

**APPLICANT:**  
**Albert & Kathleen Schauman**

**REQUEST: Variance to permit a detached garage within the required front yard setback in the Agricultural District**

**HEARING DATE: October 29, 2007**

**BEFORE THE  
ZONING HEARING EXAMINER  
FOR HARFORD COUNTY  
BOARD OF APPEALS  
Case No. 5617**

### **ZONING HEARING EXAMINER'S DECISION**

**APPLICANT:** Albert W. Schauman

**CO-APPLICANT:** Kathleen G. Schauman

**LOCATION:** 2707 Harriet Lane – Putman Village, Forest Hill  
Tax Map: 39 / Grid: 2C / Parcel: 4 / Lot: 6  
Fourth (4<sup>th</sup>) Election District

**ZONING:** AG / Agricultural

**REQUEST:** A variance pursuant to Section 267-34C, Table II of the Harford County Code to permit a detached garage within the required 40 foot front yard setback (20 foot setback proposed), in the Agricultural District.

#### **TESTIMONY AND EVIDENCE OF RECORD:**

Albert W. Schauman, Co-Applicant, described his property as a 3/4 acre lot, improved by a 60 foot by 30 foot rancher, shed and swimming pool. The Applicants have owned their property for approximately 30 years.

Mr. and Mrs. Schauman wish to erect a 24 foot by 24 foot two-car garage at the location of their existing parking pad, approximately 20 feet off Harriet Lane, upon which the house fronts, and about 3 feet off the side yard property line. The garage will be to the right of the home as one enters the driveway from Harriet Lane. The garage will, as a result, be in the extreme north corner of the parcel. As a 40 foot front yard setback is imposed in the Applicants' district, a 20 foot front yard setback is requested.

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The Schauman’s explained their request by arguing that, despite the fact that they have a fairly extensive open rear yard behind the house, their yard experiences extensive flooding during rain storms. According to Mr. Schauman, the property receives run-off from a culvert which helps drain MD Route 165. Run-off comes directly through and across their rear yard which makes it impossible for them to erect any improvements in that area. This run-off floods the entire backyard, and occasionally it comes around to the front of the house. The proposed location is the only location which does not experience this direct flooding. Mr. Schauman stated that the proposed garage will match the siding and shutters on the existing home.

Open pasture fields are located on the Applicants’ westerly side, the side on which the garage will be most closely adjacent to. The owner of that property has no objection to the proposed variance. The Applicants have heard no objection from any adjoining neighbor.

In support of their argument, the Applicants have submitted photographs of extensive flooding throughout the backyard.

For the Harford County Department of Planning and Zoning testified Anthony McClune. Mr. McClune agreed with the Applicants’ argument that the Applicants do, in fact, suffer from an extensive, perhaps best described as severe, flooding. The proposed location is the only practical one for the garage, given the nature of the flooding on the subject property.

Mr. McClune also explained that Harriet Lane is a dead-end road which, as a result, has a very limited amount of traffic. There will be no impact to traffic on Harriet Lane if the variance is granted, nor would it cause any adverse impact on the surrounding neighbors.

There was no evidence or testimony given in opposition.

**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.*

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(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.*

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:**

Despite having a relatively large, 3/4 acre lot, with the existing home constructed in one corner of the lot, the Applicants make a compelling showing that they are unable to construct their proposed two-car garage anywhere on this lot except in the area proposed.

The Applicants suffer an extremely unusual and severe topographical condition in that their backyard, and parts of their front yard, extensively flood during rainstorms. Photographs in the file are compelling evidence of the extent of the water run-off which is channeled through the Applicants' property. This unusual feature of the Applicants' property causes them a hardship in that they are not able to construct a garage similar in appearance and use to others in the neighborhood and throughout the County. There will be no adverse impact if this relatively minor variance requested is granted. Traffic on Harriet Lane is limited, and there will be no impact to existing traffic.

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**CONCLUSION:**

It is accordingly recommended that the variance be granted, subject to the following:

1. That all necessary permits and inspections be obtained for the garage.
2. That the garage match the siding and shutters on the existing home.

Date: November 14, 2007

ROBERT F. KAHOE, JR.  
Zoning Hearing Examiner

**Any appeal of this decision must be received by 5:00 p.m. on DECEMBER 14, 2007.**