

**APPLICANTS:**  
William & Anita Chapman

**BEFORE THE**  
**ZONING HEARING EXAMINER**  
**FOR**  
**HARFORD COUNTY**

**REQUEST:** A variance to allow a sunroom, patio, shed and pool with deck within the required front yard setback in the R2 District

**HEARING DATE:** August 8, 2012

**Case No. 5780**

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

**APPLICANTS:** William & Anita Chapman

**LOCATION:** 705 Lanark Court, Bel Air, Maryland 21015  
Tax Map: 49 / Grid: 1F / Parcel: 206 / Lot: 40  
Third (3<sup>rd</sup>) Election District

**ZONING:** R2 / Urban Residential District

**REQUEST:** A variance, pursuant to Section 267-27C(5) of the Harford County Code, to allow a sunroom, patio, shed and pool with deck within the required front yard setback in the R2 District.

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

The subject parcel is a 0.187 acre lot, zoned R2/Urban Residential and located in the Fountain Glen subdivision west of Bel Air.

The Applicants have lived on and owned the property since 2005. The dwelling is a two-story colonial dwelling in a neighborhood of similar structures and lot sizes. The backyard is improved by a 12-foot x 10-foot storage shed which does not have a permit. Mature vegetation exists along the rear lot line.

The Applicants are requesting a variance to construct a raised wooden deck, a stamped concrete patio, a 15-foot x 10-foot sunroom, and a pool within their rear yard. Normally, the Applicants suggest, such improvements would be allowed virtually as a matter of right given their lot size and their large open rear yard. However, due to the lot's location between Lanark Court to the front, and MD Route 543 to the back, the rear yard is actually treated as a front yard with a 60-foot required setback. Accordingly, none of the improvements envisioned by the Applicants can be constructed in the rear yard and, in fact, virtually no improvement of any nature could be constructed as the required rear yard setback line is located approximately 2 feet from the rear wall of the home.

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The Applicants also note that similarly affected neighbors have received similar variances in the past. The Applicants have discussed their request with their neighbors and no neighbor has expressed any opposition.

The Harford County Department of Planning and Zoning Staff Report recommends that the property be found to be unique, stating inter alia:

“The subject property has frontage on both Lanark Court and Fountain Green Road. Accessory structures are not permitted in a front yard setback per Section 267-27C(5) of the Code. Additionally, a greater front yard setback of 60-feet is required along Fountain Green Road since it is classified as an arterial road. The 60-foot setback nearly extends to the rear of the dwelling. This presents the Applicants from having reasonable use and enjoyment of their rear yard. More recent developments have included community owned buffer strips or open space areas between the rear of a lot and an adjacent road to avoid the constraints imposed by a double frontage lot.”

The Department recommends approval with conditions.

No testimony or evidence 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 267-63.H (Chesapeake Bay Critical Area Overlay District, variances), 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.*

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- 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 an attractive subdivision. Unfortunately, they abut directly upon MD Route 543, which is considered a Harford County arterial road, for good reason given the amount of traffic which it carries. However, because of this, the Applicants' property cannot support any improvements within their rear yard as those accessory improvements would constitute violations of the 60-foot setback requirement from MD Route 543. Such a prohibition virtually denies the Applicants any reasonable use of their rear yard and is, quite clearly, a practical difficulty if not an outright hardship.

The Applicants point out, and the Department of Planning and Zoning verifies, that many other properties in the Applicants' neighborhood have requested and been given variances for this very reason.

The request of the Applicants is a reasonable one; the improvements to be constructed by them if this variance is granted will be reasonable and appropriate in keeping with the neighborhood. The granting of the variance will cause no adverse impact to any adjoining property and would, no doubt, improve the Applicants' parcel and quality of life.

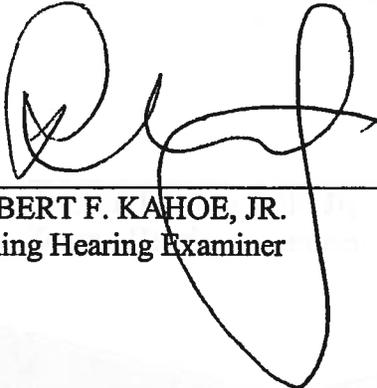
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**CONCLUSION:**

Accordingly, it is recommended that the requested variance be granted, subject to the following conditions:

1. The Applicants shall obtain all necessary permits and inspections for the structures.
2. The location, type and size of the structures shall substantially conform to the site plan submitted.

Date: September 13, 2012



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ROBERT F. KAHOE, JR.  
Zoning Hearing Examiner

**Any appeal of this decision must be received by 5:00 p.m. on OCTOBER 11, 2012.**