

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

RECEIVED

Case No. 5474
 Date Filed 01/26/05
 Hearing Date _____
 Receipt 400
 Fee _____

HARFORD COUNTY COUNCIL

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 5474 MAP 51 TYPE Special Exception
 ELECTION DISTRICT 02 LOCATION 1317 N. Stepney Rd., Aberdeen
 BY Valorie & Edwin Colby, Sr.
 Appealed because a special exception pursuant to Sec. 267-53F (8) of the Harford
County Code to allow a personal care boarding home in the Ag 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 VALORIE E. COLBY Phone Number 443-417-3399
410-734-6359
 Address 1317 N. STEPNEY ROAD ABERDEEN, MD 21001
Street Number Street City State Zip Code

Co-Applicant EDWIN C. COLBY, SR Phone Number 410-734-6359
 Address 1317 N. STEPNEY ROAD ABERDEEN, MD 21001
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 1317 N. STEPNEY ROAD
ABERDEEN, MD 21001

Subdivision _____ Lot Number _____

Acreage/Lot Size 160 X 200 Election District HARFORD Zoning AG

Tax Map No. 51 Grid No. 3B Parcel 533 Water/Sewer: Private Public _____

List ALL structures on property and current use: RESIDENTIAL

Estimated time required to present case: 30 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? 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: _____

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

WE REQUEST SPECIAL EXCEPTION FOR OUR PROPERTY
ON 1317 N. STEPNEY RD FOR USE OF PERSONAL CARE
BOARDING HOME.

Justification

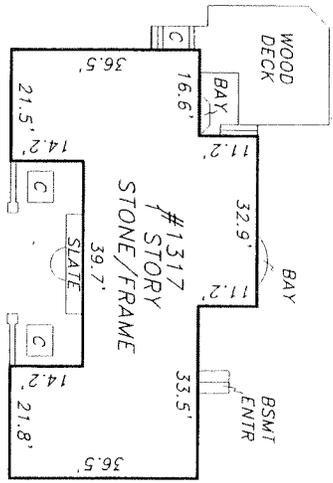
TO PROVIDE CARE TO THE ELDERLY / DISABLED POPULATION. AS
A REGISTERED NURSE WHO HAS WORKED 10 YRS IN THE GERIATRIC
FIELD, I CAN PROVIDE QUALITY & A HIGHER STANDARD OF LIVING FOR
THOSE UNDER MY CARE & SUPERVISION, THIS WILL PROMOTE AN ECONOMIC
STIMULUS BY EMPLOYING EMPLOYEES, PROVIDE AFFORDABLE HOUSING & JOB
CREATION.

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.)

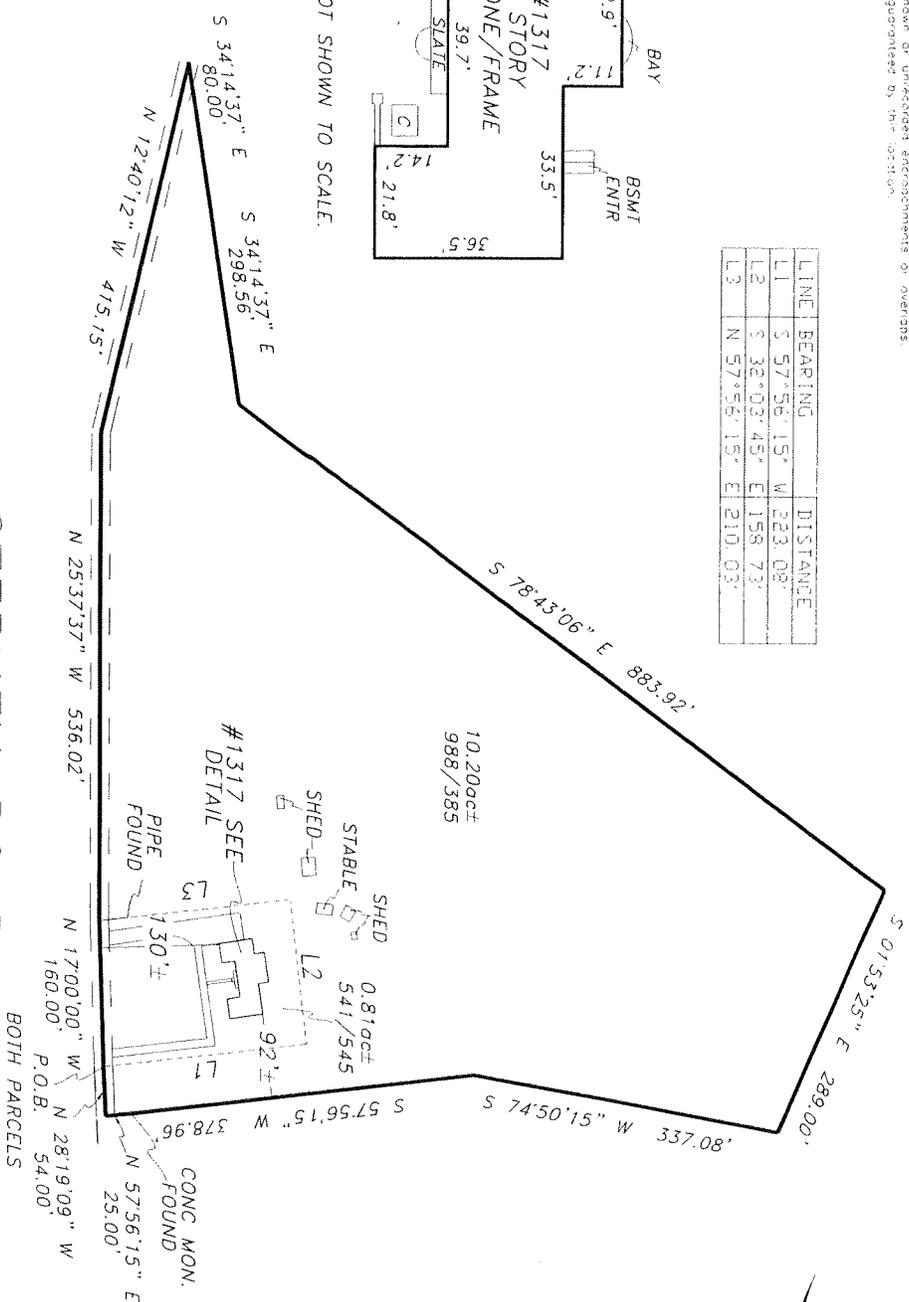
NOTES

- 1) B.R.L. information, if shown, was obtained from existing record plat or local agencies and is not guaranteed by NTT, Inc.
- 2) Building line and/or Flood Zone information is subject to the interpretation of the originator.
- 3) NTT, Inc. does not certify to unknown or unrecorded encroachments or overruns.
- 4) Property markers NOT found, or guaranteed by the originator.
- 5) Subplot distance accuracy 1:1.

LINE	BEARING	DISTANCE
L1	S 57°56'15" W	223.08'
L2	S 32°03'45" E	158.73'
L3	N 57°56'15" E	210.03'



NOTE: HOUSE NOT SHOWN TO SCALE.

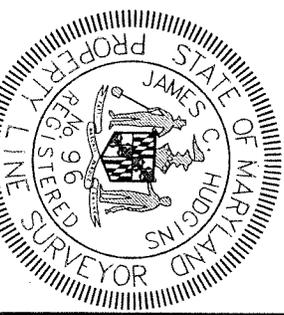


STEPNEY ROAD

Subject property is shown in Zone X on the FIRM Map of HARFORD COUNTY, Maryland on Community Panel 2402500189 D. Effective JANUARY 7, 2000

This is to certify that I have surveyed the property shown hereon, being known as #1317 STEPNEY ROAD and recorded among the land records of HARFORD County, Maryland in LIBER 2433, folio 965 for the purpose of locating the improvements thereon.

This plat is of benefit to the consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing, or refinancing purposes. This plat is not to be relied upon for the establishment of location of fences, garages, buildings, or other existing or future structures. This plat does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or for securing financing or refinancing.

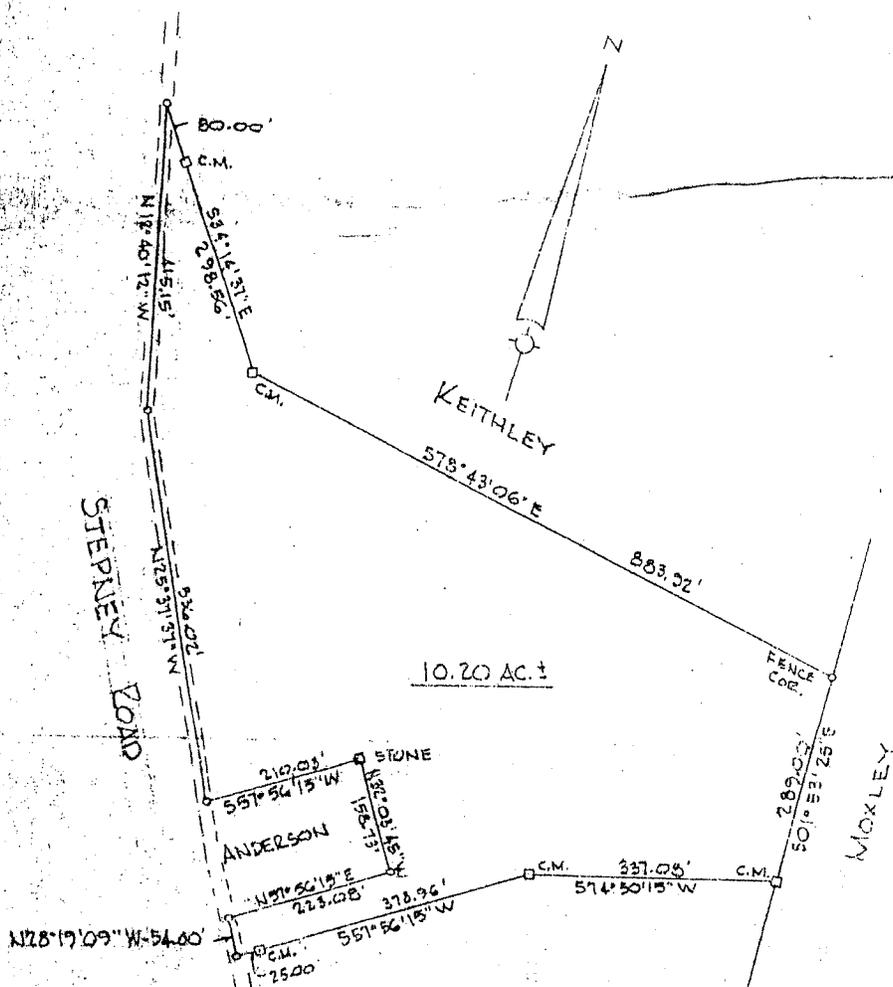


J. Carl Hudgins PLS #96

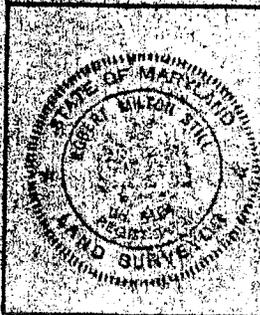
LOCATION DRAWING
1317 STEPNEY ROAD
2nd ELECTION DISTRICT
HARFORD COUNTY, MD.

NTT Associates, Inc.
16205 Old Frederick Road
Mt. Airy, Maryland 21771
Ph. (410)442-2031
Fax No. (410)442-1315

Scale: 1" = 200'
Date: 12/14/04
Field By: DBM
Drawn By: DBM
Drawing #: 15997LFBEL



RECD & RECORDED *HDC*
 NO 988 FOLIO 385
 DEC 22 10 03 AM '75
 HARFORD CO.
 H. DOUGLAS CHILCOAT
 CLERK



SURVEY PLAT
 LAND TO BE CONVEYED
 TO
MILDRED V. ANDERSON
 2nd ELECTION DISTRICT
 HARFORD COUNTY, MD.

SHENK-STILL
ASSOCIATES, INC.
 43 EAST LEE STREET
 BEL AIR, MARYLAND, 21014

DATE	SCALE	FILE NO.
15 AUG 1975	1" = 200'	7449

JAMES M. HARKINS
HARFORD COUNTY EXECUTIVE

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



J. STEVEN KAI-ZIEGLER
DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

February 16, 2005

STAFF REPORT

BOARD OF APPEALS CASE NO. 5474

APPLICANT/OWNER: Valorie E. Colby
1317 North Stepney Road, Aberdeen, Maryland 21001

Co-APPLICANT/OWNER: Edwin C. Colby, Sr.
1317 North Stepney Road, Aberdeen, Maryland 21001

REPRESENTATIVE: Applicants

LOCATION: 1317 North Stepney Road
Tax Map: 51 / Grid: 3B / Parcel: 533
Election District: Second (2)

ACREAGE: 160-feet by 216.56-feet
34,649.6-square feet
0.795-of an acre

ZONING: AG/Agricultural

DATE FILED: January 26, 2005

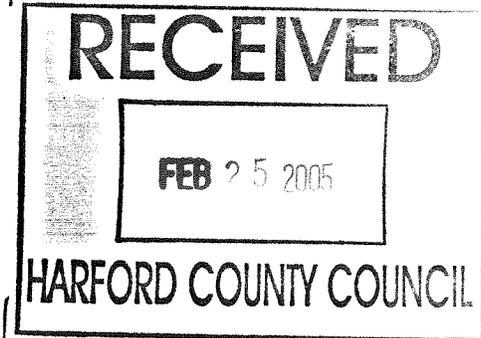
HEARING DATE: March 23, 2005

APPLICANT'S REQUEST and JUSTIFICATION:

Request:

"We request special exception for our property on 1317 North Stepney Road for use of Personal Care Boarding Home."

Preserving our values, protecting our future



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Board of Appeals Case Number 5474

Valorie and Edwin Colby

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Justification:

“To provide care to the elderly/disabled population. As a registered nurse who has worked 10-years in the Geriatric field, I can provide quality and a higher standard of living for those under my care and supervision. This will promote an economic stimulus by employing employees, provide affordable housing and job creation.”

CODE REQUIREMENTS:

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

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

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:*
- (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 Applicants’ property is located in the southeastern portion of the County, northwest of the City of Aberdeen. It is situated on the east side of North Stepney Road south of Carsins Run Road. A location map and a copy of the Applicants’ site plan are enclosed with the report (Attachments 2 and 3).

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Valorie and Edwin Colby

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The subject property is located outside of the Development Envelope. The predominant land use designation is Agricultural. The HEAT Center is located to the east. The Natural Features Map reflects Agricultural Preservation Districts and Easements, and Stream Systems. The subject property is designated as Agricultural, which is defined by the Master Plans 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 4 and 5).

Land Use – Existing:

The existing land uses in this area of the County are consistent with the 2004 Master Plan. The predominant land use is Agriculture which includes cropland, pastureland and large areas of dense woodland. Topography in this area of the County ranges from rolling to steep especially near the stream valleys. There are several small residential subdivisions in the area. The subject property is located just to the north and west of the City of Aberdeen. Commercial uses are located along Churchville Road (MD Route 22) and within the City of Aberdeen. Enclosed with the report is a copy of the aerial photograph (Attachment 6).

The Applicants own two parcels. The subject property is approximately 0.795 of an acre in size. The other parcel is approximately 10.20 acres. These properties front on the east side of North Stepney Road. The Department would recommend as a condition of an approval that the applicant transfer enough area from the larger parcel to the smaller property to bring the subject site to a minimum of two acres. The topography of the property ranges from gently sloping to rolling. Improvements on the subject site include a stone one story single-family rancher on the smaller parcel. The dwelling is U-shaped with an attached 2-car garage. Other improvements include a deck off of the rear of the dwelling, and several sheds. The driveway is currently not paved however; on the day of posting the Applicant informed the inspector that he had a contractor coming out to pave the driveway and parking area. The property has large trees and mature shrubbery. Enclosed with the report is a topography map, site photographs and an enlargement of the aerial photograph (Attachments 7, 8 and 9).

Zoning:

The zoning classifications in the area are consistent with the 2004 Master Plan as well as the existing land uses. The predominant zoning classification is AG/Agricultural. There are a few areas of RR/Rural Residential. Commercial zoning along Churchville Road (MD Route 22) is B3/General Business Districts. The HEAT Center to the east is zoned LI/Light Industrial. The

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Valorie and Edwin Colby

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subject property is zoned AG/Agricultural as shown on the enclosed copy of the zoning map (Attachment 10).

SUMMARY:

The Applicants are requesting a Special Exception pursuant to Section 267-53F(8) of the Harford County Code to allow a Personal Care Boarding Home in the 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 property contains a 1-story single-family dwelling which will be used for the personal care boarding home.

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

The applicant will reconfigure the two properties to increase the size of the subject parcel to two acres.

(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 approval for 6 boarders. The requested number of boarders will meet the minimum density requirement.

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

There is presently a driveway that loops around in front of the house providing 2-access points onto North Stepney Road. The driveway also extends up to the left side of the dwelling to the 2-car garage. In this area there is a large parking and turning area. The applicants are required to provide at least 5 parking spaces. There appears to be more than adequate area to meet the parking needs for this request.

(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 the request.

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Valorie and Edwin Colby

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Section 267-9I:

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

The subject property is located in a rural area of the County. The predominant land use in this area is agriculture. There are small residential subdivisions and scattered residences throughout the area. The use of this property for a Personal care boarding home will not adversely impact persons living or working in the area.

(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.*

Stepney Road is a paved County owned and maintained road. It is listed in the County's adopted Transportation Plan as a Minor Collector – Rural road from Churchville Road (MD Route 22) to Philadelphia Road (MD Route 7). The sight distance from the driveway entrances are good in both directions. The request would generate very little additional traffic on Stepney Road. Therefore, the request will not impact traffic 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 AG/Agricultural District with Board of Appeals approval. The Applicants can meet and/or exceed the Code requirements. This is a use that serves a need within the community. 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 the Maryland State Police will provide police protection. The Level and Aberdeen Volunteer Fire Departments will provide the primary fire protection and emergency assistance to the site. A company of the Applicants' choice will handle trash collection.

The property is served by private well and septic system. The Health Department presented comments in a letter dated February 14, 2005 (Attachment 11). If approved the applicants would

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Valorie and Edwin Colby

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be required to submit a site plan for review thru the Development Advisory Committee. These issues would need to be addressed prior to approval of the site plan.

1. Soil percolation tests must be conducted on the parcel during the wet testing time period. The tests must be satisfactory and demonstrate sufficient area to meet minimum Health Department requirements for an initial system and one future replacement system
2. The existing disposal system must be evaluated to determine its capacity and condition. Any deficiencies noted must be addressed per Health Department instructions.
3. The well must be tested for potability including a minimum of one good bacteriological and one nitrate test. The tests must be conducted by a lab certified by the State of Maryland and a copy of the results forwarded to this office.

(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.

(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 2004 Master Plan.

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

The proposed use will have no additional impacts on the surrounding natural features.

(10) *The preservation of cultural and historic landmarks.*

Not applicable to the request.

RECOMMENDATION and or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends that the requested Special Exception for a Personal Care Boarding Home be approved subject to the following conditions:

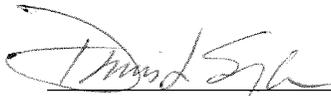
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Valorie and Edwin Colby

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1. The Applicants shall submit a site plan to the Department of Planning and Zoning for review and approval through the Development Advisory Committee.
2. The applicants shall submit a preliminary plan to the Department for review and approval, increasing the area of the subject parcel to a minimum of two acres. A final plat must also be submitted to the County for approval and recordation in the County Land Records.
3. The approval shall be limited to 6 residents not including family members or other care providers.
4. The Applicants shall obtain all necessary permits and inspections for the proposed use and for any necessary renovations to the existing structures.
5. The approval shall be for the applicants only and shall terminate upon sale of the property.



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



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

DJS/ASM/jf