

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

RECEIVED

FEB 11 A 2005

HARFORD COUNTY CODE

Case No. 5478
 Date Filed 02/07/05
 Hearing Date _____
 Receipt _____
 # 400

Shaded Areas for Office Use Only

<p style="text-align: center;">Type of Application</p> <p>_____ Administrative Decision/Interpretation</p> <p><u>XX</u> Special Exception</p> <p>_____ Use Variance</p> <p>_____ Change/Extension of Non-Conforming Use</p> <p>_____ Minor Area Variance</p> <p>_____ Area Variance</p> <p>_____ Variance from Requirements of the Code</p> <p>_____ Zoning Map/Drafting Correction</p> <p>_____</p>	<p style="text-align: center;">Nature of Request and Section(s) of Code _____</p> <p>CASE 5478 MAP 65 TYPE Special Exception</p> <p>ELECTION DISTRICT 01 LOCATION 900 Philadelphia Rd., Joppa</p> <p>BY J. Ralph Medley, Sr., 6850 Sunshine Ave., Kingsville, MD</p> <p>Robert & Sandra Glock, 13320 Fork Rd., Baldwin, MD</p> <p>Augustine & Deborah Ciresi, 13320 Fork Rd., Baldwin, MD</p> <p><u>Appealed because a special exception pursuant to Sec. 267-53H (7) of the Harford County Code to permit a restaurant in the B1 District requires approval by the Board.</u></p>
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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 J. Ralph Medley, Sr. Phone Number (410) 679-4333

Address 6850 Sunshine Avenue, Kingsville, MD 21087
Street Number Street City State Zip Code

Co-Applicant _____ Phone Number _____

Address _____
Street Number Street City State Zip Code

Contract Purchaser See Attached Phone Number _____

Address _____
Street Number Street City State Zip Code

Attorney/Representative Robert S. Lynch, Esquire Phone Number (410) 879-2222

Address Stark and Keenan, P.A., 30 Office Street, Bel Air, MD 21014
Street Number Street City State Zip Code

Land Description

Address and Location of Property 900 Philadelphia Road, Joppa, MD 21085

Subdivision N/A Lot Number N/A

Acreage/Lot Size 1.220 Acres Election District 01 Zoning B1

Tax Map No. 65 Grid No. 2B Parcel 925 Water/Sewer: Private _____ Public X

List ALL structures on property and current use: resturant building with two apartments

Estimated time required to present case: 30 minutes

If this Appeal is in reference to a Building Permit, state number No.

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 _____ No X

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

Request

See Attached.

Justification

See Attached.

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.)

BOARD OF APPEALS

900 Philadelphia Road, Joppa, Maryland 21085

REQUEST: A Special Exception pursuant to Section 267-53(H)(7) to allow a restaurant in the B1 Business District.

JUSTIFICATION: The subject property is currently improved by the restaurant facility which has been historically known as “Nor Mar Restaurant.” The restaurant has been a non-conforming use prior to 1957 and has operated continuously since that date, until recently when the facility was closed due to Health Department concerns. The concerns of the Health Department stem, primarily, from the lack of adequate sewage disposal facility for the property. The current owner of the property and the Applicant herein, has remedied the situation by providing a public sewer to the restaurant. The Applicant can comply with the parking and access requirements of the Zoning Code and the property has direct access to Maryland Route 7, which is an arterial highway. The granting of this Special Exception will not have a detrimental impact on the neighborhood and is consistent with sound planning practices and the Harford County Master Plan.

**ATTACHMENT TO HARFORD COUNTY
BOARD OF APPEALS APPLICATION**

Contract Purchasers

We agree to provide additional information as requested by the Department of Planning and Zoning or the Hearing Examiner.

We do hereby declare that no officer or employee of Harford County, whether elected or appointed, has received prior hereto or will receive subsequent hereto any monetary or material consideration, any service or thing of value, directly or indirectly, upon more favorable terms than those granted to the public generally in connection with the submission, processing, issuance, grant or aware of the within application or petition.

We do solemnly declare and affirm under the penalties of perjury that this petition contains 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 the corporation having any interest in the property, except those corporations listed and traded on a recognized stock exchange.

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 our knowledge, information and belief.

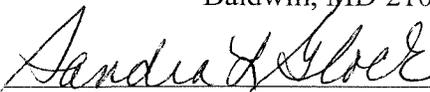
We agree, upon final action, to comply with all requirements or conditions imposed by the Board.

WITNESS:

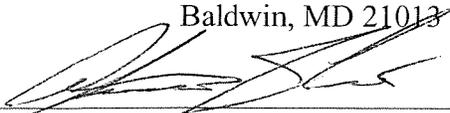
CONTRACT PURCHASERS:



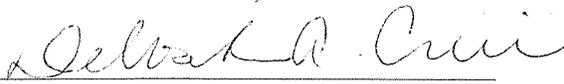
Name: **ROBERT B. GLOCK**
Address: 13320 Fork Road
Baldwin, MD 21013



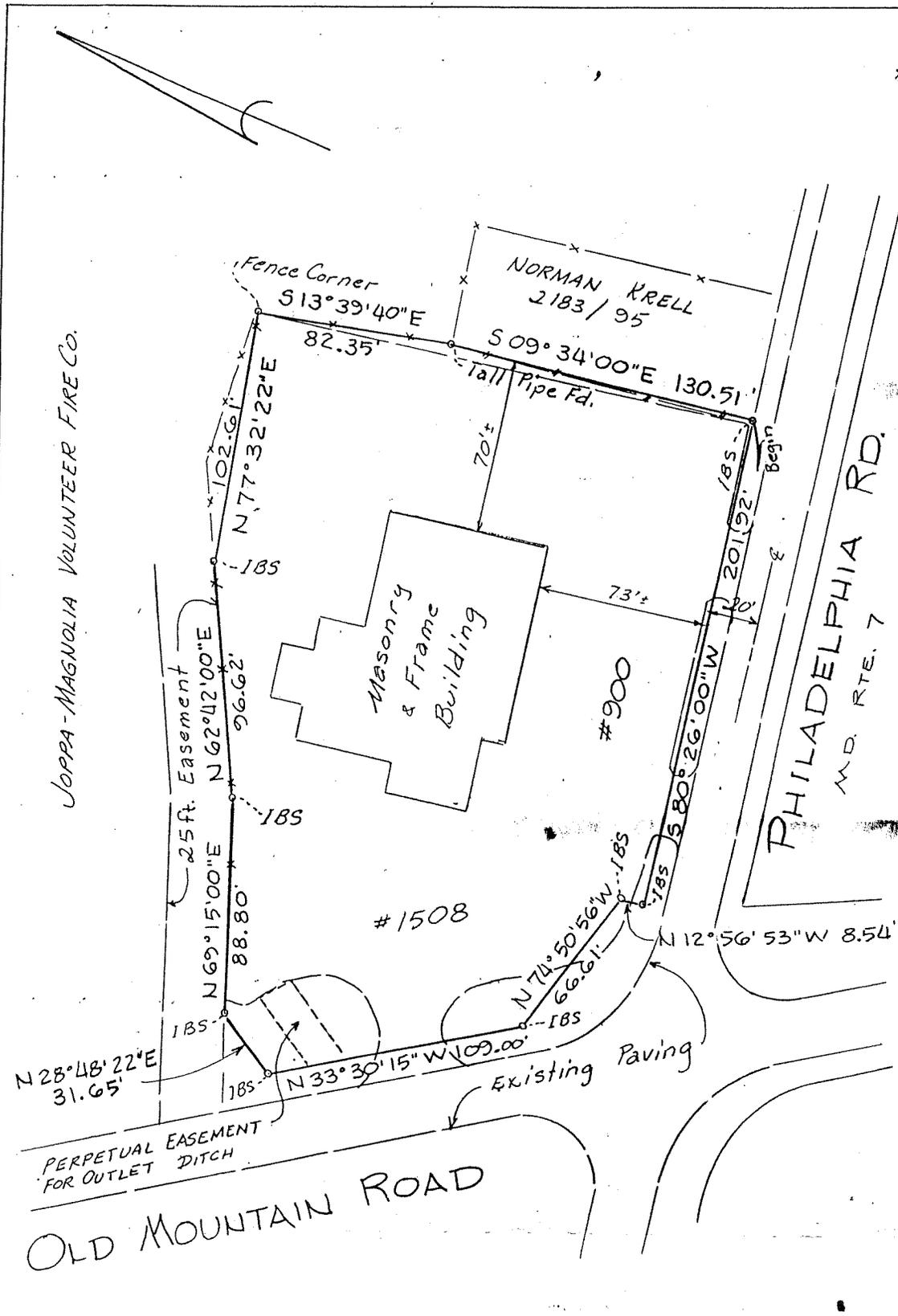
Name: **SANDRA L. GLOCK**
Address: 13320 Fork Road
Baldwin, MD 21013



Name: **AUGUSTINE J. CIRESI**
Address: 13320 Fork Road
Baldwin, MD 21013



Name: **DEBORAH A. CIRESI**
Address: 13320 Fork Road
Baldwin, MD 21013



JOPPA-MAGNOLIA VOLUNTEER FIRE CO.

PHILADELPHIA RD.
M.D. RTE. 7

OLD MOUNTAIN ROAD

See SHA Plat No. 44459

IBS - Denotes Iron Bar Set

L. G. WOLFF ASSOCIATES, INC.
Land Surveying
Planning & Design
10 West Pennsylvania Avenue
Bel Air, Maryland 21014

DEL AIR 410-030-0880
BALTIMORE 410-879-3966
FAX 410-838-4543



9-25-03

PLAT OF SURVEY

1.2116 Ac. Parcel of Land
To Be Conveyed To
RALPH MEDLEY
Deed 1544/315 (Parcels 1 & 2)
1ST Elec. Dist. Harford Co., Md.

Date Sept. 25, 2003 Scale 1" = 50'
File No. 079-03

JAMES M. HARKINS
HARFORD COUNTY EXECUTIVE

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



J. STEVEN KALL-ZIEGLER
DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

March 9, 2005

STAFF REPORT

BOARD OF APPEALS CASE NO. 5478

APPLICANT/OWNER: J. Ralph Medley, Sr.
6850 Sunshine Avenue, Kingsville, Maryland 21087

CONTRACT PURCHASER: See Attachment 1.

REPRESENTATIVE: Robert S. Lynch, Esquire
Stark and Keenan, P.A.
30 Office Street, Bel Air Maryland 21014

LOCATION: 900 Philadelphia Road
Northwest intersection of Philadelphia Road and Old Mountain
Road South
Tax Map: 65 / Grid: 2B / Parcel: 925
Election District: First (1)

ACREAGE: 1.220 acres

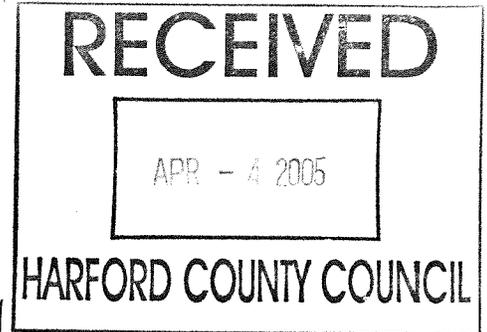
ZONING: B1/Neighborhood Business District

DATE FILED: February 7, 2005

HEARING DATE: April 11, 2005

APPLICANT'S REQUEST and JUSTIFICATION:

See ATTACHMENT 2.



Preserving our values, protecting our future

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J. Ralph Medley, Robert & Sandra Glock, Augustine & Deborah Ciresi

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CODE REQUIREMENTS:

The Applicants are requesting a Special Exception pursuant to Section 267-53H(7) of the Harford County Code to permit a restaurant in the B1/Neighborhood Business District.

Section 267-53H (7) of the Harford County reads:

- (7) *Restaurants. These uses may be granted in the VB and B1 Districts provided that:*
- (a) *The parking and access requirements of this Part 1 shall apply.*
 - (b) *The use is located with direct access to an arterial or collector road.*

Enclosed with the report is a copy of Section 267-51 and 267-52 of the Harford County Code (Attachment 3).

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 southwest area of the County. The subject site is situated on the northeast corner of Philadelphia Road (MD Route 7) and Old Mountain Road. A location map and a copy of the Applicants' site plan are enclosed with the report (Attachments 4 and 5).

The subject property is located within the Development Envelope. The predominant land use designation in the area surrounding the Applicants' property is Industrial/Employment. Other major land use designations include Low, Medium and High Intensities. The Natural Features Map reflects Stream Systems, parks and Sensitive Species Project Review Areas. The subject property is designated as Industrial/Employment, which is defined by the Master Plan as:

Industrial/Employment – Areas of concentrated manufacturing, distribution, technical, research, office, and other activities generally located along major transportation corridors.

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 6 and 7).

Land Use – Existing:

The existing land uses in this area of the County are consistent with the 2004 Master Plan. The corridor south of I-95 contains a mix of land uses. Residential land uses in the area generally consist of single-family residences. Commercial activity ranges from convenience stores to automotive related uses, restaurants and service uses. There is also light industrial uses and

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warehousing. The topography of the general area ranges from level to rolling and even steep near the stream valleys. A topography map and a copy of the aerial photograph are enclosed with the report (Attachments 8 and 9).

The Applicants' property is a rectangular shaped parcel, approximately 1.220 acres in size that is located on the northeast side of MD Route 7 and Old Mountain Road South. The topography of the subject site is level to gently sloping. Improvements consist of a block and frame building that until a year ago was the Nor-Mar restaurant and bar. The balance of the lot is paved for parking. There are two entrances onto MD Route 7 and two accesses from Old Mountain Road South. There is an existing freestanding sign located at the intersection of the two roads. The property backs up to the Joppa/Magnolia Volunteer Fire Department, a single-family residence and a convenience store are located on the east side, a storage yard across Old Mountain Road South on the west side and a vacant building that was a store on the south side. Site photographs along with an enlargement of the aerial photograph are enclosed with the report (Attachments 10 and 11).

Zoning:

The zoning classifications in the area are consistent with intent of the 2004 Master Plan as well as the existing land uses. Residential zoning ranges from R1 to R3/Urban Residential Districts. Commercial zoning includes B1/Neighborhood Business, B2/Community Business, B3/General Business Districts and CI/Commercial Industrial District. Along the Route 40 corridor are areas zoned GI/General Industrial Districts. The subject property is zoned B1/Neighborhood Business District as shown on the enclosed copy of the Zoning Map (Attachment 12).

SUMMARY:

The Applicants are requesting a Special Exception pursuant to Section 267-53H(7) of the Harford County Code to permit a restaurant in the B1/Neighborhood Business District.

Section 267-53H (7):

(7) *Restaurants. These uses may be granted in the VB and B1 Districts provided that:*

The subject property is zoned B1/Neighborhood Business District.

(a) *The parking and access requirements of this Part 1 shall apply.*

A portion of the existing building has been on the subject site since prior to 1957. Permits for additions to the structure were issued in 1971, 1974 and 1977. There have been no additional expansions since that time. Under the 1957 Zoning Ordinance restaurants were permitted uses in the B1/Neighborhood Business District (Attachment 13). This changed with the adoption of the 1982 Zoning Code allowing them as Special Exceptions in the B1/Neighborhood Business District and first permitted as a principal use in the B2/Community Business District (see

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Attachment 14). Any new development of the site will require State Highways permits and approval. A detailed site plan showing improvements, lighting, parking, curbing and new entrances will be required and must be approved thru the Development Advisory Committee. The proposed restaurant will require 1-space per 3-patrons seats or 1-space per 200 square feet excluding food preparation area, whichever is greater. Seating will be limited to the number of parking spaces the Applicants can provide on site. This will be determined during the site plan approval before DAC.

(b) *The use is located with direct access to an arterial or collector road.*

The property has direct access onto MD Route 7 which is listed in the County's adopted Transportation Plan as a Minor Arterial – Urban Road from Baltimore County to MD 136.

Section 267-9I:

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

The proposed restaurant will provide a service to the residents and individuals working in the area. The property was previously used as a restaurant. The proposal should have no adverse impact on the immediate 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.*

The property is located on the north side of MD Route 7 just to the west of Mountain Road (MD Route 152). It is also bordered by Old Mountain Road South on the west side. The primary access to the site will be from Philadelphia Road (Route 7) however; there is a secondary entrance from Old Mountain Road South. The proposed development and revitalization of the site may require additional improvements at the entrances.

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

The proposed use would provide a service to the residents and individuals working in the area. The use will be compatible with the neighborhood. 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 not have an impact on the area based on the issues in this section.

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- (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. The Joppa/Magnolia Volunteer Fire Department will provide the primary fire protection and emergency services. Water and Sewer facilities will be provided by public water and sewer service. A company of the Applicants' choice will 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 restaurant will not have an impact on any institutional structure in the area. The previous restaurant was in operation a number of years and was a service to the community.

- (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 that will be impacted by the utilization of the present structure for a restaurant.

- (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 request be approved subject to the following conditions:

1. The Applicants shall prepare a detailed site plan for review and approval through the Development Advisory Committee.
2. The Applicants shall obtain all necessary permits and inspections.

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Handwritten signature of Dennis J. Sigler in cursive, with a small 'JF' monogram to the right.

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

Handwritten signature of Anthony S. McClune in cursive.

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

DJS/ASM