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

RECEIVED JUL 16 2004

Case No. 5435
Date Filed 7/14/04
Hearing Date
Receipt
Fee $400

Shaded Areas for Office Use Only

Type of Application

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

Nature of Request and Section(s) of Code

CASE 5435 **MAP** 42 **TYPE** Special Exception

ELECTION DISTRICT 3 **LOCATION** 205 Glenville Road, Churchville, Md. 21028

BY Roosevelt, Deborah, Tracey Beale

Appealed because a Special Exception pursuant to Section 267-53F(8) of the Harford County Code to allow a Personal Care Boarding Home 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.

Owner (please print or type)

Name ROOSEVELT, DEBORAH, TRACEY BEALE Phone Number 410-879-5439

Address 205 GLENVILLE Rd CHURCHVILLE MD 21028
Street Number *Street* *City* *State* *Zip Code*

Co-Applicant _____ Phone Number _____

Address _____
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 205 GLENVILLE Rd
Churchville MD 21028

Subdivision 3067 Lot Number 1

Acreage/Lot Size 4.93 Election District 03 Zoning Ag

Tax Map No. 42 Grid No. 2F Parcel 292 Water/Sewer: Private X Public ____

List ALL structures on property and current use: BRICK RANCH HOUSE + 2 CAR GARAGE ATTACHED

Estimated time required to present case: half hour

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? 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: 4.91

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

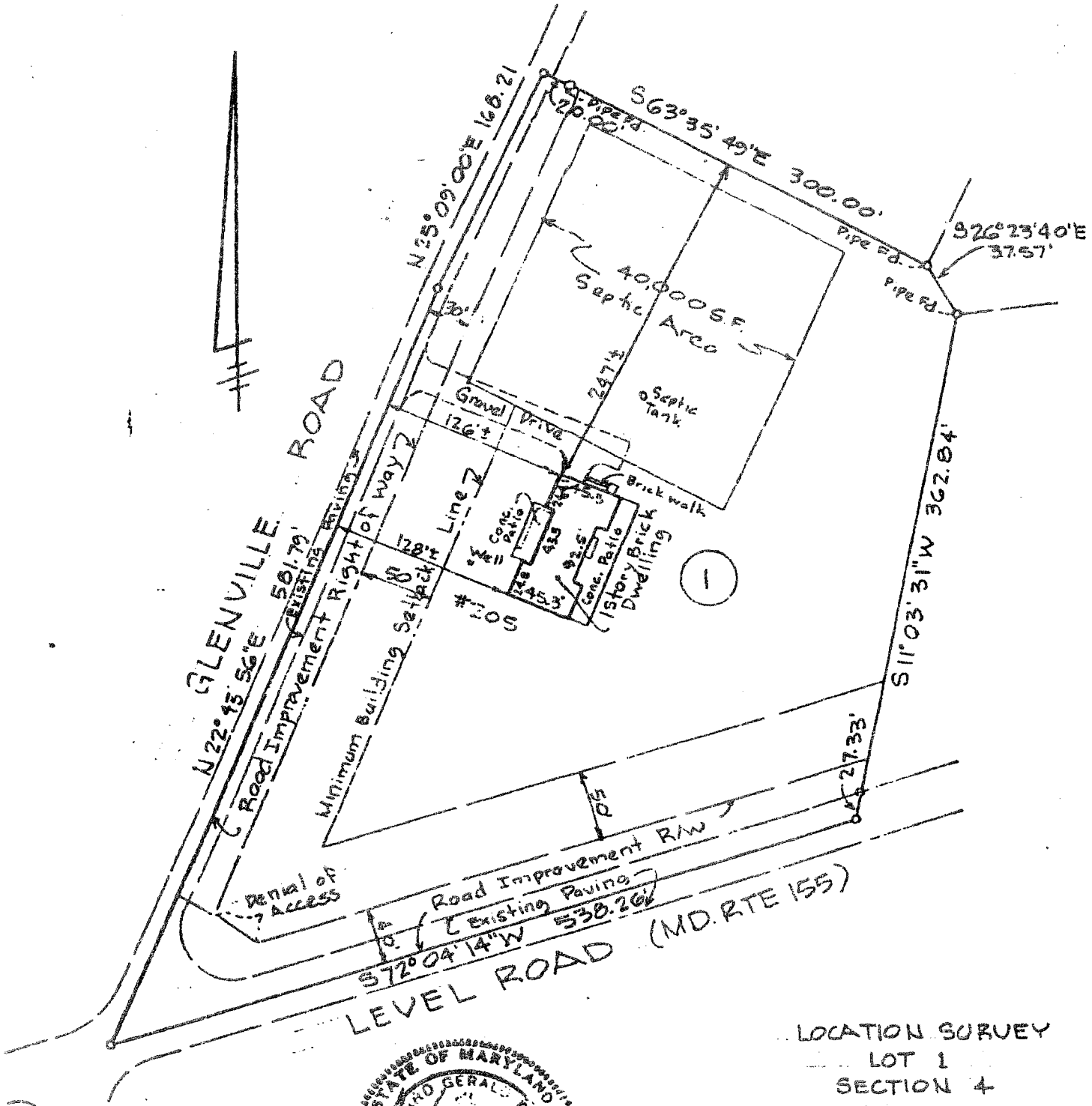
Request

PERSONAL CARE BOARDING

Justification

8 INDIVIDUALS WE WILL HAVE ADEQUATE PARKING

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.)



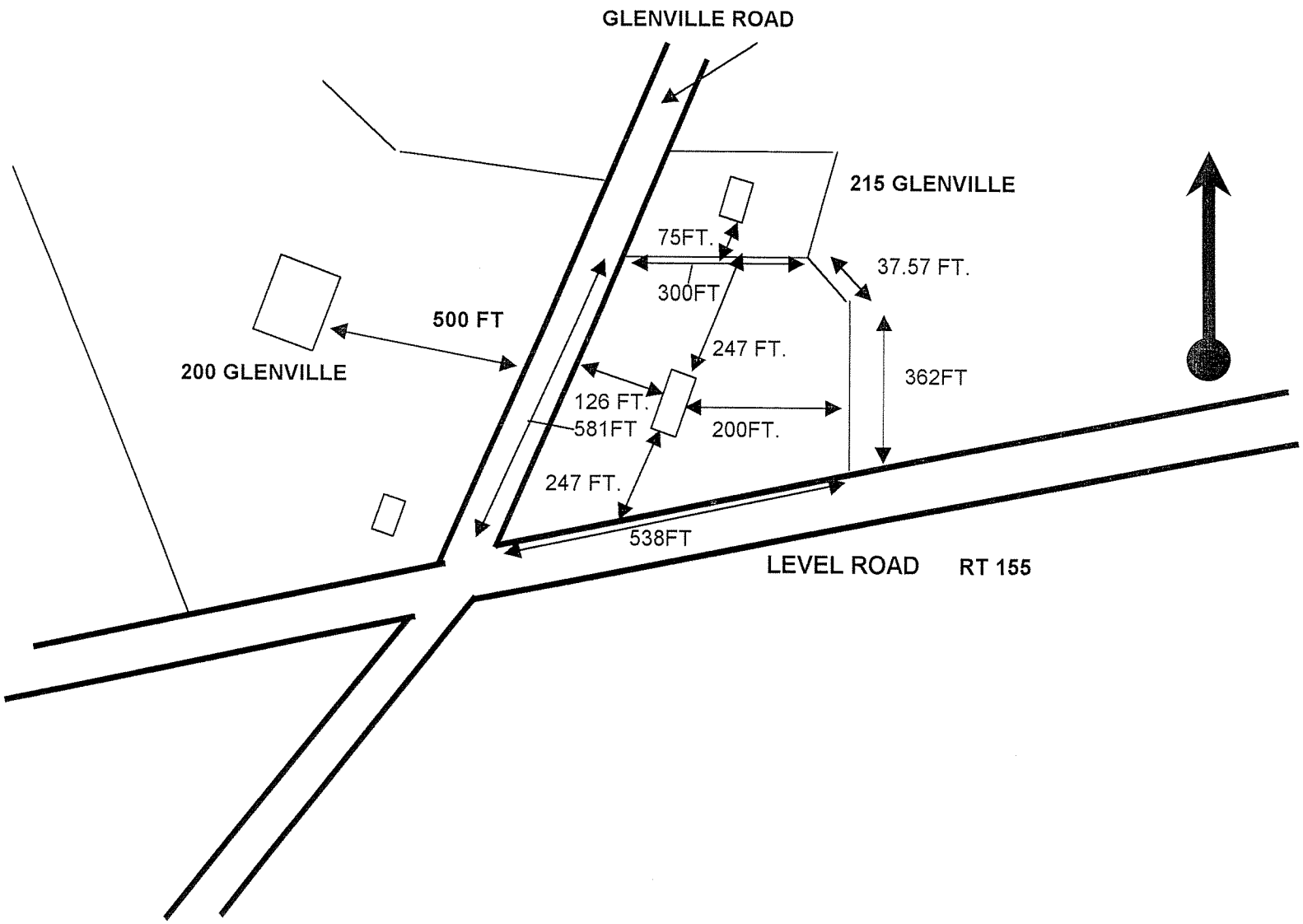
LOCATION SURVEY
LOT 1
SECTION 4
JOEL'S KNOLL
PLAT 43/31
3RD DISTRICT HARFORD CO., MD
SCALE: 1"=100' SEPTEMBER 30, 1987

HUDKINS ASSOCIATES
Engineers, Surveyors,
Landscape Architects
6 North Main Street
Bel Air, Md. 21014

STATE OF MARYLAND
HAROLD GERALD HUDKINS
No. 10741
REGISTERED
PROFESSIONAL LAND SURVEYOR

I hereby certify that the lot has been surveyed for the purpose of locating the improvements thereon and that the improvements are located as shown.

205 GLENVILLE ROAD



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

October 5, 2004

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OCT - 5 2004

AMENDED STAFF REPORT

BOARD OF APPEALS CASE NO. 5435

APPLICANT/OWNER:	Roosevelt, Deborah and Tracey Beale 205 Glenville Road, Churchville, Maryland 21028
REPRESENTATIVE:	Will Abercrombie, Jr. 2003 Pulaski Highway, Edgewood, Maryland 21040
LOCATION:	205 Glenville Road – Joels Knoll Subdivision Tax Map: 42 / Grid: 2F / Parcel: 292 / Lot: 1 Election District: Third (3)
ACREAGE:	4.93 acres
ZONING:	AG/Agricultural
DATE FILED:	July 14, 2004
HEARING DATE:	September 8, 2004

APPLICANTS' REQUEST and JUSTIFICATION:

Request:

"Personal Care Boarding"

Justification:

"8 individuals. We will have adequate parking."

CODE REQUIREMENTS:

The Applicants are seeking approval of a Special Exception pursuant to Section 267-53F(8) of the Harford County Code, to allow a Personal Care Boarding Home in an AG/Agricultural District.

Section 267-53F(8) of the Harford County Code reads:

(8) Personal-care boarding homes. These uses may be granted in the AG, RR, R1, R2, R3, R4, RO, VB, and VR Districts, provided that:
- *(a) The proposed use shall be located in a single-family detached dwelling.*
- *(b) The proposed use meets the minimum lot size requirements for a conventional single-family residence in the district where located.*
- *(c) A maximum density of one (1) boarder per two thousand (2,000) square feet of lot area shall be maintained.*
- *(d) Adequate off-street parking shall be provided.*
- *(e) Where an application is for construction of a new dwelling, the dwelling shall be similar in appearance to other single-family dwellings in the neighborhood.*

Enclosed with the report is a copy of Section 267-51 and 267-52 of the Harford County Code (Attachment 1).

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 east of MD Route 22 on the northeast corner of Level Road (MD Route 155) and Glenville Road. A location map and a copy of the Applicants' site plan are enclosed with the report (Attachments 2 and 3).

The predominant land use designation in this area of the County is Agricultural. The Village of Churchville is located to the west. The Natural Features Map reflects stream buffer systems. The subject property is designated as Agricultural, which is defined by the 2004 Land Use Element Plan as:

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

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 4A and 5A). These maps shall replace the previous maps (Attachments 4 and 5) forwarded with the original staff report.

Land Use – Existing:

The existing land uses in this area of the County conform to the overall intent of the 2004 Master Plan. This area of the County is predominantly agricultural, with cropland, pastureland and large areas of dense woodland. There are general residential subdivisions in the area. Commercial uses are located to the west along Churchville Road. There are several institutional uses in the area including churches, a school and a County park. The topography of the area ranges from rolling to steep, especially near the stream valleys. Enclosed with the report is a copy of the aerial photograph and topography map (Attachments 6 and 7).

The property is a corner lot approximately 4.93 acres in size with frontage on Level Road (MD Route 155) and Glenville Road. The topography ranges from level to gently sloping. There are large, mature trees that border the property along both roads and the northern side yard. There are also large, mature trees scattered around the rear yard. Improvements consist of a brick rancher with an attached two-car garage and a blacktopped circular driveway with a parking area in front of the garage. Across the rear of the dwelling is a concrete patio with a screened, tent-styled structure on a portion of the patio. There is a pond located on the adjacent property to the rear. Enclosed with the report is an enlargement of the aerial photograph and copies of site photographs (Attachments 8 and 9).

Zoning:

The zoning classifications conform to the overall intent of the 2004 Master Plan as well as the existing land uses. The predominant zoning classification in this area is AG/Agricultural, including the subject property. There are areas of RR/Rural Residential and VR/Village Residential. Commercial zoning includes VB/Village Business and B3/General Business Districts in the Village of Churchville. Enclosed with the report is a copy of the zoning map (Attachment 10).

SUMMARY:

The Applicants are seeking approval of a Special Exception pursuant to Section 267-53F(8) of the Harford County Code, to allow a Personal Care Boarding Home in an AG/Agricultural District.

Section 267-53F(8):

(8) Personal-care boarding homes. These uses may be granted in the AG, RR, R1, R2, R3, R4, RO, VB, and VR Districts, provided that:

The subject property is zoned AG/Agricultural.

(a) The proposed use shall be located in a single-family detached dwelling.

The site is improved with an existing detached, single-family, one-story dwelling. The dwelling is an all brick rancher with an attached two-car garage.

(b) The proposed use meets the minimum lot size requirements for a conventional single-family residence in the district where located.

The minimum lot requirement in the Agricultural District for a conventional single-family residence is two acres. The Applicants' property is 4.93 acres in size.

(c) A maximum density of one (1) boarder per two thousand (2,000) square feet of lot area shall be maintained.

The Applicants are requesting eight boarders, which is substantially less than the permitted density.

(d) Adequate off-street parking shall be provided.

The use will require a total of five parking spaces. Based on the existing driveway and parking pad, along with the attached two-car garage, the Applicants can easily provide five spaces.

(e) Where an application is for construction of a new dwelling, the dwelling shall be similar in appearance to other single-family dwellings in the neighborhood.

Not applicable to this request.

<u>Section 267-9I:</u>

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

The subject property is located east of the Village of Churchville in a rural area of the County. The proposed Personal Care Boarding Home will provide a necessary service to citizens living in the area. The property can provide a good living environment for the residents and should have no adverse impact on the community.

(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 property is located on the northeast corner of Level Road (MD Route 155) and Glenville Road. Access is from Glenville Road. The proposed use will not generate a significant amount of additional traffic and will not adversely impact traffic conditions in the area.

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

The use is permitted in the Agricultural District with Board of Appeals approval. Based on this Department's review, the Applicants can meet the Code requirements as outlined in this report. The request will not have an adverse fiscal impact on the County.

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

The proposed use should have no impact on the surrounding community pursuant to the issues listed in this section.

(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 Maryland State Police will provide police protection. Level Volunteer Fire Company will provide fire protection. Water and sewer facilities will be provided by an on-site well and septic system. A company of the Applicants' choice shall handle trash collection.

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

The use is consistent with generally accepted planning principles and practices.

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

The proposal should have no impact on any of the uses listed in this subsection. There are two churches within the immediate area and a recreational facility that may be a benefit to the residents.

(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 located on this property.

(10) The preservation of cultural and historic landmarks.

Not applicable to the subject request.

RECOMMENDATION and/or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends that the request 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.

2. The Applicants shall obtain all necessary permits and inspections for the use.

3. The Applicants are limited to eight residents at this location.

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

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

DJS/ASM/ka