

APPLICANT:
Steven M. Hutchinson

REQUEST: A variance to create 2
panhandle lots in the R1 District

HEARING DATE: June 4, 2008

BEFORE THE
ZONING HEARING EXAMINER
FOR HARFORD COUNTY
BOARD OF APPEALS

Case No. 5658

ZONING HEARING EXAMINER'S DECISION

APPLICANT: Steven M. Hutchinson

LOCATION: 3735 Sewell Road, Abingdon
Tax Map: 62 / Grid: 3D / Parcel: 409
First (1st) Election District

ZONING: R1 / Urban Residential

REQUEST: A variance, pursuant to Section 267-22G(1) of the Harford County Code, to create two panhandle lots (one permitted as of right) in the R1/Urban Residential District.

TESTIMONY AND EVIDENCE OF RECORD:

The subject parcel is 2.14 acres in size, located on Sewell Road, Abingdon, and is zoned R1/Urban Residential. The parcel is improved by one existing home.

The Applicant purchased the property in June 2006 but, because of its unusual configuration, was unable to subdivide the property into the three lots which would generally be allowed in the R1 District for a parcel this size.

Mr. Hutchinson presented a site plan showing his proposed subdivision which indicates the front portion, i.e., the portion of the lot closest to Sewell Road, containing the existing home, and two newly created lots to be located to the rear of the parcel. The two lots to the rear would access Sewell Road by panhandle driveways. For this reason this variance is requested.

Mr. Hutchinson believes the variance, if granted, would result in no adverse impact to any neighbor or to adjoining properties.

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Next for the Applicant testified Kevin Small, identified and accepted as an expert land use planner employed by Frederick Ward Associates, Inc. Mr. Small described the subject property as a relatively narrow, but long (200 feet by 500 feet) parcel which has a slight westerly to easterly slope of approximately 20 feet. Unusually, states Mr. Small, the lot fronts at the exact intersection of three roads, being Smith Landing Court, Sewell Road, and Bush Road. Because of the frontage at this relatively congested intersection and given the relatively narrow frontage of the property, Mr. Small believes that the panhandles proposed are the best use of the property and would help eliminate congestion and impact at that intersection. Installing a public road onto the property, which the Applicant can do as a matter of right, would not be the safest or best solution, as it would access directly upon that three road intersection. The plan for two driveways onto Sewell Road would help minimize the disruption in the area.

For the Harford County Department of Planning and Zoning testified Anthony McClune. Mr. McClune and the Department believe the property is unique and the Staff Report notes:

“Because of the configuration of the intersecting roads the construction of one new driveway at this location is more appropriate than the creation of a public road. The request, if granted will not have an adverse impact on the neighborhood or the intent of the code.”

No evidence or testimony was given in opposition.

APPLICABLE LAW:

Section 267-22G(1) of the Harford County Code states:

- “G. *Panhandle lot requirements. . . .*
- (1) *Except in Agricultural and Rural Residential Districts, with regard to any parcel, as it existed on September 1, 1982, not ore than one (1) lot or five percent (5%) of the lots intended for detached dwellings, whichever is greater, and not more than ten percent (10%) of the lots intended for attached dwellings may be panhandle lots.”*

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

The Applicant owns a relatively unusually shaped parcel located in the R1 zoning district between the CSX Railroad line and the intersection of Sewell Road, Bush Road and Smith Landing Court. Being serviced by public water and sewer, the Applicant would, normally, be permitted to subdivide the property into at least three lots. However, due to the lots relatively narrow frontage and, more significantly, its location directly upon a three road intersection does, in the Applicant’s and the Department’s opinion, create such an unusual situation so as to justify the granting of a variance for one additional panhandle lot.

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If the variance is granted the Applicant would not have simply one panhandle lot, as he would be allowed by Code, but two panhandle lots and the existing dwelling for a total of three lots. The Applicant's witness believes that the creation of two private driveways would create a lesser impact on the intersection and traffic patterns than would the construction of a public road access at that point.

A review of the site plan shows a congested road pattern at the location of the subject property. The Applicant's property is clearly unique given the impact this road network has across the entire, relatively narrow frontage of the subject parcel.

Accordingly, it is found that if compelled to comply with the requirements of the Code the Applicant would suffer a practical difficulty due to its narrow lot frontage of its parcel and, more particularly, the location of the parcel in direct proximity to the intersection of three roadways. The relief proposed by the Applicant, which is the construction of two panhandle lots instead of the one allowed by Code, is the minimum relief necessary to correct the hardship. There is no finding of any adverse impact on any adjoining property owner or resident.

CONCLUSION:

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

1. The Applicant shall prepare a preliminary plan to be reviewed and approved by the Department of Planning and Zoning.
2. The Applicant shall submit a final plat to the Department of Planning and Zoning for approval and recordation.
3. The Applicant shall submit a copy of the common drive agreement to the Department of Planning and Zoning for review and approval with the final plat.

Date: June 30, 2008

ROBERT F. KAHOE, JR.
Zoning Hearing Examiner

Any appeal of this decision must be received by 5:00 p.m. on JULY 29, 2008.