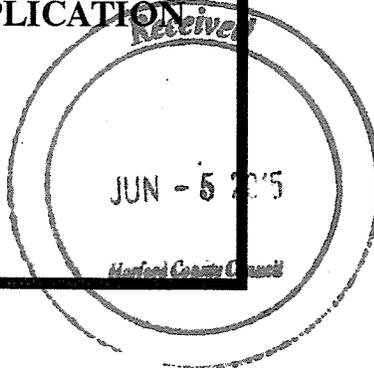


ZONING RECLASSIFICATION APPLICATION

**Harford County
Board of Appeals**

Bel Air, Maryland 21014

Shaded Area For Office Use Only



Case No. 181
Date Filed 6/2/15
Hearing Date _____
Pre-Conf. _____
Receipt _____
Fee 800.00

Note

1. It is required that the applicant have a pre-filing conference with the Department of Planning and Zoning to determine the necessary additional information that will be required.
2. The burden of proof in any rezoning case shall be upon the Petitioner.
3. Any application in a zoning case and any amendment thereto shall contain specific allegations setting forth the basis for granting of the request.
4. Petition must contain 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.
5. Application will be reviewed for completeness within ten (10) working days of submittal. Applicant will be notified by mail of completeness of application.

Petitioner

Name Box Hill South Commercial, LLC Phone Number _____ Call Attorney _____

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

Property Owner _____ Phone Number _____

Address _____
Street Number Street State Zip Code

Contract Purchaser _____ Phone Number _____

Address _____
Street Number Street State Zip Code

Attorney/Representative Kevin J. Mahoney Phone Number 410-893-7500

Address Snee, Mahoney, Lutche, & Helmlinger, P.A. 11 So. Main Street, Bel Air, MD 21014
Street Number Street State Zip Code

Land Description

Address and Location of Property (with nearest intersecting road) 10 Box Hill South Parkway, Abingdon, MD
21009

Subdivision 0000 Lot Number 1 Acreage/Lot Size 2.64 ac Election District 01

Existing Zoning RO Proposed Zoning B-3 Acreage to be Rezoned 2.64 acres

Tax Map No. 0061 Grid No. 0002F Parcel 0652 Deed Reference 2838/597

Critical Area Designation N/A Land Use Plan Designation High Intensity

Present Use and ALL improvements: Vacant

Proposed Use (If for subdivision development, proposed number of lots, type of dwellings, and type of development.

Example: Conventional, Conventional with Open Space, Planned Residential Development) Commercial/Retail/Service

Is the property designated a historic site, or does the property contain any designated or registered historic structures?

mp If yes, describe: _____

Estimated Time Requested to Present Case: 2 hours (combined w/Map 61, Parcels 359,386 and 387)

Required Information To Be Attached

(Submit three (3) copies of each):

(a) The names and addresses of all persons, organizations, corporations, or groups owning land, any part of which lies within five hundred (500) feet of the property proposed to be reclassified as shown on the current assessment records of the State Department of Assessments and Taxation.

(b) A statement of the grounds for the application including:

(1) A statement as to whether there is an allegation of mistake as to the existing zoning, and if so, the nature of the mistake and facts relied upon to support this allegation.

(2) A statement as to whether there is an

allegation of substantial change in the character of the neighborhood, and if so, a precise description of such alleged substantial change.

(c) A statement as to whether, in the applicant's opinion, the proposed classification is in conformance with the Master Plan and the reasons for the opinion.

(d) A Concept Plan shall be submitted by the applicant at the time the application is filed. The Concept Plan shall illustrate the following:

(1) Location of site.

(2) Proposed nature and distribution of land uses, not including engineering drawings.

(3) Neighborhood (as defined by the Applicant).

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REQUEST

Reclassification of property identified as Map 61 Parcel 652 from RO to B-3.

JUSTIFICATION

In order to justify a piecemeal rezoning, the Applicant is obligated to prove that there was a change in the character of the neighborhood of the subject property since the last Comprehensive Zoning. Alternatively, the Applicant may prove that there was a mistake made in the prior Comprehensive Zoning which would justify the rezoning to the requested classification.

The neighborhood of the subject property, for zoning purposes is attached hereto. There has been a substantial change in the character of the neighborhood since the 2009 Comprehensive Zoning. The area to the south and east of the property that is the subject of this application is shown on the Master Land Use Plan as "Industrial/Employment." This area was originally conceived as a business park with a hotel. Subsequently, Wegmans grocery store anchored the commercial development, which, although permitted in the CI zone, was not contemplated in the original plan which was considered by the County Council in 2009. Furthermore, an Integrated Community Shopping Center (ICSC) approval was granted for the surrounding property in 2012. Likewise, the Council was not aware of the future ICSC approval at the time of the zoning

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of the subject property. Lastly, an apartment complex has been approved behind the existing YMCA by virtue of mixed use approvals which were not allowed by Harford County until December of 2008. The application for the apartment complex occurred in 2013, after the 2009 Comprehensive Zoning.

All of these changes solidified the reality that the Route 924 corridor in the vicinity of the subject property is a high intensity, commercial area. Clearly, these changes justify the rezoning of the subject property to B-3.

It was likewise, a mistake for the County Council to zone Parcel 652 RO in the 2009 Comprehensive Zoning. The property owners sought rezoning in both the 2005 Comprehensive Zoning (which was ultimately vetoed by the County Executive) and in the subsequent 2009 Comprehensive Zoning. In 2005, the County Council supported the rezoning of Parcel 652 from RO to B-2. After the County Executive's veto of the 2005 Comprehensive Zoning, neither the Department nor the County Council supported the rezoning of the subject parcel in 2009.

The original plan for the Box Hill area was for a business park. The actual development which has occurred is more in line with high intensity retail and commercial. "High Intensity" was the designation assigned to the subject property at the time of the last Comprehensive Zoning. RO zoning is inconsistent with the "High Intensity" Land Use Plan designation of the property in 2009.

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The application of the RO classification to Parcel 652 is inconsistent with the application of RO zoning elsewhere in the County. Of the thirty-seven (37) property zoned RO in Harford County, all are located in the Bel Air area with the exception of the subject parcel and a second parcel at the southwest corner of Maryland Route 24 and Route 7. Likewise, almost all RO zoned property are improved or were improved at the time of receiving the RO designation with a single family residence. Parcel 652 is vacant.

The entire strip of property between Box Hill South Parkway and the Giant grocery store are inconsistently zoned with the surrounding zoning and development of the 924 corridor. Commercial zoning is consistent with the existing development pattern in the area. Conversely, development of this property for likely RO uses would result in a land use pattern highly inconsistent with the surrounding development. The department's rationale for not supporting the commercial request in 2005 was that the rezoning would "create an extension of strip commercial". In fact, this is exactly what the Master Land Use Plan description at the time contemplated. There are simply no viable residential uses available for this property which would have been consistent within the 2009 High Intensity designation. Conversely, the west side of Route 924 contains several smaller residential uses which would be ideal for RO zoning.

Having established the requisite change and mistake, the appropriate zoning for the subject property is B-3, a designation which is consistent with the surrounding zoning and the Master Land Use Plan and will allow for development on the subject property for their highest and best uses.

- (4) All surrounding zoning.
- (5) Proposed public or private capital improvements.
- (e) Previous individual rezonings and recommendation since the effective date of the Comprehensive Rezoning, within the neighborhood of the petitioned area, their case numbers, dates, and decisions.
- (f) Environmental features map indicating woods, fields, streams, floodplains, non-tidal wetlands, etc.
- (g) Property deed and a boundary survey prepared and sealed by a registered surveyor, including dimension of area requested to be rezoned if only a portion of the property.
- (h) Private restrictions or covenants, if any, applicable to subject parcel.
- (i) Any agreements with individuals or associations in the neighborhood related to the proposed zoning shall be submitted.
- (j) Availability of public water and sewer.

Additional Information as Required by the Department of Planning and Zoning

- (a) Existing and proposed libraries, parks, schools, fire and police departments.
- (b) Demonstration of compatibility of the proposed use with existing and proposed development for the area.
- (c) Traffic impact study.
- (d) Economic and Environmental impact studies.
- (e) Estimated population for existing and proposed petitioned area and neighborhood, as defined.
- (f) Soils analysis.
- (g) Aerial photograph.

CASE 181 MAP 61 TYPE Rezoning
ELECTION DISTRICT 01
LOCATION 10 Box Hill South Pkwy, Abingdon 21009
BY Box Hill South Commercial, LLC, 2700 Philadelphia Road,
Edgewood 21040
Appealed because a rezoning pursuant to Section 267-12A
of the Harford County Code to rezone 2.64 acres from a
RO District to a B3 District requires approval by the Board.

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.

Box Hill South Commercial, LLC
 By: [Signature] 6/1/15
 Signature of Applicant/Owner Date

[Signature] 6/1/15
 Witness Date

 Signature of Contract Purchaser/Owner Date

 Witness Date

[Signature] 6-1-15
 Signature of Attorney/Representative Date

[Signature] 6.1.15
 Witness Date

[Signature] 6-4-15
 Director of Planning and Zoning Date

 Zoning Staff Date



FREDERICK WARD ASSOCIATES

5 South Main Street
P.O. Box 727
Bel Air, Maryland 21014
410-838-7900
www.frederickward.com

NEIGHBORHOOD DESIGNATION

RECLASSIFICATION REQUEST
MAP 61, PARCELS 652, 359, 386 AND 387

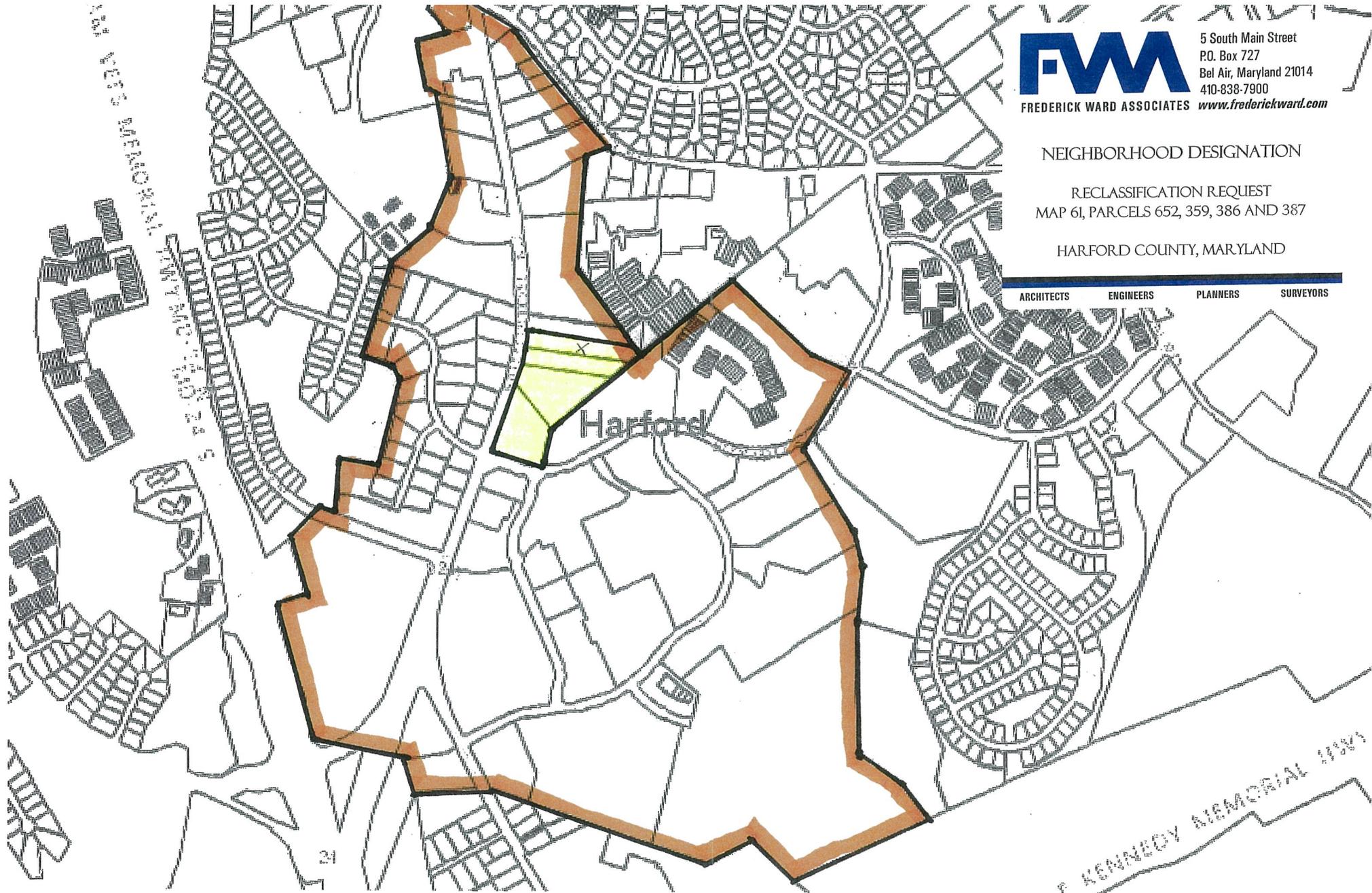
HARFORD COUNTY, MARYLAND

ARCHITECTS

ENGINEERS

PLANNERS

SURVEYORS



Harford

F. KENNEDY MEMORIAL PARK

5200 WOODBURN DRIVE