

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

RECEIVED

Case No. 5688
 Date Filed 3/30/09
 Hearing Date _____
 Receipt _____
 Fee 1100.00

APR 13 2009

HARFORD COUNTY BOARD OF APPEALS

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 5688 MAP 24 TYPE Special Exception
 ELECTION DISTRICT 04 LOCATION 3811 Federal Hill Road, Jarrettsville 21084
 BY Joshua and Cheryl Chavis, P.O. Box 451, Jarrettsville 21084
 Appealed because a special exception pursuant to Section 267-88H(1) of the Harford
 County Code to permit construction services and suppliers 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 Joshua Chavis Phone Number 410-808-7355
 Address P.O. Box 451 Jarrettsville MD 21084
Street Number Street City State Zip Code

Co-Applicant Cheryl Chavis Phone Number 410-557-9870
 Address P.O. Box 630 Fallston MD 21047
Street Number Street City State Zip Code

Contract Purchaser _____ Phone Number _____
 Address _____
Street Number Street City State Zip Code

Attorney/Representative L.G. Wolff Associates, Inc. Phone Number 410-838-0888
 Address 10 W. Pennsylvania Avenue Bel Air MD 21014
Street Number Street City State Zip Code

Land Description

Address and Location of Property 3811 Federal Hill Road Jarrettsville, MD 21084

Subdivision _____ Lot Number _____

Acreage/Lot Size 8.5482 Election District 4 Zoning AG

Tax Map No. 24 Grid No. 4B Parcel 352 Water/Sewer: Private X Public _____

List ALL structures on property and current use: Single family dwelling as residence for owner;
Storage building used to house equipment and materials used by owner in owner's business.

Estimated time required to present case: 40 minutes

If this Appeal is in reference to a Building Permit, state number No

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: NA

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

Is this request within one (1) mile of any incorporated town limits? Yes _____ No X

Request

To obtain a Special Exception for commercial vehicles and equipment storage within
the Agricultural zone.

Justification

See Attached Sheet

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.)

**HARFORD COUNTY
BOARD OF APPEALS**

**JOSHUA CHAVIS
CHERYL CHAVIS**

3811 FEDERAL HILL ROAD

JUSTIFICATION

The owner operates his business from his home. The area of the lot is greater than five acres in size and is not adjacent to any residential lots. On the property there presently exists a storage building measuring 40'x 80' which was constructed in 2001. The residence on the property was completed in 2004. Adjacent to the storage building there is a parking area that is utilized for storage of construction equipment. (See List of Equipment on this sheet)

The storage building and the parking area is screened from the adjoining properties by an 8' high screening fence and a vegetative screen along the east side of the property. The southerly side of the property is adjacent to a heavily wooded area extending southeasterly more than 400' to the property of George and Evelyn Cairnes. Lying north and west of the property is the North Harford Swim Club, which is screened from the building and parking area by a triple row of pine trees. Additional landscaping exists in front of the building, which further screens it from the adjoining properties. Due to its remote location, the building and the outside storage area have no adverse affect on the adjoining properties.

List of Equipment Stored Outside

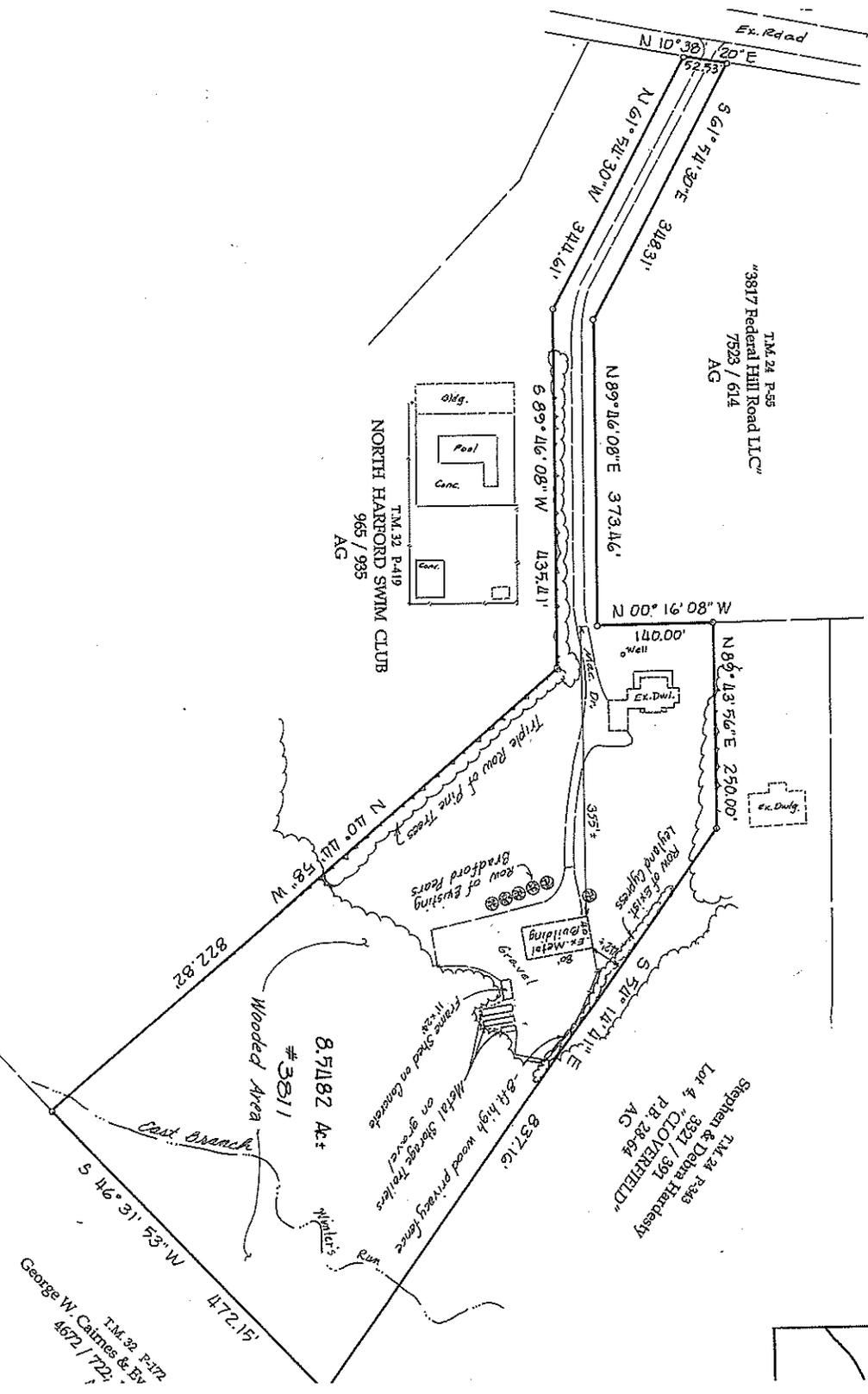
2 Dump Trucks
1 Tractor/Trailer
1 Demo Trailer
2 Utility Trailers
1 Excavator (Caterpillar 315 CL)
1 Loader (Caterpillar 953 C)
1 Backhoe (John Deere 310)
1 Bulldozer (John Deere 450 G)

List of Equipment Inside

2 Skid Loaders
1 Farm Tractor
Mowers
Tools
2 Pick-Up Trucks
1 Mini Excavator

Services Provided

Excavation for construction of buildings, driveways, etc.
Demolition of existing buildings and disposal of materials
Construction of on-site septic systems



T.M. 24 P-55
 "3817 Federal Hill Road LLC"
 7523 / 614
 AG

T.M. 32 P-419
 NORTH HARBOR SWIM CLUB
 965 / 985
 AG

T.M. 24 P-348
 Stephen & Debra Handasy
 Lot 4, "CLOVERFIELD"
 P.B. 28-64
 AG

T.M. 32 P-172
 George W. Calmes & By
 4672 / 772

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 8, 2009

STAFF REPORT

BOARD OF APPEALS CASE NO. 5688

APPLICANT/OWNER: Joshua Chavis
P.O. Box 451, Jarrettsville, Maryland 21084

Co-APPLICANT: Cheryl Chavis
P.O. Box 451, Jarrettsville, Maryland 21084

REPRESENTATIVE: L.G. Wolff Associates, Inc.
10 W. Pennsylvania Avenue, Bel Air, Maryland 21014

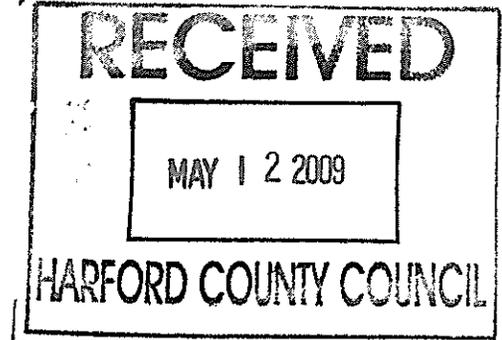
LOCATION: 3811 Federal Hill Road, Jarrettsville
Tax Map: 24 / Grid: 4B / Parcel: 352
Election District: Four (4)

ACREAGE: 8.5482 acres

ZONING: AG/Agricultural

DATE FILED: March 30, 2009

HEARING DATE: June 10, 2009



APPLICANT'S REQUEST and JUSTIFICATION:

Request:

“To obtain a Special Exception for commercial vehicles and equipment storage within the Agricultural zone.”

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

MY DIRECT PHONE NUMBER IS (410) 638-3103

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Joshua and Cheryl Chavis

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Justification:

See Attachment 1.

Also contains a list of equipment to be stored both inside and outside the storage building.

CODE REQUIREMENTS:

The Applicants are requesting a Special Exception pursuant to Section 267-88H(1) of the Harford County Code to permit construction Services and Suppliers business in the AG/Agricultural District.

Section 267-88H(1) of the Code reads:

H. Services.

- (1) *Construction services and suppliers. These uses may be granted in the AG and VB districts provided that:*
 - (a) *A minimum parcel area of 5 acres in the AG district and 1 acre in the VB district is required.*
 - (b) *If the use includes the storage of commercial vehicles and equipment, the vehicles and equipment must be stored entirely within an enclosed building or fully buffered from view of adjacent residential lots and public roads.*
 - (c) *All parking and storage areas must be paved.*
 - (d) *A type "C" buffer, pursuant to §267-30 (Buffer Yards), shall be provided along any adjacent road rights-of-way or adjacent residential lots.*

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 north of Jarrettsville, on the east side of Federal Hill Road (MD Rt. 165). 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 and north of the Rural Village of Jarrettsville. The predominant land use designation in this area of the County is Agricultural. To the south of Jarrettsville is a large area of Rural Residential. The Natural Features Map reflects Sensitive Species Project Review Areas, Stream Systems, and Agricultural Preservation Districts and Easements. The subject property is designated as Agricultural which is defined by the Harford County Code as:

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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 the 2004 Land Use Map, the Natural Features Map and the Jarrettsville Community Area Map (Attachments 4, 5 and 6).

Land Use – Existing:

The existing land uses conform to the overall intent of the Master Plan. The predominant land use in this area is Agricultural which includes cropland, pastureland and large areas of dense woodland. There are several residential subdivisions in the area. Commercial uses are located in the Rural Village of Jarrettsville. The topography of the area ranges from rolling to steep especially near the stream valleys. Enclosed with the report is a copy of the aerial photograph and topography map (Attachments 7 and 8).

The Applicant's property is an unusually shaped panhandle parcel with frontage on the east side of Federal Hill Road. The parcel is approximately 8.5428 acres in size with topography ranging from gently sloping to rolling. The panhandle area is approximately 780 feet in length and partially lined with evergreen trees on the southern side. The front half of the parcel is open and the rear half is densely wooded. The improvements include a two story brick and frame dwelling with an attached 3 car garage. Approximately 200 feet to the rear of the dwelling is a large storage building which is approximately 1100 feet back from the road. The paved driveway extends to the rear of the dwelling towards the storage building. There is a large gravel area around the storage building. Extending back from the north end of the building is a 6 foot high solid board fence. Situated to the rear of the building are 3 storage containers. Next to the containers is a small three sided building containing above ground fuel storage tanks. The property is bordered on the south side by the Fallston Swim club and lots 3 and 4 of the Cloverfield subdivision on the north side. The property backs up to a large parcel that is actively farmed. Due to the topography and the distance from the road the storage area and building cannot be seen from the road. Traversing the rear area of the parcel is a tributary of Winter's Run known as East Branch. Enclosed with the report are copies of site photographs, site topography map, and aerial photos (Attachments 9, 10 and 11)

Zoning:

The zoning classifications in the area are consistent with the 2004 Master Plan as well as the existing land uses. The zoning classifications in this area of the County include AG/Agricultural, RR/Rural Residential, VR/Village Residential, and VB/Village Business. The subject property is zoned AG/Agricultural District as shown on the enclosed copy of the Zoning Map (Attachment 12).

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SUMMARY:

The Applicants are requesting a Special Exception pursuant to Section 267-88H(1) of the Harford County Code to permit construction Services and Suppliers business in the AG/Agricultural District.

Section 267-88H(1) of the Code reads:

H. Services.

- (1) *Construction services and suppliers. These uses may be granted in the AG and VB districts provided that:*
 - (a) *A minimum parcel area of 5 acres in the AG district and 1 acre in the VB District is required.*

The subject property is zoned AG/Agricultural and is approximately 8.5482 acres in size.

- (b) *If the use includes the storage of commercial vehicles and equipment the vehicles and equipment must be stored entirely within an enclosed building or fully buffered from view of adjacent residential lots and public roads.*

The large storage building and storage area sit approximately 1100 feet back from MD 165. The building has 3 large garage doors, one off the front and 2 on the south side. The paved driveway extends beyond the house to an area in front of the building. In the front, right side and rear of the building is a storage area. To the left side of the gravel area extending back from the building is a 6 foot solid board fence used to help screen the storage area. It appears that the equipment and vehicles are parked to the rear of the building and only employee cars are parked to the right of the building. The southern property line along the panhandle contains a row of tall trees. The rear of the property is densely wooded. There is also a dense row of trees along the northern property line that provides screening for lots 3 and 4 in the Cloverfield subdivision. The trees and fencing adequately screen the storage area from the road and the adjoining properties.

- (c) *All parking and storage areas must be paved.*

The driveway leading back to the storage building is paved. The parking and storage area around the building is currently gravel and will be required to be paved.

- (d) *A type "C" buffer, pursuant to §267-30 (Buffer Yards), shall be provided along any adjacent road rights-of-way or adjacent residential lots*

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The Applicants request meets the above referenced requirement. There are no adjacent residential lots as defined under the Harford County Code. However, the existing topography and vegetation along the side property lines buffer the use from the road and adjacent properties.

Section 267-9I:

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

The use is adequately screened from adjacent properties and should not adversely impact individuals living and working in the immediate area.

(2) *Traffic conditions, including facilities for pedestrians and cyclist, 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 east side of Federal Hill Road (MD Rt. 165). The site distance in both a north and south direction at the driveway entrance is good.

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

There should be no impact on the orderly growth of the neighborhood.

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

The Applicant's vehicles and equipment should not have an adverse impact on the community regarding the items 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.*

The Harford County Sheriff's Office and the Maryland State Police will provide police protection. The Jarrettsville 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 any trash collection.

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

With appropriate conditions the request will be consistent with generally accepted planning principles and practices.

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

The proposal should not have an 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.*

Within the wooded portion of the property is a stream known as East Branch. The Applicant must meet all requirements for proper storage and containment of fuels.

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

The request should not impact any cultural or historic landmarks.

RECOMMENDATION and or SUGGESTED CONDITIONS:

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

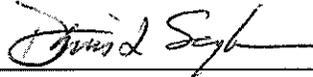
1. The Applicant shall submit a site plan for review and approval thru the Development Advisory Committee (DAC).
2. The Applicant shall pave all parking and storage areas.
3. The Applicant shall be limited to the amount and type of equipment, as shown on attachment 1.
4. The approval is for the Applicant only and shall terminate if the property is sold or transferred.
5. The Applicant shall obtain all permits and inspections for the use of the storage building.
6. The Applicant shall obtain permits for the 3 storage containers and the structure housing the above ground fuel tanks.
7. The Applicant shall not perform major repairs to the equipment and vehicles on-site. Maintenance such as oil changes, tire rotations etc. shall be permitted.
8. The Applicant shall meet all requirements for the proper storage and containment of fuels on-site.

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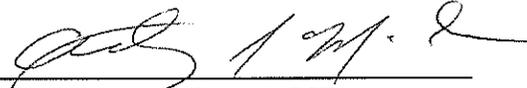
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Joshua and Cheryl Chavis

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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