STANDARD APPLICATION

Harford County Board of Appeals

Bel Air, Maryland 21014

RECEIVED
MAR 19 2004
HARFORD COUNTY COUNCIL

Case No. 5413
Date Filed 3/12/04
Hearing Date
Receipt
Fee #400.00

Shaded Areas for Office Use Only

Type of Application

- ____ Administrative Decision/Interpretation
- X Special Exception
- ____ Use Variance
- ____ Change/Extension of Non-Conforming U
- ____ Minor Area Variance
- ____ Area Variance
- ____ Variance from Requirements of the Code
- ____ Zoning Map/Drafting Correction
- ____ _____

Nature of Request and Section(s) of Code

CASE 5413 **MAP** 57 **TYPE** Special Exception

ELECTION DISTRICT 1 **LOCATION** 2410 Creswell Road, Bel Air, Md. 21015

BY Fair Meadows LLC (Forty Love Tennis LLC, 2700 Philadelphia Rd., Edgewood, Md. 21040

Appealed because a Special Exception pursuant to Section 267-53A(2) of the Harford County Code to allow a tennis club in an Agricultural District requires approval by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Applicant/Owner (please print or type)

Name Fair Meadows LLC Phone Number call attorney

Address 2410 Creswell Road Bel Air MD 21015-6508
Street Number *Street* *City* *State* *Zip Code*

Co-Applicant Forty Love Tennis LLC Phone Number call attorney

Address 2700 Philadelphia Road Edgewood MD 21040
Street Number *Street* *City* *State* *Zip Code*

Contract Purchaser N/A Phone Number

Address
Street Number *Street* *City* *State* *Zip Code*

Attorney/Representative John J. Gessner Phone Number 410-893-7500

Address 11 S. Main Street Bel Air MD 21014
Street Number *Street* *City* *State* *Zip Code*

Land Description

Address and Location of Property 43.14 acres 2410 Creswell Road

Fair Meadows LLC P101/70

Subdivision N/A Lot Number _____

Acreage/Lot Size 43.14 Election District 1st Zoning AG

Tax Map No. 57 Grid No. 2D Parcel 179 Water/Sewer: Private X Public _____

List ALL structures on property and current use: classroom/library; gymnasium; carriage house; dormitory (administration building; mansion; student housing buildings; classrooms; college/school use

Estimated time required to present case: 30 minutes

If this Appeal is in reference to a Building Permit, state number N/A

Would approval of this petition violate the covenants and restrictions for your property? N/A

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

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.)

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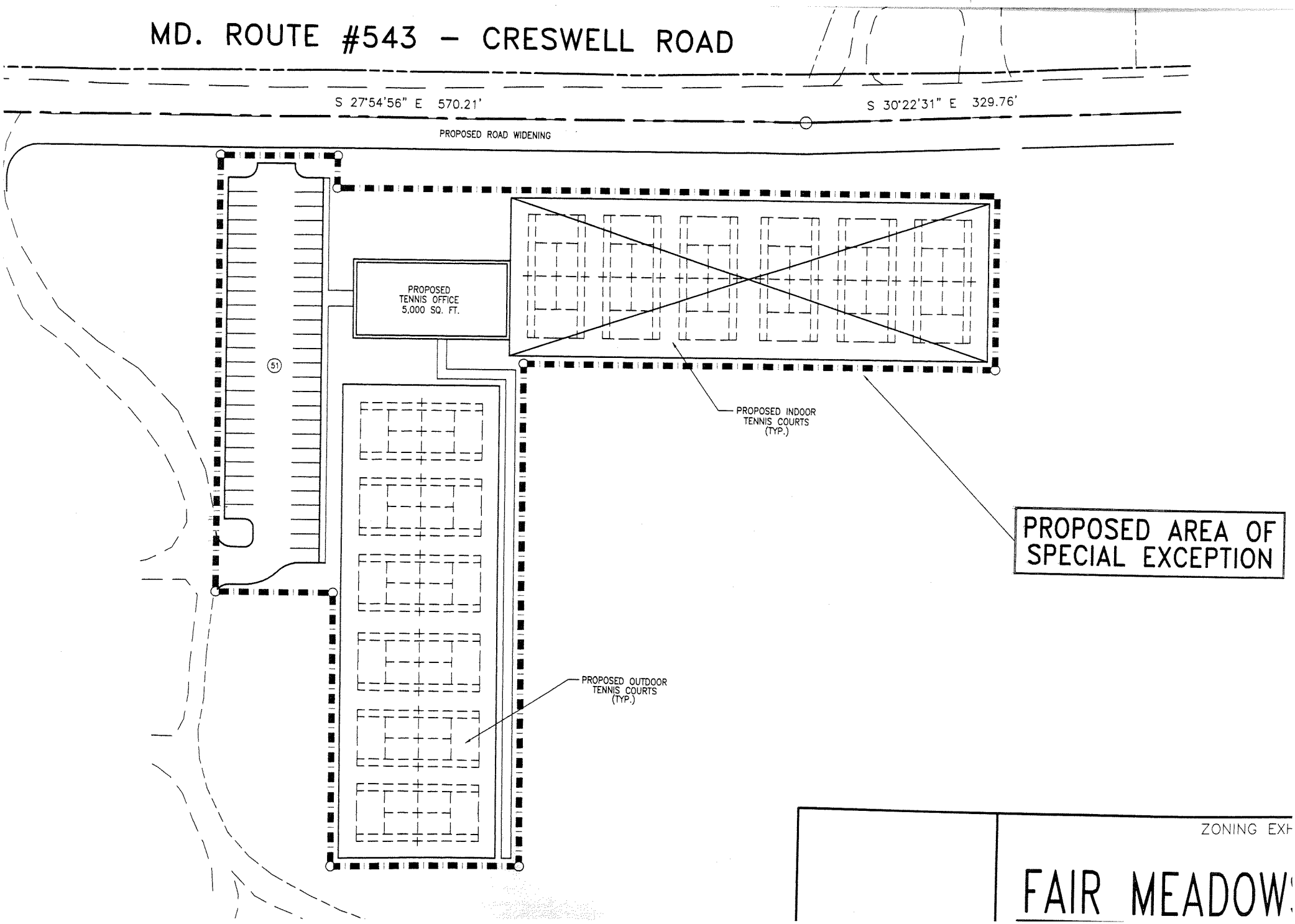
ATTACHMENT TO APPLICATION OF FAIR MEADOWS, LLC AND FORTY LOVE TENNIS, LLC

REQUEST: A special exception pursuant to Section 267-53(A)(2) of the Harford County Zoning Code ("Code") to conduct a tennis club from the subject property zoned AG, Agricultural, as shown on the attached site plan.

JUSTIFICATION: The proposed use is compatible with uses permitted as of right and will cause no adverse impact.


MD. ROUTE #543 – CRESWELL ROAD
S 27°54'56" E 570.21'
S 30°22'31" E 329.76'
PROPOSED ROAD WIDENING
PROPOSED TENNIS OFFICE 5,000 SQ. FT.
51
PROPOSED INDOOR TENNIS COURTS (TYP.)
PROPOSED AREA OF SPECIAL EXCEPTION
PROPOSED OUTDOOR TENNIS COURTS (TYP.)
ZONING EXH
FAIR MEADOW

JAMES M. HARKINS
HARFORD COUNTY EXECUTIVE

JOHN J. O'NEILL, JR.
DIRECTOR OF ADMINISTRATION

J. STEVEN KAII-ZIEGLER
DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

RECEIVED
MAY 6 2004
HARFORD COUNTY COUNCIL

May 6, 2004

STAFF REPORT

BOARD OF APPEALS CASE NO. 5413

APPLICANT/OWNER:	Fair Meadows LLC 2410 Creswell Road, Bel Air, Maryland 21015-6508
Co-APPLICANT:	Forty Love Tennis LLC 2700 Philadelphia Road, Edgewood, Maryland 21040
REPRESENTATIVE:	John J. Gessner 11 S. Main Street, Bel Air, Maryland 21014
LOCATION:	2410 Creswell Road Tax Map: 43.14 / Grid: 2D / Parcel: 179 Election District: First (1st)
ACREAGE:	43.14 acres
ZONING:	AG/Agricultural
DATE FILED:	March 12, 2004
HEARING DATE:	May 12, 2004

APPLICANTS' REQUEST and JUSTIFICATION:

See Attachment 1.

CODE REQUIREMENTS:

The Applicants are requesting a special exception pursuant to Section 267-53A(2) of the Harford County Code to allow a tennis club in an Agricultural District.

Section 267-53A(2) of the Harford County Code reads:

(2) [Amended by Bill Nos. 88-87; 95-71] Country clubs, golf clubs, tennis and swim clubs. These uses may be granted in the AG, R, RR, R1, R2, R3, R4 and GI Districts, provided that:

(a) No off-street parking or loading area shall be located within any required yard or within twenty-five (25) feet of any parcel boundary.
(b) Off-street parking and loading areas, swimming pools, and tennis courts shall be screened from adjacent residential lots.
(c) The principal access road shall be provided from an arterial or collector road.
(d) No more than 20% of the land area upon which such a use is conducted may be located in the GI District.
(e) Any outside lighting used to illuminate a use permitted under this section shall be designed, installed and maintained in a manner not to cause a glare or reflection on adjacent residential lots.

Enclosed with the report is a copy of Section 267-51 and 267-52 of the Harford County Code (Attachment 2).

Section 267-9I of the Harford County Code will be discussed in detail later in the report.

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The subject property is located on the west side of MD Route 543, north of Interstate 95. A location map and a copy of the Applicants' site plan are enclosed with the report (Attachments 3 and 4).

The site of this request is located outside of the Development Envelope. The predominant land use designation is Agricultural/AG Residential. The Natural Features Map reflects stream buffer systems. The subject property is located in the Agricultural/AG Residential designation, which is defined by the 1996 Master Plan as:

> **Agricultural/AG Residential** – Areas where agriculture is the primary land use. Where developments rights are available, residential development at a density of 1.0 dwelling unit for every 10 acres is possible. Commercial uses within this area are intended to serve the agriculture industry or residents of the area.

Enclosed with the report are copies of portions of the 1996 Land Use Map and the Natural Features Map (Attachments 5 and 6).

Land Use – Existing:

The land uses in this area of the County are a mixture of institutional, residential, agricultural and commercial amusements. There are active farms in the area and large lot subdivisions. In addition, there are some older, small lot subdivisions nearby. Enclosed with the report is a copy of the aerial photograph (Attachment 7).

The overall property is approximately 43.14 acres in size and has frontage on MD 543 and MD 136. The access to the property is from MD 543. The topography ranges from level to gently rolling (Attachment 8). The property contains a mix of dense woods, open fields, a pond and active recreational facilities. The site is the home of Lincoln Christian College-East Coast (formerly Eastern Christian College) and contains approximately eight buildings, ranging in use from administrative offices to classrooms, dormitories, library and a gym. The area proposed for the tennis club is located along the front of the property facing Route 543 next to the main entrance. Enclosed with the report are site photographs along with an enlargement of the aerial photograph (Attachments 9 and 10).

Zoning:

The zoning classifications in this area are consistent with the 1996 Master Plan and Land Use Plan. The predominant zoning classifications are AG/Agricultural and RR/Rural Residential. There are small areas of commercial zoning ranging from B1/Neighborhood to B2/Community Business Districts located north of the site. The subject property is zoned AG/Agricultural as shown on the enclosed copy of the zoning map (Attachment 11).

SUMMARY:

The Applicants are requesting a special exception pursuant to Section 267-53A(2) of the Harford County Code to allow a tennis club in an Agricultural District.

Section 267-53A(2):

(2) [Amended by Bill Nos. 88-87; 95-71] Country clubs, golf clubs, tennis and swim clubs. These uses may be granted in the AG, R, RR, R1, R2, R3, R4 and GI Districts, provided that:

The subject property is zoned AG/Agricultural and therefore the request conforms to this criteria.

(a) No off-street parking or loading area shall be located within any required yard or within twenty-five (25) feet of any parcel boundary.

The requested use requires a minimum front yard setback of 50-feet (Attachment 12). The parking area shown on the Applicants' site plan is only 10-feet from the proposed road widening line and the tennis courts are shown as 30-feet from the line. The Applicants have not requested any variances, therefore, these uses must be moved back behind the 50-foot front yard setback. There appears to be sufficient area to relocate these facilities and conform to the Code.

(b) Off-street parking and loading areas, swimming pools, and tennis courts shall be screened from adjacent residential lots.

A landscaping plan shall be submitted for review and approval by the Department of Planning and Zoning during the site plan review process. The Applicants must provide screening along MD 543 and adjacent to the Land of Bajko.

(c) The principal access road shall be provided from an arterial or collector road.

The tennis club will use the existing main entrance to the college. The County's Transportation Plan classifies MD 543 as a major collector-rural road.

(d) No more than 20% of the land area upon which such a use is conducted may be located in the GI District.

Not applicable to the request.

(e) Any outside lighting used to illuminate a use permitted under this section shall be designed, installed and maintained in a manner not to cause a glare or reflection on adjacent residential lots.

The Applicants will be required to provide a lighting plan at the time of site plan review to be approved by the Department of Planning and Zoning.

Section 267-9I:

(1) The number of persons living or working in the immediate area.

The subject property is located north of Interstate 95 in a rural area of the County. This area of the County contains a mix of agricultural, residential and institutional uses.

(2) Traffic conditions, including facilities for pedestrians, such as sidewalks and parking facilities, the access of vehicles to roads; peak periods of traffic, and proposed roads, but only if construction of such roads will commence within the reasonably foreseeable future.

The Applicants have submitted a preliminary traffic study (Attachment 13). The proposed use should not adversely impact the roads in this area. The request will be reviewed for

conformance with the Adequate Public Facilities requirements for roadway intersections at the time of site plan review.

(3) The orderly growth of the neighborhood and community and the fiscal impact on the county.

The proposed use is permitted in the AG/Agricultural District as a special exception with Board approval. The Applicants can meet or exceed the standards. As previously noted, a few modifications to the site plan will be required to meet the setback regulations for this use.

(4) The effect of odors, dust, gas, smoke, fumes, vibration, glare and noise upon the use of surrounding properties.

The proposed use should not have an adverse impact regarding the above issue as long as adequate landscaping and screening are provided.

(5) Facilities for police, fire protection, sewerage, water, trash and garbage collection and disposal and the ability of the county or persons to supply such services.

The Harford County Sheriff's Office and the Maryland State Police will provide police protection. The Bel Air and Riverside Volunteer Fire Departments will generally provide fire and emergency protection to the site. The property is served by private well and septic systems. The Applicants are required to arrange for trash collection with a private hauler.

(6) The degree to which the development is consistent with generally accepted engineering and planning principles and practices.

The proposal is consistent with accepted planning principles. There are specific requirements for a tennis club pursuant to Section 267-53A(2) of the Harford County Code. The Applicants can meet these standards with a few modifications to their site plan proposal.

(7) The structures in the vicinity, such as schools, houses of worship, theaters, hospitals and similar places of public use.

The proposal will not have an adverse impact on the uses listed in this section.

(8) The purposes set forth in this Part 1, the Master Plan and related studies for land use, roads, parks, schools, sewers, water, population, recreation and the like.

The proposal is consistent with the intent of the Master Plan.

(9) The environmental impact, the effect on sensitive natural features and opportunities for recreation and open space.

There are no environmentally sensitive features impacted by this use.

(10) The preservation of cultural and historic landmarks.

The property contains historic structures. The proposed tennis courts should be located as far from these structures as possible. The landscaping plan should show appropriate screening between the proposed facilities and these structures.

RECOMMENDATION and/or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends that the requested special exception be approved subject to the following conditions:

1. The Applicants shall submit a detailed site plan to be reviewed and approved through the Development Advisory Committee (DAC). The site plan shall be in general compliance with the site plan shown as Attachment 4. The appropriate changes shall be made in order to comply with the required setbacks.

2. The Applicants shall submit a landscaping and lighting plan to be approved by the Department of Planning and Zoning at the time of site plan review.

3. The hours of operation shall be limited to 8:00 am to 9:00 pm, Monday through Saturday, and 8:00 am to 7:00 pm on Sunday.

Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review

Anthony S. McClune, AICP
Deputy Director, Planning and Zoning

DJS/ASM/ka