

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

**RECEIVED**  
 SEP - 1 2006  
 HARFORD COUNTY

Case No. 5571  
 Date Filed 8/29/06  
 Hearing Date \_\_\_\_\_  
 Receipt \_\_\_\_\_  
 Fee \$600.00

Shaded Areas for Office Use Only

Type of Application	Nature of Request and Section(s) of Code
<input type="checkbox"/> Administrative Decision/Interpretation <input checked="" type="checkbox"/> Special Exception <input type="checkbox"/> Use Variance <input type="checkbox"/> Change/Extension of Non-Conforming Use <input type="checkbox"/> Minor Area Variance <input type="checkbox"/> Area Variance <input type="checkbox"/> Variance from Requirements of the Code <input type="checkbox"/> Zoning Map/Drafting Correction	<p>CASE 5571 MAP 19 TYPE Special Exception ELECTION DISTRICT 05                      LOCATION 1642 Castleton Road, Darlington 21034                      BY Todd and Karen Paterniti                      Appealed because a special exception pursuant to Section 267-53H(1) of the Harford County Code to conduct a lawn maintenance service as a construction services and suppliers' use and a Special Exception pursuant to Section 267-53D(1) to store commercial vehicles in the AG District requires approval by the Board.</p>

*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 Todd A. Paterniti Phone Number call attorney

Address 1642 Castleton Road Darlington MD 21034  
Street Number Street City State Zip Code

Co-Applicant Karen Paterniti Phone Number call attorney

Address 1642 Castleton Road Darlington MD 21034  
Street Number Street City State Zip Code

Contract Purchaser N/A Phone Number \_\_\_\_\_

Address \_\_\_\_\_  
Street Number Street City State Zip Code

Attorney/Representative John J. Gessner Phone Number 410-893-7500

Address 11 S. Main Street P.O. Box 1776 Bel Air MD 21014  
Street Number Street City State Zip Code

## Land Description

Address and Location of Property Lot 4 2 acres 1642 Castleton Road LD R Slater PT 85/51

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Subdivision \_\_\_\_\_ Lot Number 2

Acreage/Lot Size 2.0 +/- Election District 5 Zoning AG

Tax Map No. 19 Grid No. 3D Parcel 531 Water/Sewer: Private  Public \_\_\_\_\_

List ALL structures on property and current use: single family detached dwelling, shed, above-ground swimming pool

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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? N/A

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) miles of any incorporated town limits? Yes \_\_\_\_\_ No

## Request

See attached

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## Justification

See attached

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*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.)*

2 : 7/31/06  
2 : 23131  
207835

ATTACHMENT TO APPLICATION OF TODD PATERNITI AND KAREN  
PATERNITI

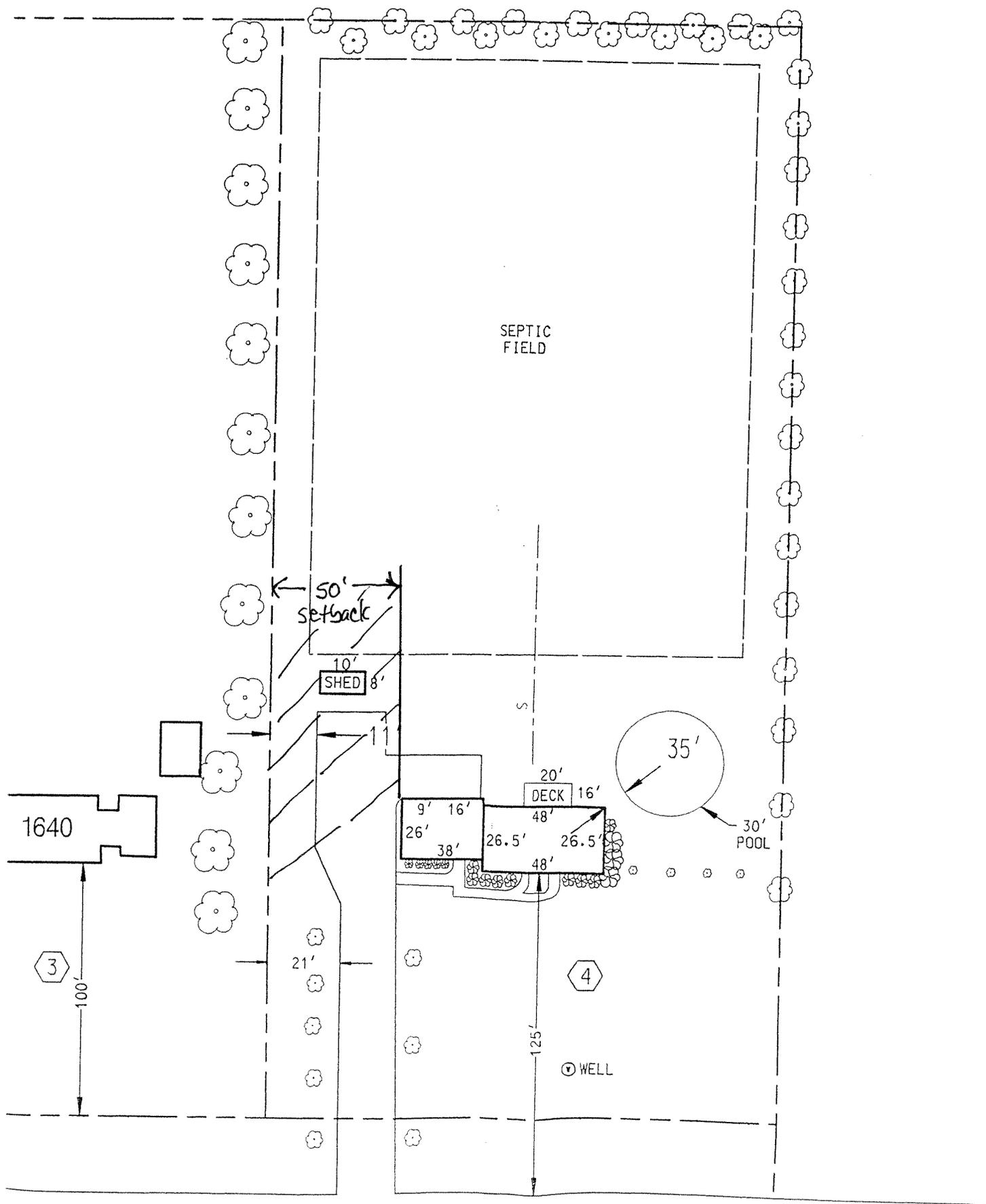
**REQUEST.**

1. The Applicants, pursuant to Section 267- 53(D), of the Harford County Zoning Code (“Code”), hereby request special exception approval to conduct a lawn maintenance service as a construction services and suppliers’ use on the subject property zoned AG, Agricultural, as shown on the attached site plan.

2. If necessary, the Applicants, pursuant to Section 267-53 (D) (1) of the Code, hereby request special exception approval to store commercial vehicles used in the lawn maintenance service on the subject property zoned AG, Agricultural, as shown on the attached site plan.

The Applicants’ use consists of a maximum of 5, full-time employees. 3 push mowers and 7 riding mowers are used in the business and stored at the subject property. 3 trailers used to haul mowers to the jobsite are also used in the business and are stored at the subject property. 3 personal vehicles owned by the Applicants, a Ford Excursion and 2 Dodge diesel pickup trucks, are also used in the business and are stored at the subject property. The Applicants’ hours of operation are normally from 8:00 a.m. to 5:00 p.m. or 6:00 p.m. Monday through Friday. On occasion, operations will continue until 7:00 p.m. or 8:00 p.m. if circumstances so require. Saturday operations, when necessary, begin at 9:00 a.m. No Sunday operations, except in an emergency, are conducted

**JUSTIFICATION.** Operation of the proposed use from the subject property as described herein will cause no adverse impact to surrounding properties and is compatible with uses permitted as of right in the AG district.



CASTLETON ROAD

DAVID R. CRAIG  
HARFORD COUNTY EXECUTIVE

LORRAINE COSTELLO  
DIRECTOR OF ADMINISTRATION



C. PETE GUTWALD  
DIRECTOR OF PLANNING AND ZONING

## HARFORD COUNTY GOVERNMENT

### Department of Planning and Zoning

November 17, 2006

### STAFF REPORT

### BOARD OF APPEALS CASE NO. 5571

APPLICANT/OWNER: Todd A. Paterniti  
1642 Castleton Road, Darlington, Maryland 21034

Co-APPLICANT: Karen Paterniti  
1642 Castleton Road, Darlington, Maryland 21034

REPRESENTATIVE: John J. Gessner  
11 South Main Street, Bel Air, Maryland 21014

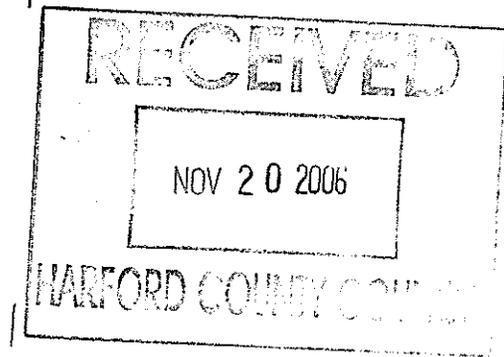
LOCATION: 1642 Castleton Road-Land of R Slater Plat 85/51  
Tax Map: 19 / Grid: 3D / Parcel: 531 / Lot: 4  
Election District: Five (5)

ACREAGE: 2.0 acres

ZONING: AG/Agricultural

DATE FILED: August 29, 2006

HEARING DATE: November 27, 2006



### APPLICANT'S REQUEST and JUSTIFICATION:

See Attachment 1.

*Preserving Harford's past; promoting Harford's future*

MY DIRECT PHONE NUMBER IS (410) 638-3103

220 SOUTH MAIN STREET BEL AIR, MARYLAND 21014 410.638.3000 • 410.879.2000 • TTY 410.638.3086 • www.harfordcountymd.gov

THIS DOCUMENT IS AVAILABLE IN ALTERNATIVE FORMAT UPON REQUEST.

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Todd A. & Karen Paterniti

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**CODE REQUIREMENTS:**

The Applicants are requesting a Special Exception pursuant to Section 267-53H(1) of the Harford County Code to conduct a lawn maintenance service use as a construction services and suppliers use and a Special Exception pursuant to Section 267-53D(1) to store commercial vehicles in the AG/District.

Section 267-53H(1) of the Harford County Code reads:

*H. Services. [Amended by Bill No. 97-54]*

- (1) Construction services and suppliers. These uses may be granted in the AG and VB Districts, provided that a buffer yard ten feet wide shall be provided around all outside storage and parking areas when adjacent to a residential lot or visible from a public road.*

Section 267-53D(1) of the Harford County Code reads:

*D. Motor Vehicle and related services.*

- (1) Commercial vehicle and equipment storage and farm vehicle and equipment sales and service. These uses may be granted in the AG District, and commercial vehicle and equipment storage may be granted in the VB District, provide that:*
- (a) The vehicles and equipment are stored entirely within an enclosed building or fully screened from view of adjacent residential lots and public roads.*
  - (b) The sales and service of construction and industrial equipment may be permitted as an accessory use incidental to the sales and service of farm vehicles and equipment.*
  - (c) A minimum parcel area of two (2) acres shall be provided.*

Section 267-91 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 on the west side of Castleton Road, approximately 3,500 feet north of Dublin Road (MD Route 440). A location map and a copy of the Applicant's site plan are enclosed with the report (Attachments 2 and 3).

The subject property is located outside of the Development Envelope. The Village of Dublin is located to the south of the site. The predominant land use in this area of the County is Agricultural. The Natural Features Map reflects stream systems, Sensitive Species Project Review Areas, Agricultural Preservation Districts and Easements and the Deer Creek Scenic

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River District. 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 4 and 5).

Land Use – Existing:

The existing land uses in the subject area conform to the intent of the Master Plan. The predominant land uses are agriculture and residential. There are some small commercial businesses located within the village of Dublin to the south. The topography ranges from rolling to steep especially near the stream valleys. A topography map and a copy of the aerial photograph are enclosed with the report (Attachments 6 and 7).

The Applicant's property is a rectangular shaped lot, approximately 2 acres in size. The lot is recorded in the Land Records of Harford County as Lot 4 of the Lands of Robert Slater (Attachment 8). The entire lot is open and the topography of the site is level to gently sloping. Improvements consist of a two story dwelling with a large attached 3-car garage on the left of the dwelling. The garage doors are to the rear of the garage. Attached to the rear of the dwelling is a deck. Other improvements consist of an above ground pool located to the rear of the dwelling, a small shed to the left side of the driveway and to the rear of the dwelling. The gravel driveway is located to the left side of the lot. Site photographs along with an enlargement of the aerial photograph are enclosed with the report (Attachments 9 and 10).

During the site inspection it was observed that there were at least 3 large commercial walk behind mowers, one zero turn riding commercial mower, two small ATV's, an untagged and/or inoperable vehicle, a stack of tires, a trencher, wheel barrows, snow plows, furniture, and miscellaneous items all stored outside (see site photographs Attachment 11).

In the Applicant's justification they list the equipment as 3 push mowers and 7 riding mowers, 3 trailers, 2 Dodge pickups and a Ford are used in the Business. There are 5 full time employees that come to the site. The property and the surrounding properties are all open land and it would be extremely difficult to adequately screen the vehicles and equipment from adjacent residential lots.

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### 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. Within the Village of Dublin the zoning classifications include VR/Village Residential, VB/Village Business and B3/General Business District. The subject property is zoned AG/Agricultural as shown on the enclosed copy of the zoning map (Attachment 12).

### Zoning Enforcement:

The subject case is the result of a zoning enforcement investigation. The Department received a complaint on March 22, 2005, that there was a motor vehicle repair business being conducted on site and there was junk and debris on the property. The Department conducted a site inspection on March 24, 2005. A lawn care business is being conducted on the site. A letter was sent on March 27, 2005 concerning the findings of the inspection. A pre-application meeting was held on October 17, 2005. The Applicants filed an application to the Board of Appeals on August 29, 2006. Enclosed with the report are copies from the Enforcement file for informational purposes only (Attachment 13).

### SUMMARY:

The Applicants are requesting a Special Exception pursuant to Section 267-53H(1) of the Harford County Code to conduct a lawn maintenance service use as a construction services and suppliers use and a Special Exception pursuant to Section 267-53D(1) to store commercial vehicles in the AG/District.

### Section 267-53H(1):

*H. Services. [Amended by Bill No. 97-54]*

- (1) Construction services and suppliers. These uses may be granted in the AG and VB Districts, provided that a buffer yard ten feet wide shall be provided around all outside storage and parking areas when adjacent to a residential lot or visible from a public road.*

Although there is room for a 10 foot buffer, it would be very difficult to screen this use from the adjacent properties or the road. The Applicant has not provided the Department with an acceptable buffer plan.

### Section 267-53D(1):

*D. Motor Vehicle and related services.*

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- (1) *Commercial vehicle and equipment storage and farm vehicle and equipment sales and service. These uses may be granted in the AG District, and commercial vehicle and equipment storage may be granted in the VB District, provide that:*

The property is zoned AG/Agricultural.

- (a) *The vehicles and equipment are stored entirely within an enclosed building or fully screened from view of adjacent residential lots and public roads.*

As previously stated it will be difficult to adequately screen the storage area from the road and adjacent lots. There are trees planted around the perimeter of the property however, there is only a single row of trees and they are small.

- (b) *The sales and service of construction and industrial equipment may be permitted as an accessory use incidental to the sales and service of farm vehicles and equipment.*

Not applicable to the present request.

- (c) *A minimum parcel area of two (2) acres shall be provided.*

The Applicant's property just meets the 2 acre minimum required. It should be noted that there is a 50 foot use setback required from the property to the south. The house barely meets the setback requirements.

Section 267-9I:

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

The intensity of this use is not appropriate on this property. The use at this location may have an adverse impact on persons living 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.*

The property fronts on the west side of Castleton Road. The sight distance from the driveway access point is good.

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

The proposed use is not consistent with the orderly growth of the neighborhood.

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

The number of commercial vehicles and equipment proposed by this request may have an impact on the community.

- (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 Volunteer Fire Departments will provide fire protection and emergency service. The property is served by a 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 proposal is not consistent with acceptable planning principles.

- (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 proposed use is not consistent with the Master Plan.

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

The proposal should have no impacts on surrounding natural features.

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

The request should not impact any cultural or historic landmarks.

Conclusion:

The Department finds that the request is not appropriate at this location.

STAFF REPORT

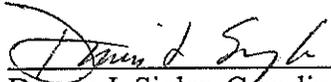
Board of Appeals Case Number 5571

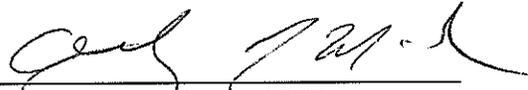
Todd A. & Karen Paterniti

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**RECOMMENDATION and or SUGGESTED CONDITIONS:**

The Department of Planning and Zoning recommends that the request be denied.

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

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

DJS/ASM/dm