

STANDARD APPLICATION
Harford County
Board of Appeals

Bel Air, Maryland 21014

RECEIVED

FEB 2 2005

HARFORD COUNTY COUNCIL

Case No. 5475
 Date Filed 01/27/05
 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 5475 MAP 18 TYPE Special Exception
 ELECTION DISTRICT 05 LOCATION 1302 Quaker Church Rd., Street
 BY Venerando & Maria Calderon
 Appealed because a special exception pursuant to Sec. 267-53F(8) of the Harford
 County Code to permit 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 VENERANDO CALDERON Phone Number CELL # 443-604-0648
410-452-0983
 Address 1302 QUAKER CHURCH ROAD STREET MD 21154
Street Number Street City State Zip Code

Co-Applicant MARIA CALDERON Phone Number SAME ABOVE
 Address 1302 QUAKER CHURCH ROAD STREET MD 21154
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 1309 QUAKER CHURCH ROAD, STREET
MD. 21154 (HARFORD COUNTY)

Subdivision _____

Lot Number _____

Acreage/Lot Size 10.29 AC.± Election District 5 TH

Zoning AG

Tax Map No. 13090334⁴⁶ Grid No. 3F Parcel 193 Water/Sewer: Private Public _____

List ALL structures on property and current use: TWO STORY HOUSE WITH ATTACHED GARAGE
USE AS RESIDENT

Estimated time required to present case: 30 Minute

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: N/A

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

REQUESTING FOR ASSISTED LIVING FACILITIES FOR
4 RESIDENTS

Justification

We are both Registered Nurse for 25 yrs and
we think we can provide a really good care to the
residents.

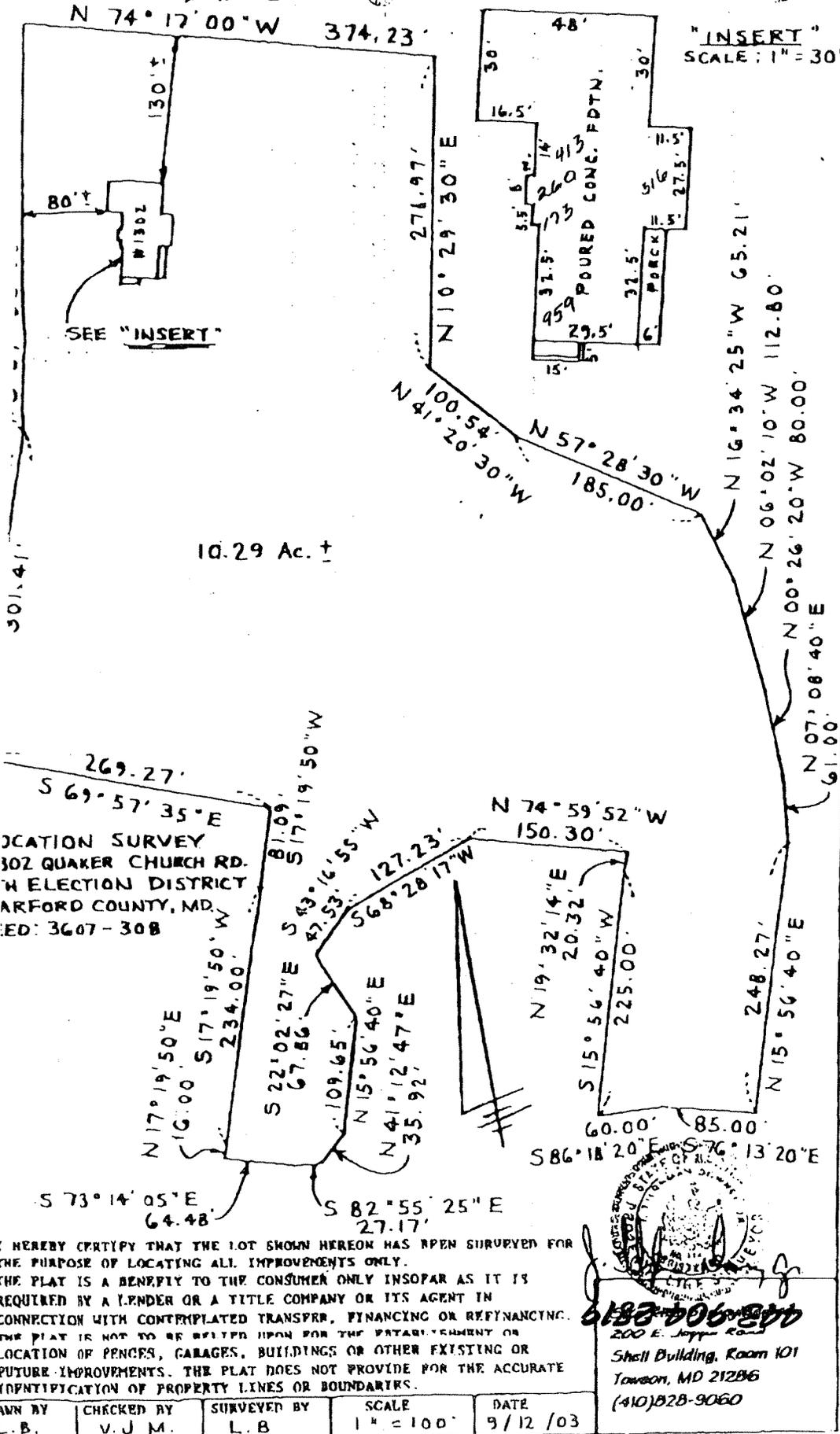
We are both excellent nurses consistently nominated
for Nurse of the year at our work.

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.)

We love what we are doing now, but that's why
we decided to go for this business.

COMMUNITY PANEL NO. 2400401045 A
ZONE "C"

THIS PROPERTY IS NOT LOCATED
IN A FLOOD HAZARD ZONE



LOCATION SURVEY
302 QUAKER CHURCH RD.
W ELECTION DISTRICT
ARFORD COUNTY, MD.
ED: 3607-308

I HEREBY CERTIFY THAT THE LOT SHOWN HEREON HAS BEEN SURVEYED FOR THE PURPOSE OF LOCATING ALL IMPROVEMENTS ONLY. THE PLAT IS A BENEFIT TO THE CONSUMER ONLY IN SO FAR AS IT IS REQUIRED BY A LENDER OR A TITLE COMPANY OR ITS AGENT IN CONNECTION WITH CONTEMPLATED TRANSFER, FINANCING OR REFINANCING. THE PLAT IS NOT TO BE RELIED UPON FOR THE ESTABLISHMENT OR LOCATION OF FENCES, GARAGES, BUILDINGS OR OTHER EXISTING OR FUTURE IMPROVEMENTS. THE PLAT DOES NOT PROVIDE FOR THE ACCURATE IDENTIFICATION OF PROPERTY LINES OR BOUNDARIES.



4188-006-000
200 E. Joppa Road
Shell Building, Room 101
Towson, MD 21286
(410)828-9060

JAMES M. HARKINS
HARFORD COUNTY EXECUTIVE

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



J. STEVEN KAH-ZIEGLER
DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

February 14, 2005

STAFF REPORT

BOARD OF APPEALS CASE NO. 5475

APPLICANT/OWNER: Venerando Calderon
1302 Quaker Church Road, Street, Maryland 21154

Co-APPLICANT/OWNER: Maria Calderon
1302 Quaker Church Road, Street, Maryland 21154

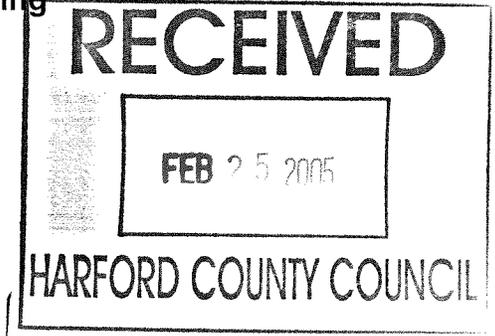
LOCATION: 1302 Quaker Church Road
Tax Map: 18 / Grid: 3F / Parcel: 193
Election District: Five (5)

ACREAGE: 10.29 acres

ZONING: AG/Agricultural

DATE FILED: January 27, 2005

HEARING DATE: March 23, 2005



APPLICANT'S REQUEST and JUSTIFICATION:

Request:

“Requesting for assisted living facilities for 4 residents”.

Justification:

“We are both registered nurses for 25 years and we think we can provide a very good care to the residents. We are both excellent nurses consistently nominated for nurse of the year at our work. We love what we are doing now and that's why we decided to go in to this business.”

Preserving our values, protecting our future

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Venerando and Maria Calderon

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CODE REQUIREMENTS:

The Applicants are requesting a Special Exception pursuant to Section 267-53F(8) of the Harford County Code to permit 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-card 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).

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The Applicants' property is located in the northeast area of the County. It is situated on the west side of Quaker Church Road, approximately 500-feet north of Mill Green Road. A location map and a copy of the Applicants' site plan are enclosed with the report (Attachments 2 and 3).

The subject property is located outside of the Development Envelope. The predominant land use designation is Agricultural. The Natural Features map reflects farms in the Agricultural Preservation District and Easement Program, Maryland Environmental Trusts, Parks, Sensitive Species Project Review Areas, stream systems, and the Deer Creek Scenic River District. The subject property is located in an area designated as Agricultural, which is defined by the Master 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.

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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 Agricultural 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 residential uses scattered throughout the area. The subject property is located just to the west of the Village of Dublin. Enclosed with the report is a copy of the aerial photograph (Attachment 6).

The subject property is located on the west side of Quaker Church Road approximately 500-feet north of Mill Green Road. The property is a irregular shaped parcel approximately 10.29 acres in size. The property has frontage on both Mill Green Road and Quaker Church Road. Due to the topography of the site the driveway access is from Quaker Church Road. The topography of the property ranges from rolling to steep. Improvements consist of a very large frame single-family dwelling with an attached 3-car garage. The dwelling sits on the highest portion of the property overlooking the valley below and is located approximately 600 feet off of the road. Other improvements include a blacktopped driveway, well and septic system. Enclosed with the report is a copy of the 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 some areas of RR/Rural Residential. In the Village of Dublin there is a mix of VR/Village Residential, VB/Village Business and B3/General Business Districts. The 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 permit a Personal Care Boarding Home in the AG/Agricultural District.

Section 267-53F(8):

(8) *Personal-card 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.

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

The Applicants have constructed a very large frame single-family dwelling located on the highest portion of the property and approximately 600-feet back from Quaker Church Road.

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

The minimum lot size in the AG/Agricultural District is 2 acres. The Applicants' property is approximately 10.29 acres.

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

The Applicants have only requested approval for a maximum of 4 patients which is substantially less than the permitted density.

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

The Applicants' dwelling has a 3-car garage that is incorporated into the design of the dwelling. The driveway is paved. There is a parking and a turning area in front of the garage. A portion of the driveway loops around to the rear of the dwelling to a large parking area. Based on the number of patients requested, the existing paved parking area is more than adequate.

(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.*

This dwelling is consistent with other houses in the area.

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 property is 10± acres in size and there is several hundred feet between the applicants' house and the adjacent dwellings. The proposal 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.*

Quaker Church Road and Mill Green Road are County owned and maintained roads. The subject property has frontage on both roads however; access to the site is from Quaker Church Road.

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The driveway entrance to the property is approximately 500 feet north of Mill Green Road. Quaker Church Road is a gravel road however, it is in good condition from the driveway to the Mill Green Road. Site distance from the driveway in both directions is very good. The proposal to allow only 4 patients would have no adverse impact on traffic in this 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 all the Code requirements. The proposed use provides a service to residents in the county. 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 Dublin/Darlington and possibly Whiteford Volunteer Fire Departments will provide the primary fire protection and emergency assistance to the site. The property is served by private well and septic system. A company of the Applicants' choice will handle trash collection.

The Health Department has reviewed the request and in a letter dated February 14, 2005 (Attachment 11) indicates that the existing well and septic system are adequate to handle the requested number of residents.

(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 impacts on the surrounding natural features.

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

Not applicable to the request.

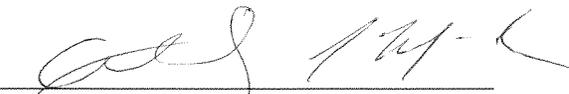
RECOMMENDATION and or SUGGESTED CONDITIONS:

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

1. The Applicants shall submit a site plan to the Department of Planning and Zoning for the review and approval through the Development Advisory Committee.
2. The approval shall be limited to 4 residents in addition to family members.
3. The Applicants shall obtain all necessary permits and inspections for the use of the dwelling as a personal care boarding home.
4. The approval is 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