

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

APR 20 2007

Case No. 5597
 Date Filed 4/16/07
 Hearing Date _____
 Receipt _____
 Fee \$650.00

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	CASE 5597 MAP 41 TYPE Special Development/Variance
<input type="checkbox"/> Use Variance	ELECTION DISTRICT 03 LOCATION 1402 East Churchville Road, Bel Air
<input type="checkbox"/> Change/Extension of Non-Conforming Use	BY Nahid Z. Shahry, 1112 Janice Court, Joppa 21085
<input type="checkbox"/> Minor Area Variance	Appealed because a special development pursuant to Sec. 267-47.1 of the Harford
<input type="checkbox"/> Area Variance	CountyCode to permit the conversion of an existing residence to a professional office use
<input type="checkbox"/> Variance from Requirements of the Code	and a variance pursuant to Sec. 267.45(E) to permit professional office use which is not
<input type="checkbox"/> Zoning Map/Drafting Correction	served by public sewer in the RO 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.

Applicant/Owner (please print or type)

Name Nahid Z. Shahry Phone Number Call Attorney

Address 1112 Janice Court Joppa MD 21085
Street Number Street City State Zip Code

Co-Applicant N/A Phone Number _____

Address _____
Street Number Street City State Zip Code

Contract Purchaser N/A Phone Number _____

Address _____
Street Number Street City State Zip Code

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

Address 11 South Main Street Bel Air MD 21014
Street Number Street City State Zip Code

Land Description

Address and Location of Property 1402 East Churchville Road in Bel Air, MD, East of Bel Air

Subdivision _____ Lot Number _____

Acreage/Lot Size 18382 SF Election District 03 Zoning RO

Tax Map No. 41 Grid No. 4E Parcel 486 Water/Sewer: Private Sewer Public water

List ALL structures on property and current use: One single family dwelling.

Estimated time required to present case: Thirty 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: N/A

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.)

ATTACHMENT OF BOARD OF APPEALS APPLICATION
NAHID Z. SHAHRY

REQUEST

1. Special development approval pursuant to Section 267-36.1 to allow the conversion of an existing residence to a professional office use in the RO zone.
2. Variance from the requirements of Section 267.45(E) to allow professional office use in the RO zone which is not served by public sewer.

JUSTIFICATION

The subject property is zoned RO and is located on Route 22 just west of the intersection with Moores Mill Road. The subject property is slightly under a half acre in size and currently improved by a 1,100 square foot single-family dwelling as well as a small detached shed. The Applicant is not proposing any additions to the existing structure.

Several surrounding properties have already been converted or developed for commercial or office uses. The subject property is not appropriate for residential use. The proposed plan meets all of the special development requirements for conversion to professional office uses with the exception of access to public sewer. The subject property is currently served by a well and not by public water. However, public water is available at curbside and the applicant is fully prepared to hook into that system once the requested approval is obtained. Public sewer lines are located at a substantial distance from the subject property and the intervening property owner will not grant a utility easement to the Applicants or Harford County.

The subject property is unique in that, although access to public sewer is theoretically possible, engineering and cost obstacles make it virtually impossible to connect. Other properties in the vicinity of the subject property have been permitted to convert to office use without the requirement of accessing public sewer. The requested variance would not adversely affect the surrounding properties and would provide for needed office space in the community.

DAVID R. CRAIG
HARFORD COUNTY EXECUTIVE

LORRAINE COSTELLO
DIRECTOR OF ADMINISTRATION



C. PETE GUTWALD
DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning,

May 2, 2007

STAFF REPORT

BOARD OF APPEALS CASE NO. 5597

APPLICANT/OWNER: Nahid Z. Shahry
1112 Janice Court, Joppa, Maryland 21085

REPRESENTATIVE: Kevin J. Mahoney, Esquire
11 South Main Street, Bel Air, Maryland 21014

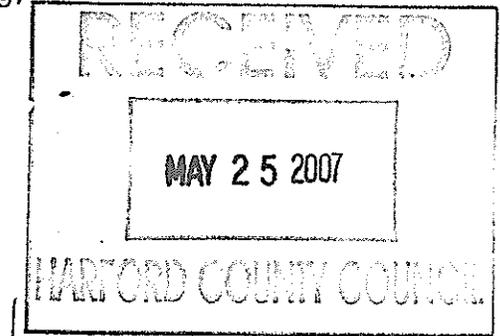
LOCATION: 1402 Churchville Road
Tax Map: 41 / Grid: 4E / Parcel: 486 / Lot:
Election District: Three (3)

ACREAGE: 18,382 Square Feet
0.421 acres

ZONING: RO/Residential Office

DATE FILED: April 16, 2007

HEARING DATE: June 6, 2007



APPLICANT'S REQUEST and JUSTIFICATION:

See Attachment 1.

CODE REQUIREMENTS:

The Applicant is requesting a Special Development pursuant to Section 267-47.1 of the Harford County Code to permit the conversion of an existing residence to a professional office use and a variance pursuant to Section 267-45(E) to permit professional office use which is not served by public sewer in the RO/ Residential Office District.

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

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Section 267-47.1 of the Harford County Code will be discussed in detail later in the report.

Section 267-45E of the Harford County Code reads:

E. The project shall be served by public water supply and public sewerage disposal unless developing under guidelines for the conservation development as in Section 267-46.1.

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 Applicant's property is located east of Bel Air on the north side of Churchville Road (MD Route 22) east of Moores Mill Road. 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 within the Development Envelope. The predominant land use designations in the area are Low, Medium and High Intensities. There are Neighborhood Centers located to the east and west of the subject property. The Natural Features Map reflects Sensitive Species Projects Review Areas and stream systems. The subject property is designated as Medium Intensity which is defined by the 2004 Master Plan as:

Medium Intensity - Areas within the Development Envelope where residential development is the primary land use. Density ranges from 3.5 to 7.0 dwelling units per acre. Grocery stores, variety stores and other commercial uses are examples of some of the more intensive uses associated with this designation.

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 generally conform to the overall intent of the 2004 Master Plan. Residential uses include conventional single-family dwellings, apartments, townhouses and condominiums. Commercial uses include shopping centers, individual retail businesses and service uses. The topography of the area ranges from rolling to steep especially near and along stream valleys. Enclosed with the report is a copy of the topography map and the aerial photograph (Attachments 6 and 7).

The Applicant's property is approximately 0.421 acres in size and fronts on the north side of Churchville Road (MD Route 22). Improvements consist of a 1,100 square foot single family brick and frame dwelling with a glass enclosed sunroom on the left side of the dwelling. The Applicant plans to move his existing dental practice (Churchville Family Dentistry) from 1301 E.

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Churchville Road to the subject location. The topography is basically level in the front and slopes gently down to the rear. The existing driveway contains a paved surface with a shared entrance with the property adjoining immediately to the west (1400 E. Churchville Road). The Applicant proposes to extend the driveway beyond the house with parking to the rear. They also plan to screen the proposed driveway and parking area from the adjoining property. The lot is presently served by a private well and septic system. Public water is available and the Applicant is prepared to connect if he receives Board approval. Public sewer is some distance away and it is not practical to extend it at this time. Enclosed with the report are site photographs along with an enlargement of the aerial photograph (Attachments 8 and 9).

Zoning:

The zoning classifications in the area are consistent with the 2004 Master Plan as well as the existing land uses. Residential zoning includes RO/Residential Office, R1, R2, R3 and R4/Urban Residential Districts. Commercial zoning includes B1/Neighborhood and B2/Community Business Districts. The subject property is zoned RO/Residential Office, as shown on the enclosed copy of the Zoning Map (Attachment 10).

SUMMARY:

The Applicant is requesting a Special Development pursuant to Section 267-47.1 of the Harford County Code to permit the conversion of an existing residence to a professional office use and a variance pursuant to Section 267-45(E) to permit professional office use which is not served by public sewer in the RO/ Residential Office District.

Section 267-47.1:

- A. *Purpose. To provide opportunities for conversion of existing residential structures or the development of new structures for retail, service and office uses in predominantly residential areas. The purposes of these development standards are to ensure that the structures and uses developed are compatible and in harmony with the neighboring residential communities.*
- B. *Development standards.*
 - (1) *Design. An architectural rendering of the building facade and elevation of the structure shall be submitted to the Board. The rendering shall demonstrate how the project meets the following standards and objectives:*

The Applicant is not proposing any additions or major changes to the exterior of the existing building.

- (a) *Redevelopment of existing residential structures. Redevelopment of existing residential structures shall be permitted provided that any*

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physical modification is compatible and in harmony with the neighboring residential communities relative to architectural design, scale, building height and materials used in construction.

According to the Applicant, there will be no external modification to the existing dwelling. Interior renovations will require permits and inspections from the County.

- (b) *Development of new buildings. New buildings developed for retail, service and office uses shall be designed to be compatible and in harmony with the neighboring residential communities relative to architectural design, scale building height and the materials used in construction. Elements to be considered in determining compatibility with neighboring residential communities shall include massing and building materials as well as cornice lines, window lines, roof pitch and entry.*

Not applicable to this request.

- (c) *Design requirements. See Design Table VIIA.*

The existing dwelling meets the required setbacks and conforms to the design standards pursuant to Design Table VIIA of the Harford County Code (Attachment 11).

- (2) *Maximum building coverage. The maximum building coverage shall be 40% of the lot, and the maximum impervious surface shall be 65% of the lot.*

The site plan shows that the applicant can meet this requirement.

- (3) *Use limitations. The uses permitted under this section shall comply with the following:*

- (a) *Enclosed building. All uses permitted shall be conducted within an enclosed building, except parking, loading, unloading or as otherwise permitted.*

There will be no outside use or storage on site except for parking.

- (b) *Storage restriction. The outside storage of material or equipment shall not be permitted.*

There will be no outside storage.

- (c) *Screening requirements. Parking, loading, unloading or other outdoor activity shall be screened from adjacent residential lots. Screening shall*

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consist of landscaping, walls or solid fencing at least 6 feet high which shall be continuous to prevent visibility of the area.

The property contains mature trees and shrubbery in both the front and rear yard. Along the western and eastern property lines the Applicant proposes to plant Leyland Cypress to screen the use from the adjacent properties.

The site plan shows 2 spaces and driveway paved to the front of the dwelling and 6 spaces and driveway to the rear of the dwelling. The site plan shows the parking spaces to the rear of the dwelling as crushed rock. The Department will require the spaces to be paved. Access to the septic tanks and/or relocation of the tanks must be approved by the Health Department.

(d) Hours of operation. Uses shall only be permitted to operate between the hours of 6:00 a.m. and 10:00 p.m., inclusive.

The Applicant will be required to meet this condition.

(4) Landscaping. The landscaping shall, to the extent possible, preserve unique features and mature vegetation, especially large trees. Lawn and landscaped areas shall be maintained to preserve the residential character of the area. Landscaped buffer yards shall be planted in harmony with adjoining residences and in accordance with Section 267-28 of this chapter. A landscaping plan shall be submitted to the Board for review and approval.

The Applicant's site plan shows the existing landscaping to remain. The site plan shows additional landscaping along the eastern and western property lines.

(5) Outside lighting. Outside lighting shall be so shaded, shielded, directed or maintained so that the lighting does not cause a glare or reflection on adjacent residential lots.

No outside lighting is proposed at this time. If in the future, the Applicant decides to utilize security lighting, it will need to be reviewed and approved by the Department of Planning and Zoning. The Applicant is required to direct any lighting down and onto the site avoiding glare and reflection on to adjacent properties and Churchville Road.

(6) Ingress and egress. Any ingress or egress to the site shall be designed to provide the safest means of traffic flow.

Ingress and egress is limited to one access point located to the left or west side of the lot. The existing driveway off of Route 22 is very wide straddling the property line and is shared by the lot to the left or west side. The design of the entrance onto Churchville Road will be subject to State Highways requirements for a commercial entrance. If the access will continue to be a

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shared entrance, a copy of the common access agreement will need to be submitted to the County.

Section 267-9I:

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

This area of the County contains a mix of residential, institutional and commercial uses that range from individual retail to shopping centers. The proposed use should have no adverse impact on 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.*

The subject property fronts on Churchville Road (MD 22) which is a State owned and maintained highway. Sight distance from the proposed entrance is good in both directions. The proposed use will not adversely impact traffic in the area.

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

The Applicant proposes to convert the existing dwelling to professional offices which is a permitted use in the RO/Residential Office District. They are seeking a variance from the requirement that the property be connected to public sewer. There is sewer in the area but to extend it to the subject property at this time would be cost prohibitive. Professional offices in the area would be compatible to the other uses in this community. The proposed conversion of the existing dwelling would be compatible with the other residences in the area.

(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 adverse impact on the surrounding community based on the issues listed in this subsection.

(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 County Sheriff's Office and the Maryland State Police will provide police protection. The Bel Air Volunteer Fire Companies will provide fire protection. The Applicants will connect to public water and continue to utilize the private septic system. A company of the Applicant's choice will handle trash collection.

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

The requested use is consistent with generally accepted planning principals and practices.

- (7) *The structures in the vicinity, such as schools, houses of worship, theaters, hospitals and similar places of public use.*

There are schools and churches in the vicinity of the subject property however; the proposal should have no adverse impact on these uses.

- (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 compatible with the existing zoning and the Master Plan.

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

The proposed use should have little or no environmental impact.

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

Not applicable to this request.

Section 267-45E:

- E. *The project shall be served by public water supply and public sewerage disposal unless developing under guidelines for the conservation development as in Section 267-46.1.*

The Department finds that the requested variance is justified. The Applicant would not typically be required to connect to public sewer at this time. The closest available service is on the south side of MD 22. This would not be the preferred method for providing sewer to this lot and the adjacent properties. In the future a gravity sewer line should be extended from the Freedom Federal Bank property to the west to serve the properties along the north side of MD 22.

The Department of Public Works provided comments in a letter dated May 16, 2007 (Attachment 12).

RECOMMENDATION and or SUGGESTED CONDITIONS:

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

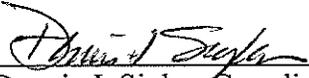
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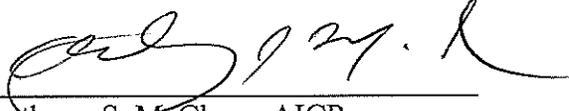
Nahid Shahry

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1. The Applicant shall obtain all necessary permits and inspections for the conversion of the existing structure.
2. The Applicants shall prepare a detailed site plan to be reviewed and approved thru the Development Advisory Committee. The site plan shall include a final landscaping plan and lighting plan.
3. The Applicant shall connect to public sewer when it becomes available. The determination of this requirement shall be at the discretion of the Department of Public Works or the Health Department. If, in the future, a sewer petition is developed for this area the applicants shall support the petition.
4. The Applicant shall pave all required parking areas and driveways.
5. The Applicant shall comply with all Health Department regulations pertaining to the use of an on site septic system.
6. The Applicant shall dedicate to the County a 20 foot drainage and utility easement for future construction of a sewer main.



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



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

DJS/ASM/jf