

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

RECEIVED  
 HARFORD COUNTY COUNCIL  
 JUN - 4 2019  
 ZONING BOARD OF APPEALS  
 HARFORD COUNTY, MD

Case No. 5907  
 Date Filed 6/4/19  
 Hearing Date \_\_\_\_\_  
 Receipt \_\_\_\_\_  
 Fee \$450.00  
 Type Variance

**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.

*Shaded areas for Office Use Only*

**Nature of Request and Section(s) of Code**

CASE 5905 MAP 40 TYPE Variance  
ELECTION DISTRICT 03 TAX ID 03374297  
LOCATION 1210 Fristoe Court, Forest Hill 21050  
BY John Cook  
Appealed because a variance pursuant to  
Sec. 267-27C(6)(b)(3) of the Harford County  
Code to permit a shed within the Conservation  
Buffer setback in the RR district requires approval  
by the Board.

**Owner (please print or type)**

Name JOHN COOK Phone Number 301-440-6774  
 Address 1210 FRISTOE CT. FOREST HILL MD 21050  
Street Number Street City State Zip Code

Co-Applicant [REDACTED] Phone Number [REDACTED]  
 Address [REDACTED]  
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



## **Supplement to Harford County Board of Appeals Application**

John Cook  
1210 Fristoe Court  
Forest Hill, MD 21050

### Request

A variance to allow a 12' X 20' shed within 100 foot Conservation Buffer setback in a Rural Residential District. The requested area is grass, located on the north side along a wooded property line in the rear of the lot, outside of the 25 foot M.B.S.L.

### Justification

The lot is impacted by a 100 foot Conservation Buffer on the north and west sides, thus limiting a significant area of the property for a shed. Due to this unique property restriction, an unreasonable hardship resulted in no practical area on the 1.57 acre lot for a shed. The only allowable area is in the center of the back yard, which is not sensible or reasonable for a homeowner.

The east side of the property is also restricted due to the septic setbacks and septic reserve area. The east side of the property is in close proximity to the neighboring residence. The south side of the property is also restricted due to the 25 foot M.B.S.L. and the close proximity of the neighboring residence. The requested variance area is the most reasonable shed site for the homeowner and neighboring residences.

The variance will not be substantially detrimental to adjacent properties, or will not materially impair the purpose of the variance or the public interest.

In addition, a residence in the same subdivision, 1705 Grafton Ridge Court, was previously approved for a similar shed variance, Case Number 5725.

### Adjoining property owners

1. Brad and Lora Phillips  
1208 Fristoe Court  
Forest Hill, MD 21050
2. Robert and Lisa  
1212 Fristoe Court  
Forest Hill, MD 21050
3. Eugene and Sue Brown  
1701 La Salle Road  
Forest Hill, MD 21050
4. Michael and Joyce Hires  
1302 Boggs Road  
Forest Hill, MD 21050
5. Dan Kaskel  
1613 La Salle Raod  
Forest Hill, MD 21050

## 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.)

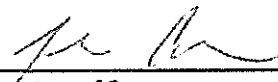
I/We agree to provide additional information as requested by the Department of Planning and Zoning or the Hearing Examiner.

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.

 5-17-19  
Signature of Owner Date

S  
Witness Date

\_\_\_\_\_  
Signature of Co-Applicant Date

\_\_\_\_\_  
Witness Date

\_\_\_\_\_  
Signature of Attorney/Representative Date

\_\_\_\_\_  
Witness Date

 6-4-19  
Director of Planning and Zoning Date

\_\_\_\_\_  
Zoning Staff Date

NORTH PER PLAT:



LOT 1  
LANDS OF  
EUGENE F. BROWN  
(H.D.C. 898/595)  
ZONED - RR

(27)  
#1210

100' CONSERVATION  
BUFFER

10,000 SF. ±  
SEPTIC RESERVE  
AREA

SHED

WELL

CHIM.

SEE  
ENLARGMENT  
BAY  
WIND

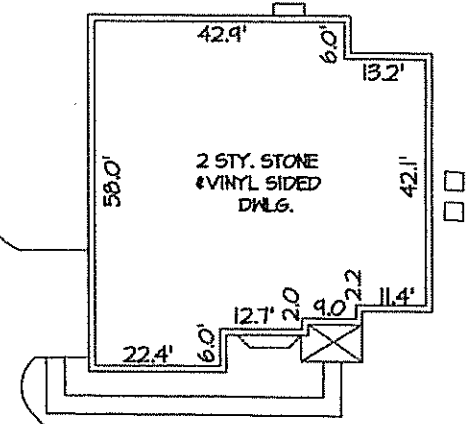
HEAT  
PUMP  
PADS

SEPTIC LIDS  
SEPTIC LINE

ROAD IMPROVEMENT R/W

(28)

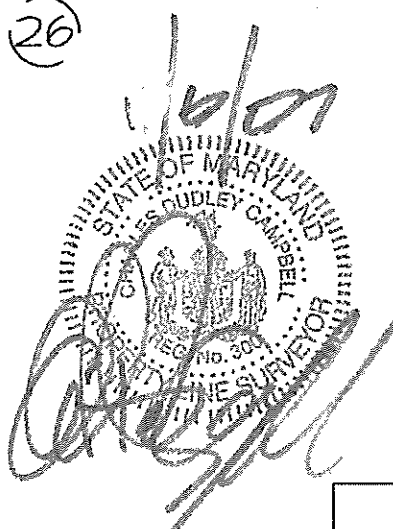
(26)



ENLARGEMENT SCALE: 1"=30'

R=50.00'  
L=12.67'

FRISTOE  
COURT  
50' R/W



 : DENOTES COMMON DRIVE EASEMENT AREA

THIS LOCATION DRAWING HAS BEEN PREPARED IN ACCORDANCE WITH MARYLAND BOARD OF PROFESSIONAL LAND SURVEYORS MINIMUM STANDARDS OF PRACTICE. THIS LOCATION DRAWING IS OF BENEFIT TO A CONSUMER ONLY INsofar AS IT IS REQUIRED BY A LENDER OR A TITLE INSURANCE COMPANY OR ITS AGENT IN CONNECTION WITH CONTEMPLATED TRANSFER, FINANCING OR REFINANCING; IT IS NOT TO BE RELIED UPON FOR THE ESTABLISHMENT OR LOCATION OF FENCES, GARAGES, BUILDINGS, OR OTHER EXISTING OR FUTURE IMPROVEMENTS; IT DOES NOT PROVIDE FOR THE ACCURATE IDENTIFICATION OF PROPERTY BOUNDARY LINES, BUT SUCH IDENTIFICATION MAY NOT BE REQUIRED FOR THE TRANSFER OF TITLE OR SECURING FINANCING OR REFINANCING; THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THERE ARE NO ENCRoACHMENTS ON ANY ADJOINING PREMISES, STREETS,