

STANDARD APPLICATION
Harford County
Board of Appeals
 Bel Air, Maryland 21014

RECEIVED
 HARFORD COUNTY COUNCIL
 NOV 28 2018
 ZONING BOARD OF APPEALS
 HARFORD COUNTY, MD

Case No. 5895
 Date Filed 11/28/18
 Hearing Date _____
 Receipt _____
 Fee 450.00
 Type Var.

Shaded areas for Office Use Only

Information to be Submitted with Application

1. A plot plan drawn to scale indicating all pertinent data.
2. A list of all adjoining property owners with mailing addresses.
3. Names and addresses of all persons having legal or equitable interest in the property.
4. All required supporting documentation or additional studies as may be required; including traffic and environmental studies, etc.

NOTE:

All applicants **MUST** schedule a pre-application meeting with the Department of Planning and Zoning **prior** to filing any application to the Board of Appeals.

To schedule please call 410-638-3119.

Nature of Request and Section(s) of Code

CASE 5895 MAP 47 TYPE Variance
ELECTION DISTRICT 04 TAX ID 04030028
LOCATION 2110 Hampshire Drive, Fallston 21047
BY Brandon Chasen, 13645 Jarrettsville Pike, Phoenix 21131
Appealed because a variance pursuant to Sec. 267-54B(2)
Table 54-1 of the Harford County Code to permit a 19 foot
front yard setback (40 feet required) in the RR district
requires approval by the Board.

Owner (please print or type)

Name BRANDON CHASEN Phone Number 240-205-2699
 Address 13645 JARRETTSVILLE PIKE PHOENIX MD 21131
Street Number Street City State Zip Code

Co-Applicant DAVID SCHDUSTER Phone Number 443-865-3818
 Address 2110 HAMPSHIRE DR FALLSTON MD 21047
Street Number Street City State Zip Code

Contract Purchaser _____ Phone Number _____
 Address _____
Street Number Street City State Zip Code

Attorney/Representative _____ Phone Number _____
 Address _____
Street Number Street City State Zip Code

Land Description

Address and Location of Property 2110 HAMPSHIRE DR

FAULSTON MO 21047

Subdivision ~~ESTB /~~ Round Acres Lot Number 16

Acreage/Lot Size 2³⁴⁰⁰ SF Election District 4th Zoning RR Tax ID # 04030028

Tax Map No. 47 Grid No. 10 Parcel 442 Water/Sewer: Private X Public

List ALL structures on property and current use: ONE STORY RANCH HOME WITH COVERED
Porch & driveways

Estimated time required to present case: _____

If this Appeal is in reference to a Building Permit, state number _____

Would approval of this petition violate the covenants and restrictions for your property? Yes ~~X~~ No X

Is this property located within the County's Chesapeake Bay Critical Area? Yes _____ No X

If so, what is the Critical Area Land Use designations: _____

Is this request the result of a zoning enforcement investigation? Yes _____ No X

Is this request within one (1) mile of any incorporated town limits? Yes _____ No X

Request

Please see Attached letter

Justification

Please see Attached letter

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

Zoning Code Requirements

Appeal from Administrative Decision/Interpretation Requirements (Article 267-7A)

- (6) Render a final written determination, within 45 calendar days of the written request, of whether a proposed use is permitted in a particular zoning district, or whether a proposed use is a legal nonconforming use upon written request of any person. The Director of Planning may determine a materially similar use exists, based on the North American Industrial Classification System (NAICS). The final written determination of the Director of Planning shall be subject to appeal to the Board by the applicant within 20 calendar days of the date of the decision.

Variance Requirements (Article 267-11)

- (A) Variances from the provisions or requirements of this Code may be granted if the Board finds that:
- (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of the Code would result in practical difficulty or unreasonable hardship; and
 - (2) The variance will not be substantially detrimental to adjacent properties, or will not materially impair the purpose of this Code or the public interest.

(The Board may impose such conditions as it deems necessary in each particular case. No variance shall exceed the minimum adjustment necessary to relieve the hardship imposed by literal enforcement of this Code.)

Special Overlay District Requirements (Article 267-62)

(E) Natural Resources District

Variances. The Board may grant a variance to Subsection C or D upon a finding by the Board that the proposed development has been designed to minimize adverse impacts to the Natural Resources District to the greatest extent possible. Prior to rendering approval, the Board shall request advisory comments from the Director of Planning, the Soil Conservation District and the Maryland Department of the Environment.

Chesapeake Bay Critical Area Overlay District (Article 267-63)

- (1) Variances from the provisions of this section may only be granted if, due to special features of a site or other circumstances, implementation of this section or a literal enforcement of its provisions would result in unwarranted hardship to an applicant.
- (2) All applications for variances shall be reviewed by the Director of Planning for conformance with applicable provisions of this section, and a written report shall be provided to the Board of Appeals.
- (3) In granting a variance, the Board shall issue written findings demonstrating that the requested approval complies with each of the following conditions:

- (a) That special conditions or circumstances exist that are peculiar to the land or structure within the County's Critical Area, and a literal enforcement of the Critical Area Program would result in an unwarranted hardship.
 - (b) That a literal interpretation of the provisions of this section will deprive the applicant of rights commonly enjoyed by other properties in similar geographic and land use management areas within the Critical Area.
 - (c) That the granting of a variance will not confer upon the applicant any special privilege that would be denied by this section to other lands or structures within the Critical Area.
 - (d) That the variance request is not based upon conditions or circumstances which are the result of actions by the applicant, nor does the request arise from any condition relating to land or building use, either permitted or nonconforming, on any neighboring property.
 - (e) That the granting of a variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the Critical Area, and the granting of the variance will be in harmony with the purpose and intent of this section.
 - (f) That all identified habitat protection areas on or adjacent to the site have been protected by the proposed development and implementation of either on-site or off-site programs.
 - (g) That the growth allocation for the County will not be exceeded by the granting of the variance.
 - (h) That the variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.
- i. Special exceptions. All projects requiring approval as special exceptions within the Critical Area must meet the standards of this section. The Director of Planning may require such additional information, studies or documentation deemed necessary to ensure that applicable requirements of this district are met. Applications will not be considered complete for processing until all information as required by the Director of Planning has been received.

Change/Extension of Non-Conforming Use Requirements

267-20(3) - When authorized by the Board, one nonconforming use may be substituted for another nonconforming use.

267-21(d) - 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 intense use.
- (B) The enlargement or extension does not exceed 50% of the gross square footage in use at the time of the creation of the nonconformity.

Special Exceptions Requirements (Article 267-87)

(a) Special exceptions require the approval of the Board of Appeals in accordance with 267-9 (Board of Appeals). The Board may impose such conditions limitations and restrictions as necessary to preserve harmony with adjacent uses, the purposes of this Code and the public health, safety and welfare.

- (b) A special exception grant or approval shall be limited to the Site Plan approved by the Board. Any substantial modification to the approved Site Plan shall require further Board approval.
- (c) Extension of any use or activity permitted as a special exception shall require further Board approval.
- (d) The Board may require a bond, irrevocable letter of credit or other appropriate guarantee as may be deemed necessary to assure satisfactory performance with regard to all or some of the conditions.
- (e) In the event the development or use is not commenced within 3 years from date of final decision, after all appeals have been exhausted, the approval for the special exception shall be void. In the event of delays, unforeseen at the time of application and approval, the Director of Planning shall have the authority to extend the approval for an additional 12 months or any portion thereof. (See Article 267-88 for specific requirements of Special Exception uses.)

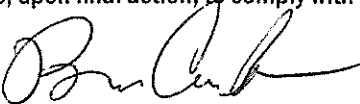
I/We agree to provide additional information as requested by the Department of Planning and Zoning or the Hearing Examiner.

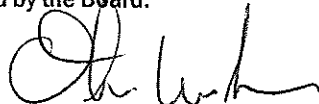
I/We do hereby declare that no officer or employee of Harford County, whether elected or appointed, has received prior hereto or will receive subsequent hereto any monetary or material consideration, any service or thing of value, directly or indirectly, upon more favorable terms than those granted to the public generally in connection with the submission, processing, issuance, grant or aware of the within application or petition.


I/We do solemnly declare and affirm under the penalties of perjury that this petition contains names and addresses of all persons having legal or equitable interest in the property, including shareholders owning more than five percent (5%) of the stock in a corporation having any interest in the property, except those corporations listed and traded on a recognized stock exchange.


I/We do solemnly declare and affirm under the penalties of perjury that the contents of the foregoing affidavit are true and correct to the best of my/our knowledge, information and belief.

I/We agree, upon final action, to comply with all requirements or conditions imposed by the Board.


 _____ 3/13/18
 Signature of Owner Date

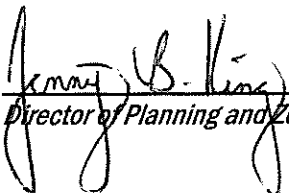

 _____ 3/13/18
 Witness OLIVER Wegener Date


 _____ 3/13/18
 Signature of Co-Applicant Date


 _____ 3/13/18
 Witness OLIVER Wegener Date

 Signature of Attorney/Representative Date

 Witness Date


 _____ 11/29/18
 Director of Planning and Zoning Date

 Zoning Staff Date

#104

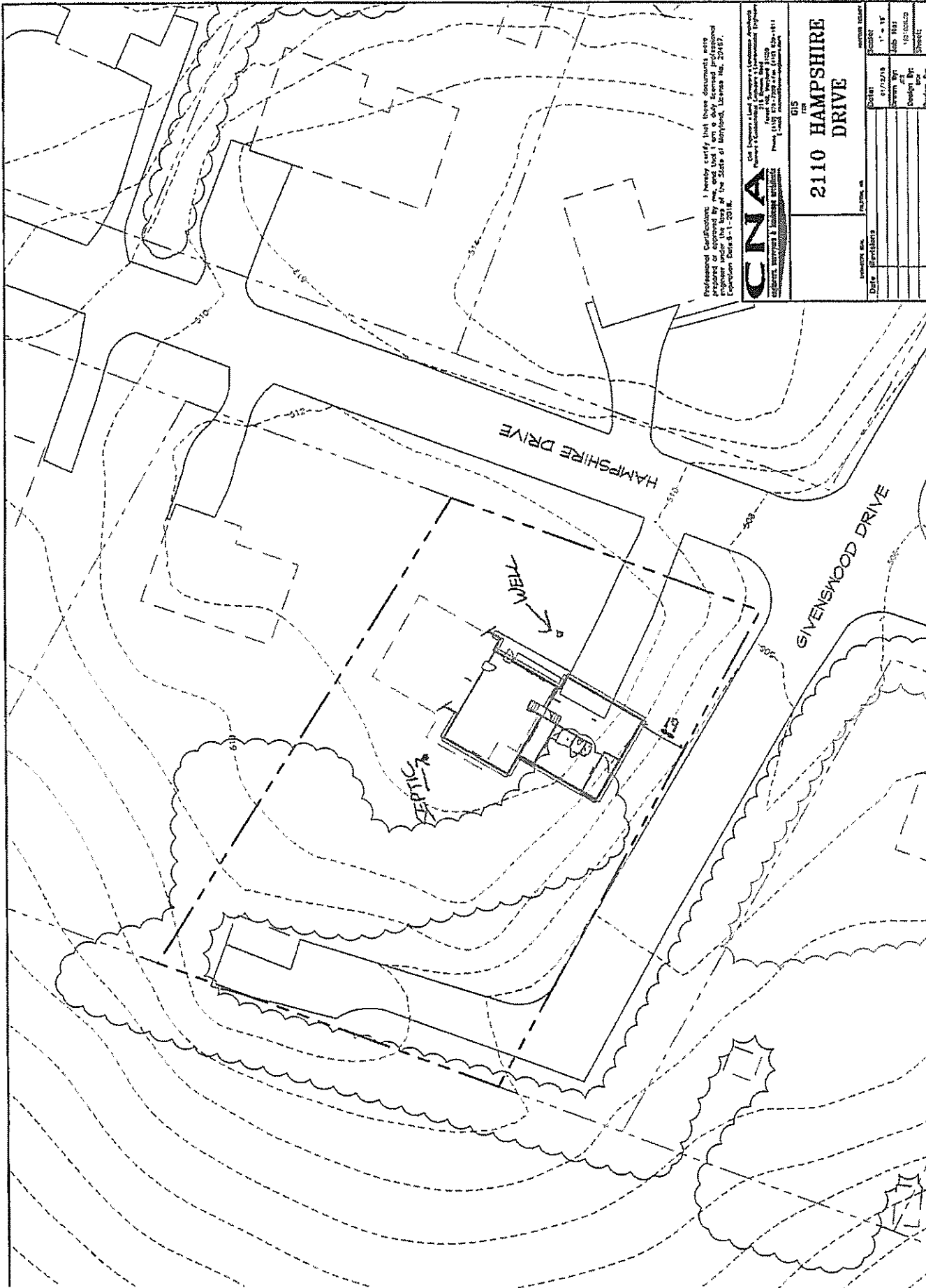
2110 HAMPSHIRE DR FALLSTON MD 21087

This is a Request for Variance of the 40 foot building setback on an exiting garage with bedroom addition.

Existing Building and Amenities: The front of the home is facing Hampshire Dr and Givenswood Dr intersection. The property is on a corner lot with Givenswood Dr a dead end street. (On the Dead end street there is only access for entry on my property) The well is located in the middle of the front yard that prevents building in that direction. This property also has a septic system located behind the center of the house with the drain fields to the right corner of the house that will not allow building to be done there. The uniqueness of this property being on a corner lot, a dead end side road, fixed amenities and size of my family makes obtaining this variance essential.

Thanks for you time from me and my family,

David and Carla Schouster, My daughters
Octavia(3) , Laila (8), and my sons David Jr (8) ,
Logan (15)



Professional Certification: I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland, License No. 20487. Expiration Date 8-1-2014.

CNA Civil Engineers & Land Surveyors & Environmental Engineers
 1100 North Point Blvd., Suite 1000, Baltimore, MD 21286
 Phone: (410) 528-2000 Fax: (410) 528-2001
 www.cna.com

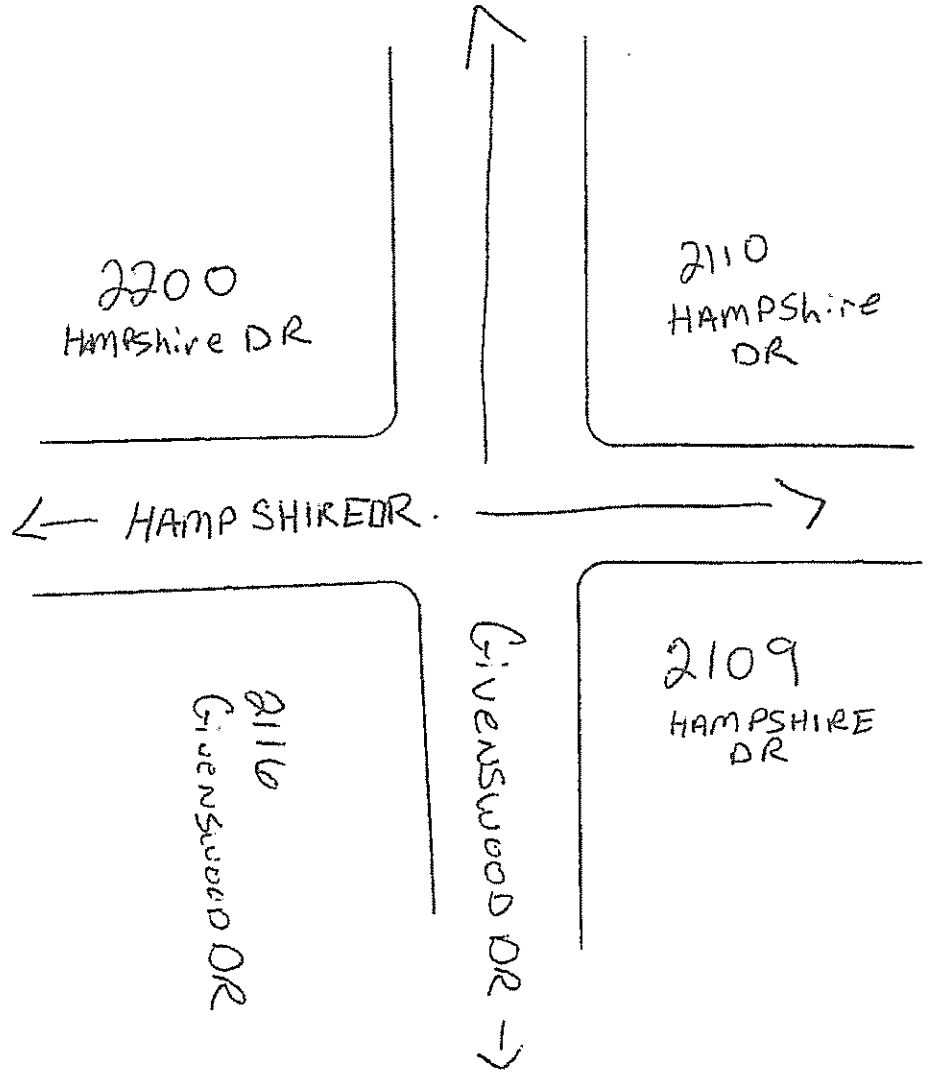
DATE	01/27/10	SCALE	1" = 10'
PROJECT	2110 HAMPSHIRE DRIVE	DESIGNER	ASB/BAJ
DATE	01/27/10	CHECKER	ASB/BAJ
DATE	01/27/10	APPROVER	ASB/BAJ
DATE	01/27/10	DATE	01/27/10
DATE	01/27/10	DATE	01/27/10

Dave Schouster
2110 Hampshire Drive
Fallston, MD 21047

2200 HAMPSHIRE DR
See below

2110 GIVENSWOOD DR
See below

2109 HAMPSHIRE DR
See below



To whom it may concern,

This letter is to confirm our approval and support of the variance Mr. Schouster is requesting to keep the addition built at 2110 Hampshire Drive Fallston, MD 21047. We feel the improvements he is making to 2110 Hampshire Drive improve the value of all the homes in our neighborhood.

Thank you for your time and consideration in this matter.

Signed: Mary E Grant
Print Name: MARY E GRANT
Address: 2200 HAMPSHIRE DR
Phone: 410 - 877 3723

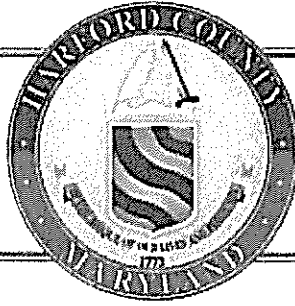
Signed: Kelly A. McMahon
Print Name: Kelly A. McMahon
Address: 2116 Givenswood DR.
Phone: 410-746-3727

Signed: T. Gesheft
Print Name: Tania Gesheft
Address: 2104 Hampshire Dr
Phone: 410 877 7927

Signed: _____
Print Name: _____
Address: _____
Phone: _____

BARRY GLASSMAN
HARFORD COUNTY EXECUTIVE

BILLY BONIFACE
DIRECTOR OF ADMINISTRATION



PAUL E. LAWDER
DIRECTOR OF INSPECTIONS,
LICENSES AND PERMITS

Planning and Zoning Board of Appeals Case – DILP Comments

DATE: November 28, 2018
BOA CASE NUMBER: 5895
DILP RECORD NUMBER: DILPM-000706-2018.
FROM: Richard C. Truitt, Sr., Deputy Director, DILP

The Department of Inspections, Licenses and Permits offers the following regarding the proposed Board of Appeals Case #5895.

The proposal to construct an addition and renovate an existing single-family dwelling within the 40 foot setback established by the Harford County Zoning Code poses no conflict with the current Harford County Building Code.

It should be noted that the proposed addition on this property is the subject of an open investigation by this Department that was opened in November of 2017. The investigation is based upon the work to demolish and construct the proposed addition without the required approvals or a building permit being issued by Harford County. The Department has been in communication with the co-applicant Mr. Schuster on numerous occasions and has advised Mr. Schouster to cease work on the property until the required permit has been issued on two different occasions. A Stop Work Order was ultimately issued and posted on the property by the Department on June 6, 2018.

MARYLAND'S NEW CENTER OF OPPORTUNITY

410.638.3344 | 410.879.2000 | TTY Maryland Relay 711 | www.harfordcountymd.gov

220 South Main Street, Bel Air, Maryland 21014

THIS DOCUMENT IS AVAILABLE IN ALTERNATIVE FORMAT UPON REQUEST