 30 foot side yard setback. The Applicant would, in fact, have only a combined side yard setback of 28 feet and, accordingly, seeks a 2 foot variance to that requirement.

The Applicant described the proposed garage addition as being similar in style and color to her existing home. It would be similar in size and style to other garages in the neighborhood. Ms. Ward's application indicates that her community does not permit detached garages^a, and that of the 10 homes on her street, 6 have two-car garages, and one home has a one-car garage.

¹ A detached garage of roughly the same size would not require a variance.

Case No. 5485 – Constance C. Ward

Ms. Ward has discussed the proposed variance with adjoining neighbors, including the neighbor directly adjacent to the location of the proposed garage. No neighbor has expressed any opposition to her request.

Next testified Anthony McClune for the Harford County Department of Planning and Zoning. Mr. McClune echoed the Department’s recommended findings that the property is unique. Because the lot is located on a curve in Randall Drive, the property is pie-shaped, narrowing toward the rear of the lot.

The Applicant will maintain an average 10 foot side yard setback on the side of the proposed garage, but she could not meet the combined 30 foot side yard setbacks. If it were not for the narrowing of the lot, the Applicant would easily be able to build the proposed garage without any need for a variance.

Garages are common in the neighborhood and the proposed addition will be consistent with the neighborhood. Mr. McClune sees no adverse impact as a result of the variance being granted. Furthermore, he sees no need for any additional landscaping.

No testimony or evidence was presented in opposition to the request.

APPLICABLE LAW:

Section 267-11 of the Harford County Code allows the granting of a variance to the requirements of the Code:

“Variances.

- A. *Except as provided in Section 267-41.1.H., variances from the provisions or requirements of this Part 1 may be granted if 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.*

Case No. 5485 – Constance C. Ward

- B. *In authorizing a variance, the Board may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary, consistent with the purposes of the Part 1 and the laws of the state applicable thereto. No variance shall exceed the minimum adjustment necessary to relieve the hardship imposed by literal enforcement of this Part 1. The Board may require such guaranty or bond as it may deem necessary to insure compliance with conditions imposed.*

- C. *If an application for a variance is denied, the Board shall take no further action on another application for substantially the same relief until after two (2) years from the date of such disapproval.”*

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

The Applicant wishes to construct an attached garage, similar in style and color to her existing home. The garage itself would be in keeping with the neighborhood. In fact, most of the homes in the immediate neighborhood of the Applicant have attached garages.

However, Randall Drive, upon which the subject property fronts, curves along the front of the subject property. This, accordingly, forces the property into a narrow, “pie” shaped configuration with the front line being wider than the rear line. If it were not for this narrow configuration, the Applicant would have sufficient room to construct a garage without a variance. Given the increasing narrowness of the lot as one moves to the back of the lot, the Applicant is forced to request a 2 foot variance in order to construct her proposed garage. Even then, the Applicant will maintain a 10 foot average side yard setback on the side of the garage.

The Applicant, accordingly, suffers a hardship in that she is unable to construct a garage similar to others in her neighborhood, and throughout Harford County, without the granting of a minor 2 foot variance to the combined side yard requirement. It is found that there would be no adverse impact to the community if the variance were granted and, indeed, the construction of an attached garage as described would, most likely, be a positive element in the community.

Case No. 5485 – Constance C. Ward

CONCLUSION:

Accordingly, it is recommended that the requested variance be granted, subject to the Applicant obtaining all necessary permits and inspections.

Date: June 28, 2005

ROBERT F. KAHOE, JR.
Zoning Hearing Examiner

Any appeal of this decision must be received by 5:00 p.m. on JULY 27, 2005.