

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

Case No. 5969  
 Date Filed 5/12/22  
 Hearing Date \_\_\_\_\_  
 Receipt \_\_\_\_\_  
 Fee \$450.00  
 Type Var.

*Shaded areas for Office Use Only*

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

**CASE 5969 MAP 11 TYPE Variance**  
**ELECTION DISTRICT 05 TAX ID 05-003598**  
**LOCATION 4007 Grande View Drive, Pylesville 21132**  
**BY Amy Teter and Jonathan Gagnon**  
**Appealed because a variance pursuant to Sec. 267-27C(1)**  
**of the Harford County Code to permit an accessory**  
**structure to exceed the size requirement (1800' proposed)**  
**in the AG district requires approval by the Board.**

**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.

**Owner (please print or type)**

Name Amy Teter Phone Number 443-562-1751  
 Address 4007 Grande View Drive Pylesville MD 21132  
*Street Number Street City State Zip Code*

Co-Applicant Jonathan Gagnon Phone Number 804-349-5471  
 Address 4007 Grande View Drive Pylesville MD 21132  
*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**

Subdivision Grande View Farms Lot Number 18  
Acreage/Lot Size 4.1 Election District 05 Zoning AG Tax ID # 05003598  
Tax Map No. 11 Grid No. 0003A Parcel 0231 Water/Sewer: Private  Public

List ALL structures on property and current use: Primary residence, 12 x 24 shed housing lawn and garden care, 32 x 36 concrete pad with retaining walls, deck

Estimated time required to present case: 15-20 minutes

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 \_\_\_\_\_ No

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

If so, what is the Critical Area Land Use designations: N/A

Is this request the result of a zoning enforcement investigation? Yes \_\_\_\_\_ No

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

**Request**

See attached

**Justification**

See attached

*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.





We are requesting a variance or special exception to the Article II, Code 267-27 **Accessory Uses and Structures C.1.**

The variance or special exception is for our detached garage. The 32 x36, garage pad, including retaining walls, completed construction on March 8, 2022. The proposed interior garage space is 1020 square feet and second floor 18' x 36' = 648, totaling 1800 sq ft. The space will not be used for living quarters, the storage of contractor's equipment, or the conducting of any business, will not increase any impervious surface area beyond the maximum permitted, and shall not be established within the required front yard. The building would be under the height limit of our primary residence and would appear more so due to the slope of our property, as well as being to the rear of house and having woods nearby.

Our primary residence is 1727 square feet + 600 square foot finished basement, totaling 2327 sq ft. 50% would be 1163 square feet. In actuality, the finished portion of the basement is 800 square feet, totaling 2527, 50% equaling 1263. We plan on an approximate 1400 sq ft addition to our primary residence in near future, which would make square footage 3900 sq ft, 50% =1963 sq ft., thus making the proposed second story of garage within the 50% parameters. Case no 5038 May 2000 was similar, in that they were requesting larger garage, rural area, and proposed building would bring garage within the parameters.

#### **Justification**

The topography of our property consists of 4.1 acres in northern Harford County within the Agricultural district. Our property is zoned agricultural, but the land use is Residential. Our septic and septic field are in the front yard, the well is located between the house and existing shed. The current approved garage pad is 32 x 36, located at end of our driveway at a location where minimal digging and removal of trees occurred. We have significant slope as demonstrated by contours map from Harfordgis (see attached maps) highest point at approximately 434' located behind the 16 x 24 shed used for lawn and garden equipment to lowest point at front northwestern corner at approximately 382', a difference of 52'. The property is also heavily wooded, a core forest greater than 50 acres, measuring 165 acres, 2.2 acres of which are in the rear of our property.

By allowing the variance we could minimize adverse impacts to the following areas, which would occur if we built additional single-story structure with similar square footage as allowed by the code. Removal of trees would be necessary for additional buildings, impacting the core forest area and there is also a Harford County Agricultural Land Preservation Easement on the Nash's property to the eastern border, which is also part of the 165 acres of woodland. There is core aquatic area located near the 8.62-acre Lake Mitten, 550 feet downhill from our property, and 400 feet downhill to the stream that feeds Lake Mitten, which is part of the Broad Creek Watershed, which would be affected by additional impact from the disturbance of soil uphill.

Properties along Grande View Drive, a rural, half mile dead end street within the community of Grande View Farms, range from two to nine acres, with the square footage of homes ranging from 1352 square feet to 4852 square feet. Each home is unique, both in style and size, most having been built around the period of 1975-1985. The homes with accessory buildings like what we are proposing also range in size, however, each of these accessory buildings have second levels. The Grande View Farms Improvement Association has approved our request for a garage providing we follow the association rules of not building in front of the house, and no taller than the house. The granting of the variance would not be

substantially detrimental to adjacent properties and will not materially impair the purpose of Part 1 or public interest.

**List of immediate Neighbors:**

**Barry & Jackie Hedrick  
4011 Grande View Drive  
Pylesville, Maryland 21132**

**Ed & Stephanie Ducote  
4006 Grande View Drive  
Pylesville, Maryland 21132**

**Rob & Janice Weissman  
4005 Grande View Drive  
Pylesville, Maryland 21132**

**Grande View Farm Improvement Association Inc  
PO Box 36  
Pylesville Maryland 21132**

**Carl Nash Jr & Brenda Nash  
PO Box 116  
Street, Maryland 21154**



Information obtained from SDAT real property search and measurements using Harford County WebGIS

Address on Grande View Drive	Acreage	Square footage Residence	Detached Garage Measurements are approximate
4000- built 1980	2.11	1352	N
4002- built 1975	7.01	1147 +552=1699	Y (barn/garage) 1633 sq ft
4004- built 1976	4.48	1892	N
4005- built 1978	4.83+ 4.21+1.99= 3 lots total=11.03	4852	Y (barn/garage) 1000 sq ft
HOA4006-built 2006	3.57	3767	N
4007- built 1980	4.10	1727+600=2327	N
4011-built 1996	4.09	2952	N
4015- built 1976	3.47	2064	N
4019-built 1989	2.11	1796	N
4023-built 1979	7.42	2852	Y w 2 <sup>nd</sup> floor 1100 sq ft lower level Appx 500 sq ft 2 <sup>nd</sup> level= 1600 w dormers
4024- built 1977	4.54	1734+840=2574	Y w second floor 1700 lower floor, appx 1000 sq ft 2 <sup>nd</sup> floor=2700 sq ft
4025- built 1978	9.18	2000	N
4028-built 1978	2.8	1680	N
4029-built 1987	4.39	2880	Y w second floor 1000 sq ft + 600 sq ft w dormers
4032-built 1970	3.42	2652+514=3166	N
4037-built 1985	5.29	2784	Y w second floor 750 +600
4038- built 1976	4.78	2100	?
4041- built 1987	9.24	3261	Y w second floor 700 sq ft +
4042-built 1974	3.98	1478	N
4050-built 1975	2.54	2232	N
4051-built 1983	4.95	2292	N
4055- built 1973	3.03	2389	N
4060-built 1971	2.97	1560+520=2080	N





