

APPLICANTS:
Evelyn & Harry Donnelly

REQUEST: Variance to permit a covered porch within the required front yard setback

HEARING DATE: December 5, 2007

BEFORE THE
ZONING HEARING EXAMINER
FOR HARFORD COUNTY
BOARD OF APPEALS
Case No. 5627

ZONING HEARING EXAMINER'S DECISION

APPLICANT: Evelyn M. Donnelly

CO-APPLICANT: Harry P. Donnelly

LOCATION: 713 Burnside Drive – Greenridge II subdivision, Bel Air
Tax Map: 49 / Grid: 1F / Parcel: 848 / Lot: 235
Third (3rd) Election District

ZONING: R2 / Urban Residential District

REQUEST: A variance, pursuant to Section 267-36(B), Table V, of the Harford County Code, to permit a covered porch within the required 32 foot front yard setback (28 foot setback proposed) in the R2 District.

TESTIMONY AND EVIDENCE OF RECORD:

Evelyn Donnelly, Co-Applicant, described the subject property as an approximately quarter acre parcel located off Burnside Drive in Bel Air, being a part of the Greenridge II subdivision.

The subject parcel has been owned by the Applicants for approximately 30 years. It is improved by a single family rancher, with attached two-car garage, sunroom to the rear of the home, and a 7 feet wide by 18-1/2 feet long concrete slab to the front of the house which functions as an uncovered porch. The lot itself is generally flat, sloping gently up from Allan Court and Burnside Drive.

Mrs. Donnelly stated that she and her husband wish to put a roof over the existing concrete slab in front of their house and thus make a covered porch. Mrs. Donnelly feels that this will help with dampness in their basement which has caused them a problem over the years that they have owned the house. Water tends to seep into the front of the house and along the basement wall.

Case No. 5627 – Evelyn & Harry Donnelly

Mrs. Donnelly feels this is caused by the topography of the property, and that a covered porch will help keep the water from pooling along the front of the house. However, in order to construct such a porch they must slightly impact the required front yard setback by approximately 4 feet. The existing concrete slab would not be expanded. The only addition is that a roof will be constructed over the existing slab.

Mrs. Donnelly also feels that a porch will enhance the attractiveness of the house. The porch will match in construction and appearance the existing home.

The Co-Applicant also testified that many other homes in the neighborhood have similar dampness problems and many of those homes have had porches installed along their front for similar reasons.

Next for the Harford County Department of Planning and Zoning testified Anthony McClune. Mr. McClune indicated that the required front yard setback is 35 feet. Since the porch is allowed to encroach 3 feet into the setback, an impact of 4 feet only is requested by the Applicant.

Mr. McClune indicated that water seepage into the front of homes is a very common problem in the Applicants' neighborhood. Mr. McClune identified 13 other similar variances which have been requested by and granted to neighbors due to similar water problems.

Mr. McClune believes the porch will blend into the neighborhood, and will be very similar to many others in the neighborhood. The Department accordingly recommends approval.

No evidence or testimony was 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.

Case No. 5627 – Evelyn & Harry Donnelly

(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:

The Applicants own an attractive home in the Greenridge II subdivision just outside of Bel Air. The Applicants have lived in this home for many years and have, according to testimony, experienced water problems in their basement for most of those years. The front of their single family rancher has no covered porch but is, instead, improved by a 7 foot by 18-1/2 foot concrete slab. Apparently, many other homes in the subdivision were originally improved in such a way.

The Applicants feel that a covered porch would help with the water seepage problem into their basement and will also help give them additional shade, and generally would constitute a nice improvement to their home. As a porch is allowed to encroach into the Applicants’ 35 foot front yard setback by 3 feet, a variance of 4 feet is required.

Strikingly, the Harford County Department of Planning and Zoning recommends approval of the variance, noting that 13 other variances in the area have been granted for similar reasons. Obviously, surface water intrusion into the basements of these homes is a problem, and one for which the construction of covered porches is seen as a potential remedy.

As can be seen, the Applicants suffer an unusual feature of their property which the requested variance will potentially alleviate. There should be no adverse impact to any adjoining neighbor or property, and the relief requested is the minimum necessary to alleviate this hardship. Indeed, the creation of the front porch should be an improvement not only to the home but to the neighborhood in general.

Case No. 5627 – Evelyn & Harry Donnelly

CONCLUSION:

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

Date: January 8, 2008

ROBERT F. KAHOE, JR.
Zoning Hearing Examiner

Any appeal of this decision must be received by 5:00 p.m. on FEBRUARY 6, 2008.