

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

RECEIVED
 APR 11 2005
HARFORD COUNTY COUNCIL

Case No. 5486
 Date Filed 4/5/05
 Hearing _____ Date _____
 Receipt \$ 400

Shaded Areas for Office Use Only

Type of Application	Nature of Request and Section(s) of Code
<input type="checkbox"/> Administrative Decision/Interpretation	<u>CASE 5486 MAP 55 TYPE Special Exception</u>
<input checked="" type="checkbox"/> Special Exception	<u>ELECTION DISTRICT 03 LOCATION 701 Whitaker Mill Rd., Joppa</u>
<input type="checkbox"/> Use Variance	<u>BY Bruce & Mary Hegstad, 2709 Parkshire Dr., Fallston 21047</u>
<input type="checkbox"/> Change/Extension of Non-Conforming Use	<u>Harford Lutheran School, 1145 Concordia Dr., Towson, MD 21286</u>
<input type="checkbox"/> Minor Area Variance	<u>Appealed because a special exception pursuant to Sec. 267-53C (7) of the Harford</u>
<input type="checkbox"/> Area Variance	<u>County Code to permit a school offering general academic instruction at levels from sixth</u>
<input type="checkbox"/> Variance from Requirements of the Code	<u>grade through twelfth grade in the Ag district requires approval by the Board.</u>
<input type="checkbox"/> Zoning Map/Drafting Correction	

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/Owner (please print or type)

Name Bruce J. Hegstad Phone Number Call Attorney

Address 2709 Parkshire Drive, Fallston, MD 21047-2230
Street Number Street City State Zip Code

Co-Applicant Mary Margaret Hegstad Phone Number Call Attorney

Address 2709 Parkshire Drive, Fallston, MD 21047-2230
Street Number Street City State Zip Code

Contract Purchaser Harford Lutheran School Phone Number Call Attorney

Address 1145 Concordia Drive, Towson, MD 21286
Street Number Street City State Zip Code

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

Address Gessner, Snee, Mahoney & Lutche, PA, 11 S. Main St., PO Box 1776, Bel Air, MD 21014
Street Number Street City State Zip Code

Land Description

Address and Location of Property 701 Whitaker Mill Road in Joppa, MD 21085, East of Benson

Subdivision N/A Lot Number N/A

Acreage/Lot Size 39.37 AC Election District 03 Zoning AG

Tax Map No. 55 Grid No. 2F Parcel 163 Water/Sewer: Private X Public _____

List ALL structures on property and current use: See Attached

Estimated time required to present case: 30 Minutes

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: _____

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

Is this request within one (1) miles 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.)

19 : 4/8/05
13 : 2561
205477

Case #5486

ADDENDUM TO ZONING APPLICATION

REQUEST:

Special Exception Approval, pursuant to Section 267-53C(7), for approval of a school which offers general academic instruction at levels from the sixth grade through the twelfth grade in the AG district.

JUSTIFICATION:

Applicant is proposing a private co-educational high school facility which would ultimately accommodate a maximum of 300 students. The student population would phase in with the first year only having ninth grade classes. After this period, the school would add a grade every subsequent year. The subject property is approximately 39 acres in size. Several tenants including Harford Gymnastics, the YMCA and Dance Conservatory of Maryland currently lease space on the property. The subject property meets all of the requirements of Section 267-53C(7)(a) as well as the Limitations, Guides and Standards contained in Section 267-9(I) of the Zoning Code. The proposed use will provide a valuable education resource for Harford County students. It will have no adverse impact on surrounding properties. Proposed road improvements would actually improve traffic flow around the subject property.

8 : 12/2/04
14 : 6003
205477

ATTACHMENT TO THE APPLICATION OF
BRUCE J. AND MARY MARGARET HEGSTAD

List of All Structures on Property and Current Uses:

	Structure	Use
1.	The Great Hall	YMCA Kids events; general events;
2.	Headquarters	Offices – Millstad, Dance Conservatory, YMCA
3.	Theater	Dance Conservatory of Maryland
4.	Gym Center	Harford Gymnastics Club
5.	Schoolhouse F	Residence
6.	Director's House	Residence
7.	Cottage R	Residence
8.	Red Cross	Residence
9.	Cabins/Baths	Crafts, subgroup activities
10.	Climbing Tower	Climbing and motivation skills

DAVID R. CRAIG
HARFORD COUNTY EXECUTIVE



LORRAINE COSTELLO
ACTING DIRECTOR OF ADMINISTRATION

ANTHONY S. McCLUNE
ACTING DIRECTOR OF PLANNING AND ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

July 29, 2005

STAFF REPORT

BOARD OF APPEALS CASE NO. 5486

APPLICANT/OWNER: Bruce J. Hegstad
2709 Parkshire Drive, Fallston, Maryland 21047-2230

Co-APPLICANT: Mary Margaret Hegstad
2709 Parkshire Drive, Fallston, Maryland 21047-2230

CONTRACT PURCHASER: Harford Lutheran School
1145 Concordia Drive, Towson, Maryland 21286

REPRESENTATIVE: Kevin J. Mahoney, Esquire
Gessner, Snee, Mahoney and Lutche
11 South Main Street, PO Box 1776, Bel Air, Maryland 21014

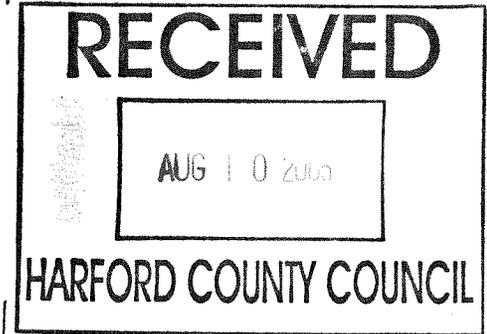
LOCATION: 701 Whitaker Mill Road in Joppa
Tax Map: 55 / Grid: 2F / Parcel: 163
Election District: Third

ACREAGE: 39.37 acres

ZONING: AG/Agricultural

DATE FILED: April 5, 2005

HEARING DATE: August 24, 2005



APPLICANT'S REQUEST and JUSTIFICATION:

See ATTACHMENT 1.

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Bruce & Mary Hegstad and Harford Lutheran School

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CODE REQUIREMENTS:

The Applicants are requesting a Special Exception pursuant to Section 267-53C(7) of the Harford County Code to permit a school offering general academic instruction at levels from sixth grade through twelfth grade in the AG/Agricultural District.

Enclosed with the report is a copy of Section 267-53C (7) of the Harford County Code (Attachment 2).

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 entitled Limitation, Guides and Standards will be discussed in detail later in the report.

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The Applicants' property is located on the northeast side of Whitaker Mill Road, approximately 1000 feet east of Old Joppa Road, in an area generally referred to as Benson. 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 just outside the development envelope. The land use designations include Low Intensity, Rural Residential, and Agricultural. There are parks and stream systems as well as agricultural preservation areas nearby. The subject property is designated as Agricultural, which is defined by the 2004 Master Plan as:

Agricultural – Areas where agriculture is the primary land use, but where development 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 6 and 7).

Land Use – Existing:

The existing land uses in this area are consistent with the Master Plan. The area is a mixture of single-family residential and farmland that includes cropland, pastureland and dense woodland. There are single-family residential dwellings and minor subdivisions scattered throughout the area. Commercial activity is primarily located along Bel Air Road (US Route 1) to the northwest. Enclosed with the report are copies of the aerial photographs (Attachments 8 and 9).

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The subject property is approximately 39.37 acres in size, generally square in shape with frontage on the east and north sides of Whitaker Mill Road. The topography of the site is typical for the area, ranging from rolling to steep. The property is a mixture of open playing fields and dense woodland. Improvements consist of two frame dwellings, a large metal and frame building (Harford Gymnastics), a frame structure containing the offices for the YMCA Camp and Program Center, a large frame building housing the Dance Conservatory, a large stone barn converted to an all purpose meeting hall, storage buildings, an in-ground pool, and 12 cabins. Several of the existing buildings will be razed as shown on the Applicant's site plan. The driveways and parking areas are a mixture of paved blacktop and gravel. Attachments include site photographs and an aerial photograph with topography overlay (Attachments 10 and 11).

Zoning:

The zoning classifications in the area are consistent with the 2004 Master Plan as well as the existing land uses. The subject property and most of the immediate surrounding area are zoned AG/Agricultural. The existing residential developments in the area are zoned RR/Rural Residential. Commercial zoning in this area is limited to the Route 1 corridor. Attached is a copy of the zoning map for this area (Attachment 12)

SUMMARY:

The Applicants are requesting a Special Exception pursuant to Section 267-53C(7) of the Harford County Code to permit a school offering general academic instruction at levels from sixth grade through twelfth grade in the AG/Agricultural District.

Section 267-53C (7):

(7) *[Amended by Bill Nos. 90-30; 97-12] Schools, colleges and universities. These uses may be granted in any district, except the LI and GI Districts, provided that:*

The subject property is zoned AG/Agricultural.

(a) *Schools, colleges and universities which offer any general academic instruction at levels above the eighth grade must have:*

The Applicants are requesting approval for a school on the subject property offering general academic instruction at levels from sixth grade through twelfth grade.

[1] *A parcel of at least three acres. An additional eight hundred seventy-five square feet of parcel area will be required for each student in excess of fifty.*

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The subject property is approximately 39.37 acres in size. The Applicants are proposing 500 students. The Department recommends that the use be limited to a maximum of 300 students. The property far exceeds the minimum requirements.

[2] *A parcel frontage of at least three hundred feet.*

Whitaker Mill Road wraps around two sides of the subject property providing more than 2000 feet of road frontage.

[3] *A front yard depth of a least fifty feet, a side yard lot line and a rear yard depth of a least fifty feet.*

The proposed and existing buildings will be a minimum of 150 feet from the nearest property line.

(b) *Kindergartens must have:*

[1] *A parcel area of at least twenty thousand square feet per fifteen students or fraction thereof.*

[2] *A parcel frontage of at least one hundred feet.*

[3] *A front yard depth of at least forty feet, a side yard depth equal to at least the height of the tallest institutional building located on the parcel which is proximate to the side yard and a rear yard depth of at least forty feet.*

No kindergarten is proposed on this site.

(c) *All other educational institutions must comply with the following:*

[1] *Where the maximum attendance at any one time does not exceed forty students, such institution must have:*

[a] *A parcel area of at least twenty thousand square feet per fifteen students or fraction thereof.*

[b] *A parcel frontage of at least one hundred fifty feet.*

[c] *A front yard depth of at least forty feet, a side yard depth equal to at least the height of the tallest institutional building located on the parcel which is proximate to the side yard and a rear yard depth of at least forty feet.*

The maximum attendance is proposed to exceed forty students; therefore this provision does not apply.

[2] *Where the maximum attendance at any one time exceeds forty students, such institution must have:*

[a] *A parcel area of at least three acres, plus seven hundred square feet for each student in excess of sixty.*

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The site is of sufficient size to meet this requirement.

[b] A parcel frontage of at least two hundred feet.

There is more than sufficient road frontage to exceed this requirement.

[c] A front yard depth of at least fifty feet, a side yard depth equal to at least two times the height of the tallest institutional building located on the parcel which is proximate to the side yard and a rear yard depth of at least fifty feet.

Based on the Applicant's site plan, this provision can be met. The proposed building is more than 150 feet from the side and rear property lines.

(d) School buses shall be garaged or shall be stored in an area to the rear of the main building and adequately screened.

If school buses are proposed, the Applicant can satisfy this condition based on the site plan. In addition, a landscaping plan will be required to address all screening requirements.

(e) A buffer yard ten feet wide shall be provided along the boundary with an adjacent residential lot.

There are no adjacent residential lots.

Section 267-9I:

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

The area immediately surrounding the subject property is a mix of older residential communities, active farmland and dense woodland. The property is a good location for the proposed private school due to its size, shape and topography. The Department believes that the proposal will provide a service to the community.

(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 has over 2000 of road frontage on Whitaker Mill Road which is listed as a Minor Collector – Rural road in the County's adopted transportation plan. Based on recommendations from the Department of Public Works, the Applicants have proposed a roundabout and road realignment to address the current access issues. This realignment will allow traffic to enter and

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exit the subject property as well as keeping the traffic flowing on Whitaker Mill Road in both directions. It also provides better sight distance in all directions.

The Applicant has submitted a preliminary traffic impact study to the County for review. Adequate capacity exists in the road network for the proposed use. The Applicants must submit a final Traffic Impact Analysis to the County to address Adequate Public Facility regulations for roadway intersections at the time of site plan review. It should be noted that the study was based on a maximum of 500 students. The Department recommends that any approval be limited to 300 students at this time (Attachment 13).

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

The use is permitted in the Agricultural District as a Special Exception with Board of Appeals approval. The proposal far exceeds the minimum requirements and given the topography, size and shape of the property there should be little impact on the community. The proposal should not have a fiscal impact on the County.

(4) *The effect of odors, dust, gas, smoke, fumes, vibration, glare and noise upon the use of surrounding properties.*

There should be little or no adverse impact on the overall community based on the issue listed in this section. The topography of the site along with the retention of the trees around the property should provide adequate buffering for any noise generated from the school.

(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 Bel Air and Fallston Volunteer Fire Department will provide fire and emergency protection. The property is served by private well and septic system. A company of the Applicant's choice will handle trash collection.

(6) *The degree to which the development is consistent with generally accepted engineering and planning principles and practices.*

The request 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.

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(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.*

There is Natural Resource District (NRD) along the southern area of the property. The Applicants are not proposing to disturb the NRD as part of this project.

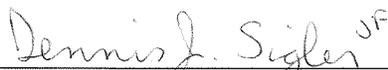
(10) *The preservation of cultural and historic landmarks.*

The request will not impact any cultural or historic landmarks.

RECOMMENDATION and or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends that the request be approved subject to the following conditions:

1. The number of students shall be limited to 300.
2. The Applicants shall submit a detailed site plan to be reviewed and approved thru the Development Advisory Committee.
3. The realignment of Whitaker Mill Road and proposed road improvements shall be in accordance with the County's design standards and shall be approved by the Department of Public Works.
4. Additional landscaping and screening shall be planted adjacent to Whitaker Mill Road after construction of the improvements. A landscaping plan shall be submitted to the Department of Planning and Zoning for review and approval.
5. The outdoor playing fields shall not have lighting for evening use.
6. The Applicants shall obtain all necessary permits and inspections for the construction of the proposed facility.



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



Anthony S. McClune, Acting Director
Department of Planning and Zoning