

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

RECEIVED SEP 9 2008 HARFORD COUNTY CLERK	Case No. <u>5673</u>
	Date Filed <u>9/4/08</u>
	Hearing Date _____
	Receipt _____
	Fee <u>\$400.00</u>

Shaded Areas for Office Use Only

Type of Application

Administrative Decision/Interpretation

Special Exception

Use Variance

Change/Extension of Non-Conforming Use

Minor Area Variance

Area Variance

Variance from Requirements of the Code

Zoning Map/Drafting Correction

Nature of Request and Section(s) of Code _____

CASE 5673 MAP 4 TYPE Special Exception ELECTION DISTRICT 05

LOCATION 2756 Whiteford Road, Whiteford 21160

BY Dorothy and Rudolph Greeley

Appealed because a special exception pursuant to Section 267-53H(4) of the Harford County Code to have pet grooming in the AG 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.

Owner (please print or type)

Name Dorothy and Rudolph W. Greeley Phone Number 410-879-4021

Address 2754 Whiteford Rd., Whiteford, MD 21160

Street Number Street City State Zip Code

Co-Applicant Cindy Silhan Phone Number 410-420-3772

Address 108 Red Pump Rd., Bel Air, MD 21014

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 2756 Whiteford Rd, Whiteford, MD 21160

Subdivision _____

Lot Number _____

Acreage/Lot Size 64.70 acres Election District 05

Zoning Agricultural

Tax Map No. 4 Grid No. 4D Parcel 11 Water/Sewer: Private Public

List ALL structures on property and current use: 2 residential houses, barn with attached veterinary clinic, equipment building, riding arena and crematory.

Estimated time required to present case: 30-45 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? _____

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

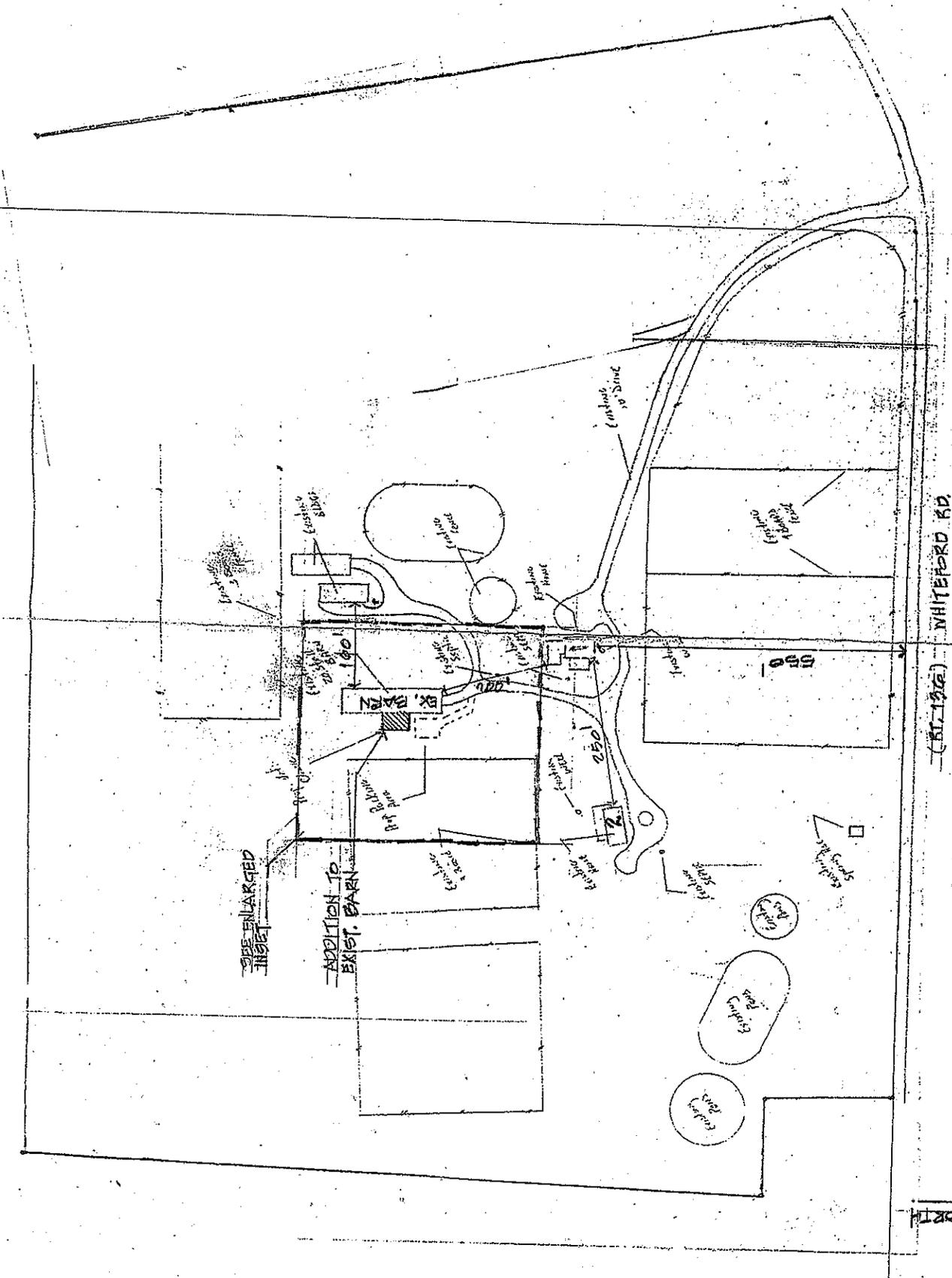
Grooming facility in basement of veterinary clinic. Grooming for dogs and cats. No animals are kept overnight. Hours of operation: 8 AM - 5 PM Tuesday - Saturday. Average est. # of animals per day, 7-10. Staggered drop-off and pick-up. Employees besides owner, 2 part-time.

Justification

Grooming is a very common ancillary service offered at veterinary clinics. The two services compliment one another.

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.)

11. 4/21/00



SITE PLAN

SHOWING ENTIRE 6.6 AC. SITE

1" = 200'

OWNERS: MR. & MRS. GREBBY
 FIFTH ELECTION DISTRICT
 PRIVATE SEPTIC & WELL SERVE THIS SITE
 IMPROVEMENTS ARE CALLED EXTENDING

1.66 AC. PARCEL IN GRID 4 D, TAX MAP 4 (HARFORD CO., MD.)
 ZONING: AGRICULTURAL

DATE: 4/21/00
 DRAWN BY: [Signature]

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BOARD OF APPEALS CASE NO. 4732

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BEFORE THE

APPLICANT: Dr. Amy Hartman

*

ZONING HEARING EXAMINER

REQUEST: Special Exception to permit a veterinary clinic in the Agricultural District; 2754 Whiteford Road, Whiteford

*

OF HARFORD COUNTY

*

Hearing Advertised

*

Aegis: 4/8/98 & 4/15/98

HEARING DATE: June 3, 1998

*

Record: 4/10/98 & 4/17/98

* * * * *

ZONING HEARING EXAMINER'S DECISION

The Applicant, Dr. Amy L. Hartman, appeared before the Hearing Examiner, requesting a Special Exception to Section 267-53(H)(8) of the Harford County Code to permit a veterinary clinic in an Agricultural District.

The subject parcel is owned by William and Dorothy Greeley and is located at 2754 Whiteford Road in the Fifth Election District. The parcel is also identified as parcel 11 in Grid 4D on Tax Map 4. The parcel contains 65.33 acres more or less, all of which is zoned Agricultural.

Mr. John Riston appeared and testified that he is the son of the property owned and that Dr. Hartman is applying for a Special Exception to operate a veterinary clinic on the subject parcel. The witness said that the parcel has frontage on MD Route 136 and is approximately 750 feet to the nearest residential lot line. The witness said he did not feel that approval of a veterinary clinic on the subject parcel would have any greater impact than if located elsewhere in the Agricultural District.

Dr. Hartman appeared and testified that there is a need for veterinarians in the northern area of the County. Dr. Hartman said that she will plans to operate a small and large animal clinic, but that she does not intend to have boarding kennels. Dr. Hartman said that the 2 foot by 2 foot sign proposed for the property will be unlighted.

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Ms. Cindy Cohagan appeared and testified that her husband operates a veterinary clinic in the area and that there is a definite need for additional veterinarians in the area. Ms. Cohagan said she did not feel approval of the clinic on the subject parcel would have any greater impact than if located elsewhere in the zoning district.

No protestants appeared in opposition to the Applicant's request, and the Staff Report of the Department of Planning and Zoning recommends conditional approval.

CONCLUSION:

The Applicant is requesting a Special Exception to Section 267-53H(8) which provides:

Veterinary Clinics or Hospitals.

These uses may be granted in the AG and B2 Districts provided that:

- (a) a minimum parcel area of 3 acres is required;
- (b) the use shall be located with direct access to an arterial or collector road;
- (c) a buffer yard 10 feet wide shall be provided between the parking area and any adjacent residential lot;
- (d) any runs shall be set back at least 200 feet from any lot line.

Section 219-13(D)(1) provides:

Professional or Home Occupation Signs.

- (1) Lighted signs not exceeding 2 square feet in area on lots not exclusively used for residential purposes shall be permitted. These signs may be attached flat against the building or, if freestanding, located not less than 10 feet from the road right-of-way.

The uncontradicted testimony of the Applicant and her witnesses was that the subject parcel contains 65.33 acres, of which approximately 5 acres will be used for the veterinary clinic, that the parcel has access to an arterial road, that the nearest adjacent residential lot line is 750 feet from the proposed veterinary clinic and that any runways will be at least 200 feet from any lot line. Additionally, the Applicant has requested a 2 foot unlighted sign which will be located at least 10 feet from the road right-of-way for Maryland State Route 136.

No evidence was introduced to indicate that the Applicant's proposal would adversely affect

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the public health, safety and general welfare or would result in dangerous traffic conditions or jeopardize the lives or property of people living in the neighborhood.

It is the finding of the Hearing Examiner that the Applicant can comply with the conditions set forth in Section 267-53(H)(8) and that approval of the Special Exception for a veterinary clinic on the subject parcel would not have any greater impact on the parcel than if located elsewhere in a zoning district. It is also the recommendation of the Hearing Examiner that the request to increase the sign from 2 to 4 square feet be approved due to the fact that the sign would be directional in nature and not for the purpose of advertisement.

It is the recommendation of the Zoning Hearing Examiner that the Applicant=s request be approved subject to the following conditions:

1. The Applicant shall submit a site plan to the Development Advisory Committee for review. The site plan shall include parking, use of the building, landscaping, etc.
2. The Applicant shall obtain all necessary permits and inspections, including a use and occupancy certificate, for the conversion of the existing barn to be used as a veterinary clinic and for the sign.
3. The Applicant shall screen any outdoor animal runs with a doubled, staggered row of evergreen trees to be planted on 8-foot centers in the area of the animal runs. The landscaping plan shall be part of the overall site plan review. Only those animals receiving medical treatment shall be boarded on the site.

Date JUNE 25, 1998

L. A. Hinderhofer
Zoning Hearing Examiner

DAVID R. CRAIG
HARFORD COUNTY EXECUTIVE

LORRAINE COSTELLO
DIRECTOR OF ADMINISTRATION



C. PETE GUTWALD
DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

October 2, 2008

Department of Planning and Zoning

STAFF REPORT

BOARD OF APPEALS CASE NO. 5673

APPLICANT/OWNER: Dorothy and Rudolph W. Greeley
2754 Whiteford Road, Whiteford, Maryland 21160

Co-APPLICANT: Cindy Silhan
108 Red Pump Road, Bel Air, Maryland 21014

REPRESENTATIVE: Applicants

LOCATION: 2756 Whiteford Road
Tax Map: 4 / Grid: 4D / Parcel: 11
Election District: Five (5)

ACREAGE: 64.70± acres

ZONING: AG/Agricultural

DATE FILED: September 4, 2008

HEARING DATE: October 29, 2008

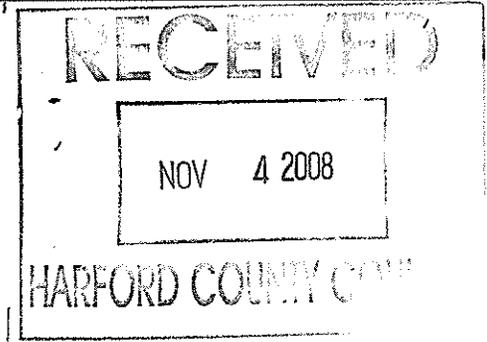
APPLICANT'S REQUEST and JUSTIFICATION:

Request:

"Grooming facility in basement of veterinary clinic. Grooming for dogs and cats. No animals are kept overnight. Hours of operation: 8 am to 5 pm Tuesday - Saturday. Average estimated number of animals per day, 7-10. Staggered drop-off and pick-up. Employees besides owner, 2 part time."

Preserving Harford's past; promoting Harford's future

MY DIRECT PHONE NUMBER IS (410) 638-3103



Justification:

“Grooming is a very common ancillary service offered at veterinary clinics. The two services compliment one another.”

CODE REQUIREMENTS:

The Applicants are requesting a Special Exception pursuant to Section 267-53H(4) of the Harford County Code to have pet grooming in the AG/Agricultural District.

Section 267-53H(4) of the Harford County Code reads:

- (4) *Pet Grooming. This use may be granted in the AG, VB, B1 and B2 Districts, provided that:*
- (a) *The activity takes place inside a completely enclosed building.*
 - (b) *No animals may be kept overnight, except those owned by the proprietor.*

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 subject property is located in the northern area of the County, on the south side of Whiteford Road (MD Route 136), east of Graceton Road (MD Route 624). A location map and a copy of the Applicant’s site plan are enclosed with the report (Attachments 1 and 2).

The subject property is located outside of the Development Envelope. The predominant land use designation in this area of the County is Agricultural. The Village of Whiteford is located to the east of the subject property. The Natural Features Map reflects Parks, Agricultural Preservation Districts and Easements, Sensitive Species Project Review Areas and Stream Systems. The subject property is designated on the 2004 Land Use Map as Agricultural and is in an Agricultural Preservation Easement.

***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.*

***Agricultural Preservation Areas** – These areas represent farms that are protected either as part of an agricultural district or through agricultural easements. Farms with agricultural easements have been placed into a protection program that preserves the agricultural use of the land in perpetuity. Development inconsistent with the easement*

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Dorothy & Rudolph Greeley

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will not be allowed. Agricultural districts are five year agreements with landowners not to residentially subdivide their property prior to the five year commitment.

Enclosed with the report are copies of the 2004 Land Use Map, Natural Features Map and the Whiteford-Cardiff-Pylesville-Street Community Area Map (Attachments 3, 4 and 5).

Land Use – Existing:

The predominant land use in this area of the County is agriculture, including crop and pasture land as well as large areas of dense woodland. The topography of the area ranges from rolling to steep especially near the stream valleys. There are no major residential developments in the area. Enclosed with the report is a copy of the aerial photograph and topography map for the area (Attachments 6 and 7).

The subject property is an active farm of approximately 65± acres and is rectangular in shape. It appears that the farm is a mix of cropland and pastureland. There is also a stream and wooded area in the northeast corner of the property. The topography ranges from rolling to steep especially near the stream valleys. A transmission power line right-of-way traverses the west side of the property. The improvements consist of the main farm house, tenant house, a large indoor riding and training rink, barn, agricultural outbuildings and the barn/building that houses the veterinarian clinic and the grooming business. The veterinarian clinic was established pursuant to Case 4732 and approved by the Board of Appeals on June 25, 1998 (Enclosed is a copy of the decision – Attachment 8). Site photographs and Aerial photos are enclosed with the report (Attachments 9 and 10).

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, including the subject property. There are parcels zoned B3/General Business and CI/Commercial Industrial Districts across MD Route 136 from the subject property, however more intensive zoning can be found in the Village of Whiteford to the east. To the west at the intersection of Graceton Road is an area of B2/Community Business District. Enclosed with the report is a copy of the Zoning Map (Attachment 11).

SUMMARY:

The Applicants are requesting a Special Exception pursuant to Section 267-53H(4) of the Harford County Code to have pet grooming in the AG/Agricultural District.

Grooming services are generally considered accessory to a Veterinarian Clinic provided the owner/operator of both businesses are the same business entity. In this case the Applicant is leasing the space from the Owner/Operator of the Veterinarian Clinic as a separate business and therefore must be approved separately.

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Section 267-53H(4):

- (5) *Pet Grooming. This use may be granted in the AG, VB, Bland B2 Districts, provided that:*

The subject property is zoned AG/Agricultural.

- (a) *The activity takes place inside a completely enclosed building.*

The grooming business is presently located in the lower level of the building containing the Veterinarian clinic approved by the Board in Case 4732. There is direct outside access to the grooming business from the lower rear side of the building.

- (b) *No animals may be kept overnight, except those owned by the proprietor.*

The Applicant states that the hours of operation are from 8am to 5pm Tuesday through Saturday and no animals are kept overnight. They estimate 7 to 10 animals a day with staggered drop off and pick up times.

Section 267-9I:

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

The overall population density in this area of the County is low. There are no major residential developments in the immediate area and the predominant land use is agricultural. The Board in 1998 approved a veterinarian clinic (Case No. 4732) at the subject location for large and small animals. The Board found in that case that there was no evidence of impact on the surrounding community. Pet grooming services are generally considered accessory to Veterinarian Clinics.

- (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 Whiteford Road (MD Route 136), which is designated as a major collector-rural road by the Transportation Plan. The sight distance at the driveway entrance appears good in both directions. The traffic generated by the pet grooming business in addition to that generated by the Veterinarian Clinic should not adversely impact the roads in the area.

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

The pet grooming business is a needed service for the area.

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

The building is several hundred feet from any property line. The addition of the pet grooming business should add little or no additional impact concerning the uses listed in this section.

- (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.*

Police protection will be provided by the County's Sheriff's Office and the Maryland State Police. Fire and ambulance protection is provided by the Whiteford Volunteer Fire Department. Water and sewerage is provided by on-site private well and septic systems. Trash and garbage will be handled by a company of the Applicant's choice.

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

The proposed use is permitted in the Agricultural District as a Special Exception.

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

This subsection is not applicable to the subject request.

- (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 Master Plan for the rural areas encourages preserving the agricultural industry, protecting the stream valleys, natural resources, and focusing more intense uses in the Development Envelope. The Plan also recognizes the need for services necessary to serve the surrounding communities.

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

This subsection is not applicable to the subject request.

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

This subsection is not applicable to the subject request.

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Conclusion:

The Board of Appeals has previously (Case 4732) granted approval for a veterinarian clinic on the subject property. Dr. Hartman has received site plan approval and obtained all necessary permits and licenses for her existing clinic. The clinic has been serving the community for approximately 8 years. Grooming businesses are generally considered accessory to veterinarian clinics and normally do not require separate Board Approval. In this case, however, the owner and operator of the grooming business is a separate entity.

The Department finds that the Applicants can meet the standards required for the proposed Special Exception. The request should not have any adverse impact on the neighborhood. The Harford County Agricultural Preservation Advisory Board was required to review this request since the property is in an Agricultural Easement. The Board reviewed the request at their meeting on October 28, 2008. The Board recommended approval subject to the condition that any approval for the grooming business shall terminate if the veterinary clinic ceases to operate on this site.

RECOMMENDATION and or SUGGESTED CONDITIONS:

The Department recommends that the requested Special Exception for Pet Grooming be approved subject to the following conditions:

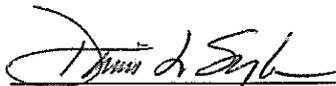
1. The Applicants shall obtain all necessary permits and inspections for the pet grooming business.
2. There shall be no animals boarded overnight.
3. The hours of operation shall be limited to 8 am to 5 pm Monday through Saturday with no Sunday operation.
4. The number of Employees shall be limited to three, including the owner.
5. This Approval shall become void when the veterinary clinic ceases to operate on this property.

STAFF REPORT

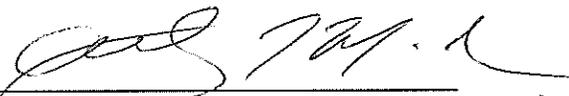
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Dorothy & Rudolph Greeley

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



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

DJS/ASM/jf