

APPLICANTS:
Hazel and Lisa Groff

REQUEST: A variance to allow the removal and replacement of a mobile home

HEARING DATE: May 9, 2007

BEFORE THE
ZONING HEARING EXAMINER
FOR HARFORD COUNTY
BOARD OF APPEALS

Case No. 5593

ZONING HEARING EXAMINER'S DECISION

APPLICANT: Hazel A. Groff

CO-APPLICANT: Lisa D. Groff

LOCATION: 3242 Conowingo Road, Street
Tax Map: 27 / Grid: 2B / Parcel: 9
Fifth (5th) Election District

ZONING: B3 / General Business District and AG / Agricultural

REQUEST: A variance pursuant to Section 267-21 of the Harford County Code to allow the removal and replacement of a mobile home.

TESTIMONY AND EVIDENCE OF RECORD:

Lisa Groff testified as the Co-Applicant. Hazel Groff, mother-in-law of Lisa Groff, is the other Co-Applicant and the owner of the subject property. Both Hazel Groff and Lisa Groff live on the subject property.

The property which is the subject of this application is a 2.433 acre parcel split-zoned B3/Business District and AG/Agricultural, located at 3242 Conowingo Road, in the Dublin area of Harford County.

The witness described the property as having a somewhat odd shape. In fact, a review of an aerial photograph in the file (Attachment 9 to the Staff Report), shows the property as having a highly unique shape, with about 200' of road frontage on Conowingo Road, a much more narrow width approximately 200' back from Conowingo Road, with a rear yard line which is at least twice the width of the frontage. Accordingly, the lot looks somewhat like a slightly off-center hour glass with an out of proportion bottom.

The property is improved by a single family dwelling which is on the Conowingo Road side of the property. Hazel Groff has lived in the single family dwelling since 1944. To the rear of the property is located a mobile home which is the specific subject of this application. In the mobile home live Lisa Groff, her son and daughter. Lisa Groff and her family have lived in the mobile home, which has approximately 1,092 square foot of interior floor space, since 1979.

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The existing mobile home replaced a mobile home in 1979 which was originally located on this lot in 1957. The original mobile home was 360 square feet in size.

Also on the subject property is a garage used by the residents for storage, a small shed and a pool. The property to the northeast side is used in a fairly intensive commercial fashion. The property to the southwest side is residential, similar in appearance and use to the subject property.

Lisa Groff explained that the present mobile home is no longer adequate for her and her family's purposes. The mobile home is old and is literally falling apart. Lisa Groff is reluctant to move from the property as she feels she is needed to assist her elderly mother-in-law, and to help take care of the property. The mobile home has extensive rot; the windows are out-dated; and the heating system needs to be modernized. It is not practical to maintain this mobile home as it has reached the end of its useful life.

Accordingly, Lisa Groff would like to replace the existing mobile home with a new manufactured home of approximately 1,560 interior square feet. Lisa Groff has received no objection from any of the neighbors, and she believes it will not only provide a better living space for her and her family, but will also be an improvement to the neighborhood.

Photographs were submitted to the file by Lisa Groff of both the interior and exterior condition of the mobile home. These photographs show an older unit which is in obviously sub-standard condition.

Next for the Harford County Department of Planning and Zoning testified Anthony McClune. Mr. McClune believes this is a very straight forward case. The present mobile home must be replaced. The Department has no objection to replacing the mobile home, provided it does not exceed 1,600 square feet. There will be no impact on the neighborhood. It would simply be a replacement of a mobile home which has reached the end of its useful life.

The Staff Report, as summarized by Mr. McClune, recommends approval with conditions.

There was no testimony or evidence given in opposition.

APPLICABLE LAW:

Section 267-21 of the Harford County Code provides:

“The Board may authorize the extension or enlargement of a nonconforming use, with or without conditions, provided that:

- A. The proposed extension or enlargement does not change to a less-restricted and more intensive use.*

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- B. *The enlargement or extension does not exceed fifty percent (50%) of the gross square footage in use at the time of the creation of the nonconformity.*
- C. *The enlargement or extension does not violate the height or coverage regulations for the district.*
- D. *The enlargement or extension would not adversely affect adjacent properties, traffic patterns or the surrounding neighborhood.*
- E. *The limitations, guides and standards set forth in Section 267-9I, Limitations, Guides and Standards, are considered by the Board.”*

Section 267-9I, Limitations, Guides and Standards, of the Harford County Development Regulations is also application to this request and will be discussed in detail below.

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

While filed and advertised as a variance case, in fact, no variance is necessary in order to provide the Applicants’ requested relief.

The Applicant Lisa Groff and her family have lived in the mobile home since 1979. Their home is 1,092 square feet in size. It appears, based on the testimony and evidence of record, that simple replacement of an outdated and “used up” mobile home with a new manufactured home, which is approximately 500 square feet larger, would have no adverse impact on the neighborhood. Indeed, the impact should be beneficial.

It appears, based on the testimony of Mr. McClune, that the mobile home, which is the second unit on this residentially used parcel, is a non-conforming use dating to the time the unit was first moved to the property. An enlargement of that unit to 1,600’, which is the maximum size of the manufactured home which would be purchased by Ms. Groff, is less than a 50% expansion, and is allowed as an enlargement of a non-conforming structure pursuant to § 267-21, provided, of course, that applicable conditions are met. Accordingly, the variance is not necessary.

Therefore, this action will be treated as a request for an extension of a non-conforming use pursuant to Section 267-21, not a variance. Although the application was advertised as a variance, no additional advertisement or notification is necessary. The actual relief requested remains the same.

The specific requirements of Section 267-21 are reviewed as follows:

The Board may authorize the extension or enlargement of a nonconforming use, with or without conditions, provided that:

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- A. *The proposed extension or enlargement does not change to a less-restricted and more intensive use.*

The new mobile home will be utilized in the same fashion as is the non-conforming use it is replacing. There will be no change to a more intensive or less-restricted use. Replacing an existing mobile home with one that is approximately 500 square feet larger should have, if anything, a positive impact on the neighborhood.

- B. *The enlargement or extension does not exceed fifty percent (50%) of the gross square footage in use at the time of the creation of the nonconformity.*

This condition has been met.

- C. *The enlargement or extension does not violate the height or coverage regulations for the district.*

This requirement is not violated.

- D. *The enlargement or extension would not adversely affect adjacent properties, traffic patterns or the surrounding neighborhood.*

It is found that there will be no such adverse impact.

- E. *The limitations, guides and standards set forth in Section 267-9I, Limitations, Guides and Standards, are considered by the Board.*

This section is discussed below.

Accordingly, it can be seen that all specific requirements of Section 267-21 are met.

A review of Section 267-9I, Limitations, Guides and Standards, is as follows:

- (1) *The number of persons living or working in the immediate area.*

This area of the County contains agricultural and residential uses. Along Route 1 is a mix of residential and commercial uses. The request will not impact persons living or working in the area.

- (2) *Traffic conditions, including facilities for pedestrians, such as sidewalks and parking facilities, the access of vehicles to roads; peak periods of traffic, and proposed roads, but only if construction of such roads will commence within the reasonably foreseeable future.*

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The subject property fronts on the north side of Conowingo Road (US Route 1), which is a State owned and maintained highway. The sight distance on US Route 1 at the driveway entrance is good in both directions. The request will not impact traffic on US Route 1.

- (3) *The orderly growth of the neighborhood and community and the fiscal impact on the County.*

The proposal will have no fiscal impact on the County.

- (4) *The effect of odors, dust, gas, smoke, fumes, vibration, glare and noise upon the use of surrounding properties.*

The proposal will have no impact on any of the issues listed in this section.

- (5) *Facilities for police, fire protection, sewerage, water, trash and garbage collection and disposal and the ability of the County or persons to supply such services.*

The Harford County Sheriff's Office and the Maryland State Police will provide police protection. The Dublin/Darlington Volunteer Fire Departments will provide fire protection and emergency services. The property is served by private well and septic system. A company of the Applicant's choice will handle trash collection.

- (6) *The degree to which the development is consistent with generally accepted engineering and planning principles and practices.*

The request is consistent with generally accepted planning principles and practices. There have been two dwellings on the property since the mid 50's.

- (7) *The structures in the vicinity, such as schools, houses or worship, theaters, hospitals, and similar places of public use.*

The proposal should have no impact on any of the uses listed in this subsection.

- (8) *The purposes set forth in this Part 1, the Master Plan and related studies for land use, roads, parks, schools, sewers, water, population, recreation and the like.*

The proposal is consistent with the Master Plan.

- (9) *The environmental impact, the effect on sensitive natural features and opportunities for recreation and open space.*

The proposal should have no impact on the surrounding natural features.

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(10) *The preservation of cultural and historic landmarks.*

No cultural or historic landmarks have been identified.

CONCLUSION:

Accordingly, it is recommended that an enlargement of the Applicant's 1,092 square foot mobile home be allowed, and that a permit be issued to allow a replacement manufactured home of no greater than 1,600 square feet subject to the following conditions:

1. The Applicants shall obtain all necessary permits and inspections for the removal of the existing unit and the placement of the new manufactured home.
2. The new manufactured home shall not exceed 1,600 square feet.
3. No further replacements of the mobile home will be permitted.

Date: June 4, 2007

ROBERT F. KAHOE, JR.
Zoning Hearing Examiner

Any appeal of this decision must be received by 5:00 p.m. on JULY 2, 2007