STANDARD APPLICATION

Harford County Board of Appeals

Bel Air, Maryland 21014

JAN 1996
Received
Harford County
Council

Case No. 4602

Date Filed 1/5/96

Hearing Date

Receipt

Fee $350.00

Shaded Areas For Office Use Only

Type of Application

- ____ Administrative Decision/Interpretation
- X 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
- ____ _____

CASE NO. 4602 MAP 65 TYPE Special Exception

ELECTION DISTRICT 1 LOCATION 1199 HansonRoad, Edgewood,Md.21040

BY Robert W. and Patricia Smith (OWNER:Robert K. and Lillie C. Smith, 1205 Hanson Road, Edgewood, Md. 21040)

Appealed because a special exception pursuant to Section 267-53F(8) of the Harford County Code to permit a Personal Care Boarding Home in a R1 District 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 - - - (please print or type)

Name Robert W. Smith and Patricia Smith Phone Number (410)538-6145

Address 1199 Hanson Road, Edgewood, Maryland 21040
Street Number Street City State Zip Code

Property Owner Robert K. Smith and Lillie C. Smith Phone Number (410)679-4976

Address 1205 Hanson Road, Edgewood, Maryland 21040
Street Number Street City State Zip Code

Contract Purchaser N/A Phone Number

Address
Street Number Street City State Zip Code

Attorney/Representative Stewart H. Getz, Esquire Phone Number (410)879-2210

Address 26 S. Main Street, Bel Air, Maryland 21014
Street Number Street City State Zip Code

Hearing: 3/27/96

Land Description

Address and Location of Property 1199 Hanson Road, Edgewood, Maryland 21040

Subdivision Land of Robert Smith Lot Number 2

Acreage/Lot Size .78 Ac.± Election District 01 Zoning R1

Tax Map No. 65 Grid No. 3D Parcel 972 Water/Sewer: Private ____ Public X

List ALL structures on property and current use: Single Family Dwelling

Estimated time requested to present case: One 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 X

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

Is this request the result of a zoning enforcement investigation? Yes X No ____

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

Request

To Grant a Special Exception to allow a personal care boarding home for a maximum of fifteen (15) persons.

Justification

To provide housing for those in need on a daily basis (the elderly) as the need arises for placement from Harford County and other State agencies.

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 requested. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

DEPARTMENT OF PLANNING AND ZONING
September 22, 1995

Mr. and Mrs. Robert K. Smith
1205 Hanson Road
Edgewood, Maryland 21040

Re: 1199, 1201, 1203 and 1205 Hanson Road

Dear Mr. and Mrs. Smith:

In accordance with my phone conversation earlier this week with Mrs. Smith, it has been documented by the Office of the State Fire Marshal, and by a review of our records, that certain Code violations exist on your above referenced properties. We will address each of the properties individually, with addresses and lot numbers as assigned after the last subdivision of the overall parcel, and Board of Appeals Case No. 4515, were completed.

1199 Hanson Road - Lot 2, 0.67 Acre. Permit No. 93176B0080 was approved to construct a detached single family dwelling with a special condition that the mobile home must be removed when the dwelling is completed. A Use & Occupancy Certificate has never been issued for this dwelling because it lacks approval from the Water & Sewer Division of the Department of Public Works, and from the Building Inspections Department. We understand that the single family dwelling is occupied by your son, Robert, and his wife. We also are aware that a Personal Care Boarding Home is being operated in the dwelling, with five ambulatory persons and one non-ambulatory person residing therein. The operation of a Personal Care Boarding Home requires Special Exception approval from the Board of Appeals. We consider the operation of this type of facility, without the necessary approvals, to be a very serious violation of County regulations. At this time you must address the following issues:

(a) whether or not the mobile home has been removed;
(b) issuance of a Use & Occupancy Certificate for your son and his wife to reside in the home; and
(c) whether you intend to apply to the Board of Appeals for approval to operate a Personal Care Boarding Home at this location, or cease the activity immediately.

1201 Hanson Road - Lot 3, 0.46 Acre. Permit No. 93104B0240 was approved to place a double-wide mobile home on this lot, to replace a non-conforming mobile home. The Use & Occupancy Certificate was issued in June, 1993. This dwelling is occupied by your daughter, Becky Smith Wood. There is also a Personal Care Boarding Home being operated in this dwelling with five ambulatory persons and one non-ambulatory person. The Personal Care Boarding Home does not have Special Exception approval from the Board of Appeals. At this time you must either apply to the Board of Appeals for approval to operate the Home, or cease the activity immediately.

MY DIRECT PHONE NUMBER IS (410)
220 SOUTH MAIN STREET/BEL AIR, MARYLAND 21014-3865
General Information (410) 638-3000 (410) 879-2000
Deaf TTY (410) 638-3086

1203 Hanson Road - Lot 4, 0.46 Acre. This lot is unimproved and has no permits on record.

1205 Hanson Road - Lot 1, 1.72 Acres. This lot is improved with your dwelling, as well as a mobile home which has cottage housing approval for your son, Philip. Permit No. 91297B0150 approved the replacement of the original cottage house mobile home, however, the Use & Occupancy Certificate has never been issued as it lacks approval from the Building Inspections Department as well as the Water & Sewer Division of the Department of Public Works. You also have Board of Appeals approval to operate a Personal Care Boarding Home under Case No. 3409, conditioned that the total number of residents in your dwelling, including family members and boarders, may not exceed eight. The approval is also conditioned that the cottage house mobile home shall not be occupied by boarders from the Personal Care Boarding Home. Our records indicate that you have a permit for a two-story deck enclosure, No. 94300B0060, however, the Use & Occupancy Certificate has not been issued as it lacks approval from the Electrical Inspections Department. You must address the following issues pertaining to this property:

(a) Obtain a Use & Occupancy Certificate for the replacement cottage house mobile home;
(b) Document the number of residents presently residing in your home, with names and designation as to whether they are relatives or boarders in the Personal Care Boarding Home;
(c) Identify all occupants residing in the cottage house mobile home and their relationship, if any;
(d) Obtain a Use & Occupancy Certificate for the two-story deck enclosure.

We have also received a complaint this week alleging that your property has multiple untagged vehicles parked thereon, and that mechanical work is taking place on the site. We have not conducted an inspection concerning this complaint because we did not wish to delay contacting you concerning the above referenced matters. We are, however, required to investigate this latest allegation, therefore, our Inspector will be visiting your property in the next week to address the complaint.

A copy of this letter is being forwarded to your attorney, Stewart H. Getz, in an effort to expedite the abatement process. We will appreciate you or Mr. Getz contacting us upon receipt of the letter to advise of your intentions. Failure to respond within 10 calendar days from the date of this letter will result in the immediate issuance of a formal Zoning Violation Citation.

Thank you for your anticipated cooperation.

Very truly yours,

Patricia Barth
Zoning Enforcement Coordinator

Copy to:
Stewart H. Getz, Esquire, 26 S. Main Street, Bel Air, Md. 21014
Linda Stevens, RN, Harford County Health Department
R. Madison Mitchell, Chief, Building Inspections
David J. Jones, Chief, Electrical Inspections
Chief James B. Lyons, Joppa-Magnolia Volunteer Fire Department, 1403 Old Mountain Road South, Joppa, Md. 21085
Michael D. Bond, Deputy Fire Marshal, 2 S. Bond Street, Bel Air, Md. 21014
Anthony S. McClune, Chief, Current Planning Division
Arden Case Holdredge, Planning Director
Tess Cunzeman and Dennis J. Sigler (BOA)
Diane Callahan, Water and Sewer Division, DPW