

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

- 3 2008

Case No. 5634  
 Date Filed 11/9/07  
 Hearing Date \_\_\_\_\_  
 Receipt \_\_\_\_\_  
 Fee \$600.00

Shaded Areas for Office Use Only

Type of Application	Nature of Request and Section(s) of Code
<input checked="" 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	CASE 5634 MAP 25 TYPE <u>Special Exception</u> ELECTION DISTRICT <u>03</u> LOCATION <u>618 Walters Mill Road, Forest Hill 21050</u> BY <u>John Crouse</u> Appealed because <u>a special exception pursuant to Section 267-53D (1) of the Harford County Code to permit commercial vehicle storage and Section 267-53H (1) of the Harford County Code to permit construction services in the AG District requires approval by the Board.</u>

*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 Andrea Strunkstein (Pres.) *Hardscaping Unlimited, Inc.* Phone Number 410-776-3442  
 Address 1511 Sunswapt Dr Bel Air MD 21015  
Street Number Street City State Zip Code

Co-Applicant John R. Crouse Phone Number 410-838-4414  
 Address 618 Walters Mill Rd Forest Hill MD 21050  
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 618 Walters Mill Rd  
Forest Hill, MD 21050

Subdivision \_\_\_\_\_ Lot Number (12)

Acreage/Lot Size 7.27 Election District 3<sup>rd</sup> Zoning AG

Tax Map No. 25 Grid No. 3E Parcel 17 Water/Sewer: Private  Public \_\_\_\_\_

List ALL structures on property and current use: House - occupied, Barn - storage, wagon shed - storage  
wood shed - storage, chicken house - storage, Dairy - storage

Estimated time required to present case: 1 hr.

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

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

**Request**

See Attachment # 1  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Justification**

See Attachment #2  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*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 #1 Harford County Board of Appeals Application  
Re: Hardscaping Unlimited, Inc., Andrea Strunkstein, John Crouse**

**Request:**

We are requesting the Harford County Board of Appeals to approve a Special Exception permit for the purpose of Storing Landscaping equipment and trucks at 618 Walters Mill Rd, Forest Hill, MD 21050.

Hardscaping Unlimited, Inc will store three commercial trucks on the property in the area detailed in the provided drawing, 1-Ford F350 landscape dump truck, 1-Ford F450 landscape dump truck, and 1-International 4100 dump truck. We will also store 1-12,000lbs equipment trailer, 1-Bobcat T-300 skid loader, and 1- Kubota KX91 mini excavator. We will also be storing general contractor's tools, shovels, rakes, saws, wheel barrows, and other general hand tools inside the existing barn. We will have employees arrive between the hours of 7:15am and 7:30am and leave between the hours of 4:30pm and 5:30pm. The employees will park in the area detailed on the drawing provided. We currently have 5 employees including the owner.

We would like to request for approval for one additional truck, one additional skid loader, and one additional trailer and up to 6 additional employees. These additional requests are for the purpose of future expansion, should the company be able to grow. We would also like to request approval for a 30'x40' pole barn for storage; this barn would not be constructed for several years until the company has grown. The location of this proposed building is noted on the drawing provided.

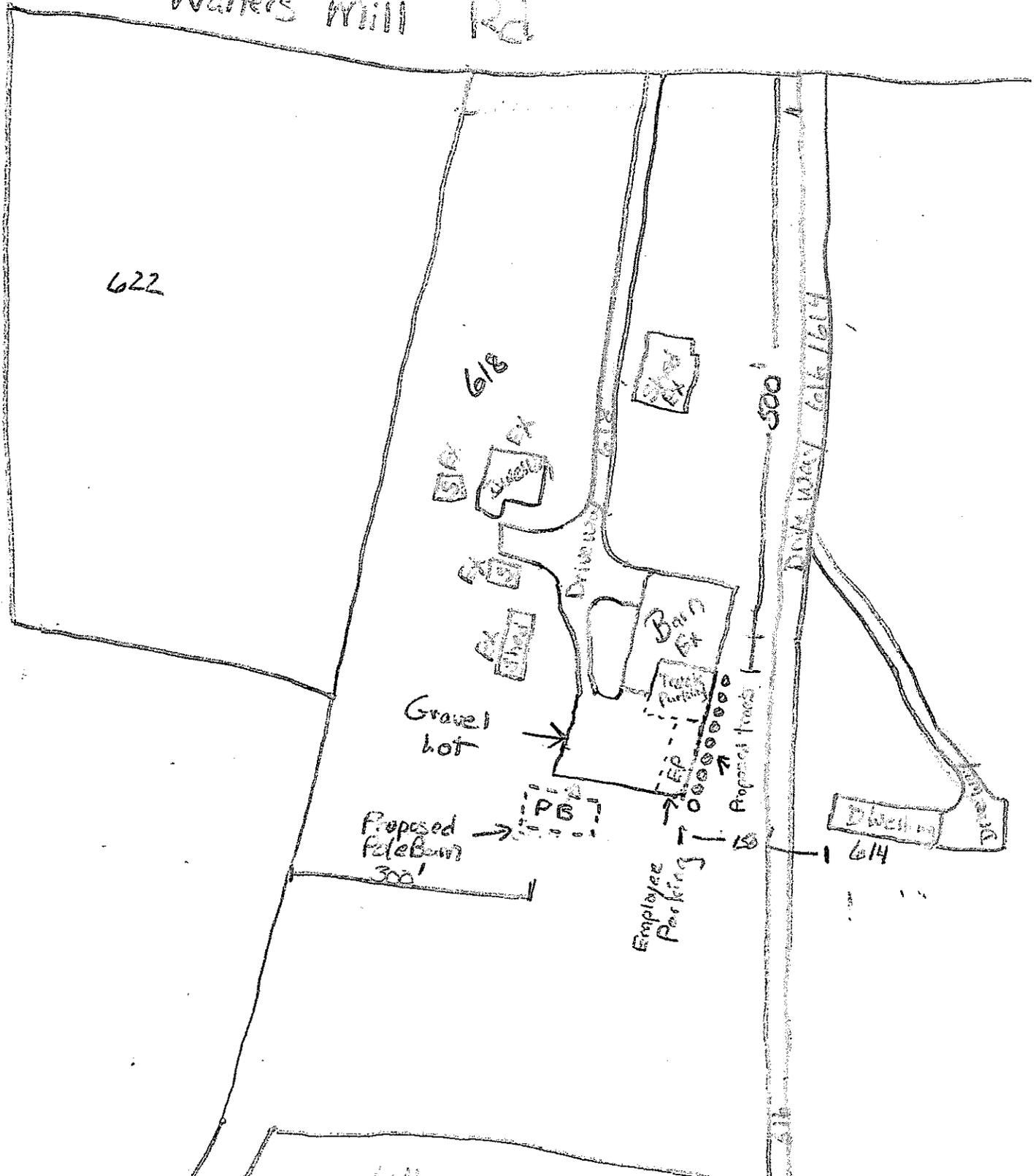
Attachment #2 Harford County Board of Appeals Application  
Re: Hardscaping Unlimited, Inc, Andrea Strunkstein, John Crouse

Justification:

I believe that we should be approved to store equipment and tools for Hardscaping Unlimited, Inc at 618 Walters Mill Rd, Forest Hill, MD 21050. The owner of the property John Crouse is my Father-in-law. This farm has been family owned for over 100 years, which until recent years was a fully operating dairy farm, and it is presently farmed for crops. The location is surrounded by family for neighbors, except for across the road. The trucks and equipment are stored out of sight from the road and neighbors; we park behind the barn on a gravel lot. We have 5 employees whom drive their personnel cars to work and park next to the barn out of sight from the road. We do not have any business conducted at this location; we have a permit to run the business out of our home at 1511 Sunswept Dr, Bel Air, MD 21015. We do not have materials delivered to the property, all of our materials are delivered to the various job sites we are working on, and the only material that is stored on the property is left over material from the jobs and is discarded every 90 days to avoid stock piles. We arrive at the property around 7:25am and leave in the company trucks by 7:45am, we do not return to the property until 4:30pm, when the trucks are parked and the employees leave in their personnel vehicles. We are very courteous to traffic and neighbors, we do not speed, create dust or noise. We are a very small business; we have been in business for only 5 years. We do not have a lot of money to spend on large commercial property, rentals or relocation, as this business grows and becomes larger, we will move to a more suitable location to fit for a larger company.

Walters Mill Rd

622



618

Gravel lot

Proposed pole barn 300'

PB

Employee Parking

Barn Ex

Guest Ex

S/O

500'

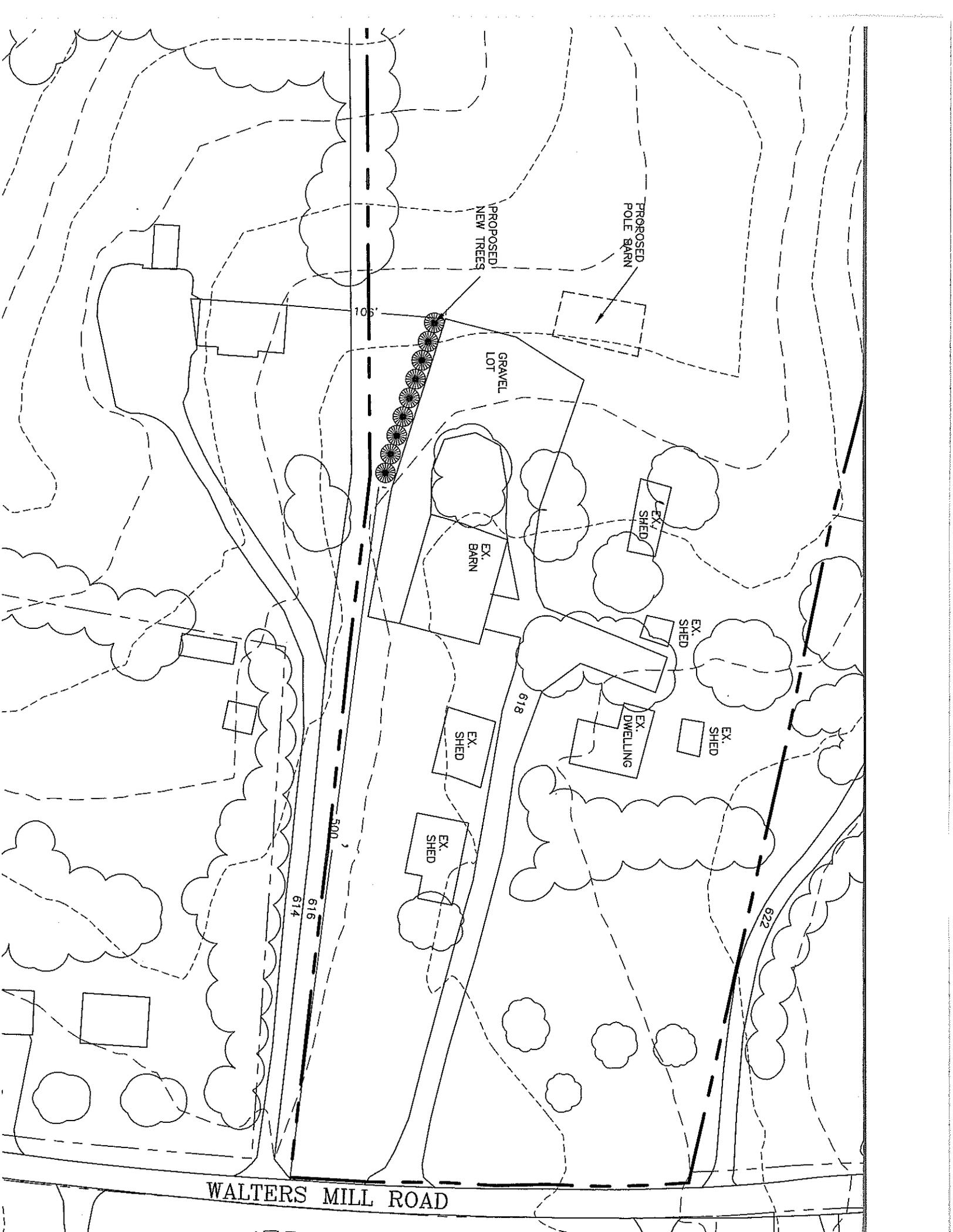
Dixie Way

Dwelling 614

614

Proposed track

Dixie Way



WALTERS MILL ROAD

PROPOSED  
POLE BARN

PROPOSED  
NEW TREES

GRAVEL  
LOT

EX.  
BARN

EX.  
SHED

EX.  
SHED

EX.  
DWELLING

EX.  
SHED

EX.  
SHED

EX.  
SHED

616  
614

618

622

500

106

**HARFORD COUNTY DEPARTMENT OF PLANNING AND ZONING**

**NOTICE OF VIOLATION**

**LOCATION OF VIOLATION** 618 Walters Mill Road **ZONING** AG **LOT SIZE** 7.22 acres  
(Map 25, Block 3E, Parcel 17)

**PROPERTY OWNER** Mr. George Robert Clark **ADDRESS** 618 Walters Mill Road, Forest Hill, MD 21050  
Mrs. Hazel M. Clark

**MAILED TO** Mr. George Robert Clark **DATE OF NOTICE** October 20, 2007  
Mrs. Hazel M. Clark

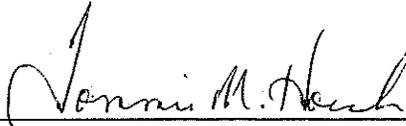
You are hereby notified that an inspection of your property and/or a review of this Department's records on October 4, 2007 confirmed the existence of an activity or a condition on your property which is in violation of the Harford County Zoning Code, as follows:

1. Conducted a construction services business in the agricultural district without first obtaining Special Exception approval from the Board of Appeals, in violation of the Harford County Zoning Code, Section 267-32, Table I, Principal Permitted Uses for Specific Zoning Districts: Services, which requires that a construction services business in the Agricultural District obtain Special Exception approval from the Board of Appeals.
2. Stored commercial vehicles and contractor's equipment on agriculturally zoned property without Board of Appeals approval, in violation of Harford County Zoning Code, Section 267-32 Table I, Principal Permitted Uses for Specific Zoning Districts: Services and Section 267-53D(1), wherein it is required that Special Exception approval be obtained in order to store commercial vehicles and/or contractor's equipment on agriculturally zoned property.
3. Commenced a new use or activity on the subject property, namely the operation of a landscaping business, without benefit of the required zoning certificate, in violation of the Harford County Zoning Code, Section 267-8, which requires that an approved zoning certificate be obtained prior to initiating development of, changing the use of, or commencing any new use on any property.
4. Established and maintained a new use which is defined in the Harford County Zoning Code as "commercial vehicle and equipment storage" on the subject property that is zoned agricultural and contains 7.22 acres, by parking/storing a commercial vehicle and contractors' equipment thereon in violation of Section 267-8 of the Harford County Zoning Code, which requires that a zoning certificate be obtained prior to commencing a new use on any lot or parcel of land.

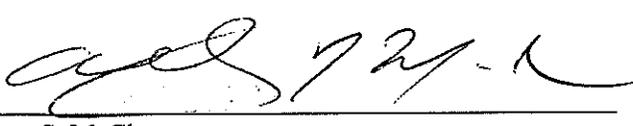
You have **TWENTY (20)** calendar days from the Date of Notice above to abate the zoning violation(s). If the violation(s) is not abated within twenty (20) calendar days or an application is not filed to the Board of Appeals for relief therefrom, you are subject to legal proceedings and monetary fines in the District Court pursuant to Section 267-14, Violations and Penalties, Harford County Zoning Code.

**NOTE:** No extensions of time beyond the **TWENTY (20)** calendar days stated above will be approved to correct this zoning violation due to prior notice in correspondence dated May 25, 2007 and August 14, 2007.

If you have any questions, please call the Zoning Enforcement Offices at 410-638-3207.

  
\_\_\_\_\_  
Tommie M. Houck  
Chief, Zoning Enforcement Section

  
\_\_\_\_\_  
Robert Grammer  
Zoning Inspector

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

DAVID R. CRAIG  
HARFORD COUNTY EXECUTIVE

LORRAINE COSTELLO  
DIRECTOR OF ADMINISTRATION



Department of Planning and Zoning

Zoning Enforcement Section

C. Pete Gutwald, Director

HARFORD COUNTY GOVERNMENT

May 25, 2007

Mr. Martin Strunkstein and  
Mr. John Crouse  
618 Walters Mill Road  
Forest Hill, Maryland 21050-1426

Re: 618 Walters Mill Road

Dear Mr. Strunkstein and Mr. Crouse:

Our Zoning Inspector, Mr. Robert Grammer, visited your property in response to an inquiry we received concerning the alleged operation of a landscaping business from your property. Our records indicate that the subject property contains approximately 7.22 acres and is zoned Agricultural with a Residential use assessment.

The Inspector reported three (3) commercial trucks, a skid loader and several trailers are stored on the property. He also reported that you are operating a landscaping business, namely, Hardscaping Unlimited, Inc. from the property. We have researched our records and are unable to locate any permits or zoning approvals for the operation of a landscaping business from the subject property. A landscaping business is a permitted use on property zoned agricultural provided you obtain Special Exception approval through the Board of Appeals.

In addition, in the Agricultural District, in order to park commercial vehicles and contractor's equipment the property owner must also obtain Special Exception approval through the Board of Appeals. The criteria which must be met are as follows: (1) The vehicles and equipment must be stored entirely within an enclosed building OR be fully screened from view of adjacent residential lots and public roads; (2) No vehicle may be parked within the front yard; and (3) A minimum parcel area of at least two acres is required. The Hearing Examiner also has the authority to impose additional conditions as needed for the particular property in question.

Once a completed application has been filed and the fees paid, an automatic Stay of Proceedings takes effect on the existing Zoning Code violation, which means that no further action can be taken against you regarding the violation pending the Board's decision. The appeals process takes approximately four months if the decision is not appealed. The filing fee for a Special Exception for the construction service is \$400.00 and the filing fee for the storage of commercial vehicles is \$200.00, payable when the application is filed and there is no guarantee that the requests will be approved. Prior to submitting an application, it is necessary to schedule a pre-application meeting with the members of our staff who handle such cases. If you would like to schedule a meeting to discuss your options and/or the appeals process, please contact Ms. Jennifer Freeman, in this department at 410-638-3103. Also enclosed is information and an application for the Board of Appeals filing.

You should also contact this office within twenty (20) calendar days from the date of this letter to advise of your intentions regarding the commercial activity on the property. Thank you for your anticipated cooperation.

Very truly yours,

  
Tommie M. Houck  
Chief, Zoning Enforcement Section

TMH/dmn

Enclosure – Board of Appeals Application

c.c. Jennifer Freeman, Department of Planning and Zoning

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

MY DIRECT PHONE NUMBER IS

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.

**DAVID R. CRAIG**  
HARFORD COUNTY EXECUTIVE

**LORRAINE COSTELLO**  
DIRECTOR OF ADMINISTRATION



**C. PETE GUTWALD**  
DIRECTOR OF PLANNING & ZONING

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**HARFORD COUNTY GOVERNMENT**

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Department of Planning and Zoning

July 3, 2008

**STAFF REPORT**

**BOARD OF APPEALS CASE NO. 5634**

APPLICANT/OWNER: Andrea Strunksteim (Pres) Hardscaping Unlimited, Inc.  
1511 Sunswept Drive, Bel Air, Maryland 21015

Co-APPLICANT: John R. Crouse  
618 Walters Mill Road, Forest Hill, Maryland 21050

REPRESENTATIVE: Applicants

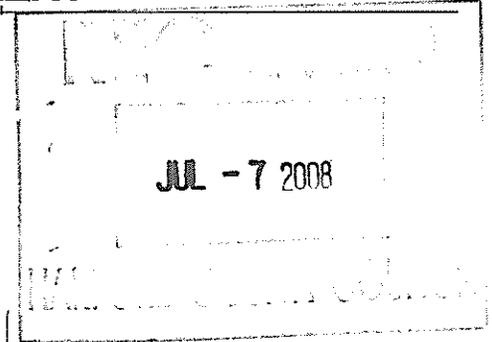
LOCATION: 618 Walters Mill Road  
Tax Map: 25 / Grid: 3E / Parcel: 17 / Lot: 12  
Election District: Three (3)

ACREAGE: 7.22 acres

ZONING: AG/Agricultural

DATE FILED: November 9, 2007

HEARING DATE: July 16, 2008



**APPLICANT'S REQUEST and JUSTIFICATION:**

Request:

See Attachment 1.

Justification:

See Attachment 2.

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

STAFF REPORT

Board of Appeals Case Number 5634

John Crouse and Andrea Struckstein

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**CODE REQUIREMENTS:**

The Applicants are requesting a Special Exception pursuant to Section 267-53D(1) of the Harford County Code to permit Commercial Vehicle Storage and Sections 267-53H(1) of the Harford County Code to permit Construction Services in the AG/Agricultural District.

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 267-53H(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 267-91 of the Harford County Code will be discussed in detail later in the report.

**LAND USE and ZONING ANALYSIS:**

**Land Use – Master Plan:**

The Applicant's property is located on the west side of Walters Mill Road. Enclosed with the report is a location map, a copy of the Applicant's site plan and record plats (Attachments 3, 4 and 5A & B).

The subject property is located outside of the Development Envelope. The predominant land use designation is Agricultural. The Natural Features Map reflects Sensitive Species Project Review Areas, Rural Legacy Areas, Deer Creek Scenic River Districts, Agricultural Preservation Districts and Easements and Stream Systems. The subject property is designated as Agricultural on the 2004 Master Plan which is defined as:

## STAFF REPORT

Board of Appeals Case Number 5634

John Crouse and Andrea Struckstein

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*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.*

Enclosed with the report are copies of the 2004 Land Use Map, the Natural Features Map and the Forest Hill Community Area Map (Attachments 6, 7 and 8).

### Land Use – Existing:

The existing land uses in this area of the County are consistent with the 2004 Master Plan. The predominant land uses are agriculture and single family residential dwellings. The subject lot is part of a large lot subdivision recorded in 2006 (Estate of George R. Clark – see Attachment 5A & B) with lot sizes ranging from 4+ acres to 7+ acres. The lot is located within the Deer Creek stream valley. The topography ranges from rolling to steep. Enclosed with the report is a copy of the topography map and the aerial photograph (Attachments 9 and 10).

The Applicant's property is a unusual shaped parcel with frontage on the west side of Walters Mill Road. The lot consists of 7.22± acres with rolling to steep topography. The property contains mostly open fields previously farmed. Improvements include an older 2 story farm house to the right side of the driveway approximately 280 feet back from the road. To the rear of the dwelling are two outbuildings along with an aboveground diesel fuel tank and a pump. To the west side of the driveway are 3 farm buildings. There is a gravel parking area to the rear of the barn. Enclosed with the report are site photographs, a site topography map and Aerial Photographs (Attachments 11, 12 and 13).

### 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. The subject property is zoned AG/Agricultural as indicated on the enclosed copy of the zoning map (Attachment 14).

### Zoning Enforcement:

This case is the result of a Zoning Enforcement investigation. The Department received a complaint on May 7, 2007, that Hardscaping Unlimited and Deer Creek landscaping were operating from the property. The Department conducted a site inspection on May 10, 2007. The inspector took pictures of the equipment and vehicles, which are a part of the enforcement file. Copies from the Enforcement file are enclosed with the report (Attachment 15).

### SUMMARY:

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John Crouse and Andrea Struckstein

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The Applicants are requesting a Special Exception pursuant to Section 267-53D(1) of the Harford County Code to permit Commercial Vehicle Storage and Sections 267-53H(1) of the Harford County Code to permit Construction Services in the AG/Agricultural District.

Section 267-53D(1):

*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:*

The subject 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.*

The vehicles are to be parked and stored to the rear of the barn on a gravel lot. The Applicant's site plan proposes a single row of trees to be planted along a portion of the southern side of the parking area. The Department recommends that if the request is approved a double row of evergreen trees be planted the entire length of the parking area and across the rear to block any possible view from lots 3 and 11. The trees shall also extend towards the barn to screen the view from the driveway access to the adjoining lots. The trees shall be a minimum of 4 feet in height at planting and shall be planted no more than 10 foot on centers to assure a proper buffer and screening (see Attachment 16).

- (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 request.

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

The subject property is approximately 7.22 acres in size.

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*

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Board of Appeals Case Number 5634

John Crouse and Andrea Struckstein

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*all outside storage and parking areas when adjacent to residential lot or visible from a public road.*

While there are large buildings on the farm, the Applicants propose to park the vehicles and equipment on a gravel lot to the rear of the barn. As previously stated, the Department is recommending that the screening be a minimum of a double staggered row of trees. The Applicants are also proposing a future pole building.

Section 267-9I:

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

With appropriate conditions the proposal should have no adverse impact on individuals working or 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 proposal will not adversely impact traffic in the area. Walters Mill Road is a paved County owned and maintained road. Sight distance on Walters Mill Road at the driveway access is good in both directions.

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

The use 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.*

This area of the County is agricultural in nature and large equipment is common to the area.

(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 Forest Hill Volunteer Fire Department will provide fire protection and emergency services. 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.*

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Board of Appeals Case Number 5634

John Crouse and Andrea Struckstein

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With appropriate conditions the request will be 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 Master Plan.

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

The proposal should have no impact on surrounding environmental features.

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

The request should not impact any cultural or historic landmarks.

The Applicants have submitted a list of vehicles and equipment generally stored on the property as well as a list of equipment and number of employees for future expansion (Attachment 17). The Department would recommend that the future expansion proposed by the Applicant be conditioned on the construction of the proposed storage building (Proposed pole barn).

**RECOMMENDATION and or SUGGESTED CONDITIONS:**

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

1. The Applicant shall prepare a detailed site plan for review and approval thru the Development Advisory Committee (DAC). The site plan shall show in detail all existing improvements, the storage areas, security lighting if any, employee parking areas and landscaping.
2. The Applicant shall obtain all necessary permits.
3. The hours of operation shall be limited to 7am to 6pm Monday through Friday and 7am to 5pm on Saturdays. There shall be no Sunday operation.
4. This approval is for the number of vehicles, equipment and employees shown on the Applicants attachment 1 (Attachment 17). Prior to the Applicants storing the one additional truck, one additional skid loader, one additional trailer and increase of 6

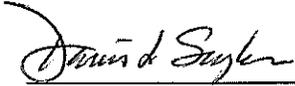
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Board of Appeals Case Number 5634

John Crouse and Andrea Struckstein

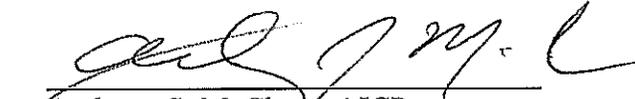
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- additional employees, the proposed pole barn must be constructed for vehicle and equipment storage.
5. There shall be no further expansion of the business including equipment and employees at this site.



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



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

DJS/ASM/jf