

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

Case No. 5723
 Date Filed 9/14/10
 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 <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 checked="" type="checkbox"/> Variance from Requirements of the Code <input type="checkbox"/> Zoning Map/Drafting Correction | <p><u>CASE 5723 MAP 02 TYPE Variance/Special Exception</u> <u>ELECTION DISTRICT 02 LOCATION 539 Craigs Corner Rd. Havre de Grace 21078</u> <u>BY John & Kimberly Donaldson</u> <u>Appealed because a Special Exception pursuant to Section 267-88H(2) of the Harford</u> <u>County Code to allow lawn and landscaping services and a variance from to</u> <u>Section 267-88H(2)(c) which requires a type C buffer yard along adjacent road</u> <u>right-of-way or adjacent residential lot within the AG District requires approval from the</u> <u>Board.</u></p> |

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Applicant/Owner (please print or type)

Name John C. and Kimberly A. Donaldson Phone Number Call Attorney

Address 539 Craigs Corner Road Havre de Grace MD 21078
Street Number Street City State Zip Code

Co-Applicant _____ Phone Number _____

Address _____
Street Number Street City State Zip Code

Contract Purchaser _____ 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

Rev. 12/02

Land Description

Address and Location of Property 539 Craigs Comer Road, Havre de Grace, MD, 21078, West of Rock Run Road

Subdivision _____ Lot Number 2

Acreage/Lot Size 3.126 Acres Election District 02 Zoning AG

Tax Map No. 37 Grid No. 2A Parcel 91 Water: Private _____ Public X Sewer: Private X Public _____

List ALL structures on property and current use: 1,546 square foot single family dwelling and a 544 square foot detached garage

Estimated time required to present case: 45 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: _____

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.)

12 : 9/22/10
13 : 4784
30024.303632

ATTACHMENT BOARD OF APPEALS APPLICATION
JOHN C. DONALDSON AND KIMBERLY A. DONALDSON

REQUEST

1. Special Exception pursuant to Section 267-88(H)(2) to allow lawn and landscaping services in the AG zone.
2. Variance from requirements of Section 267-88(H)(2)(c) which requires type C buffer yard along adjacent road right of way or adjacent residential lot.

JUSTIFICATION

The subject property is 3.126 acres and is presently improved by a 2482 square foot single family residence and 1280 square foot detached garage which is occupied by the Applicant and his family. Applicant is the owner of J.D.s Lawn Service. Applicant proposes to construct a 6,000 square foot storage building in an adjacent parking area for his lawn service and equipment. Attached hereto is a list of Applicant's equipment. With the exception of the requested variance, Applicant's proposal meets all the requirements of the Harford County Zoning Code. The property is already landscaped and additional landscaping would be installed. The topography of the property and the existing improvements would prevent the proposed building from being viewed from much of Craig's Corner Road. The required Class C buffer would essentially eliminate Applicant's entire front yard. Alternatively, Applicant proposes to cluster the landscaping and buffering in the vicinity of the property which would afford a view of the accessory building. The remainder of the accessory building would be blocked from view by the primary residence. The Applicant requires a building of the size proposed in order to

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properly house all of his equipment. The proposed building is only 3 feet taller than the primary structure. Applicant has discussed his proposal with most of his neighbors and is unaware of any opposition to the proposed requests. The requested relief has no adverse impact on surrounding properties and would be consistent with good planning principals and practices.

4 : 9/2/10
19 : 9924
30024.303632

**ATTACHMENT TO THE APPLICATION OF
JOHN C. DONALDSON and KIMBERLY A. DONALDSON**

List of Trucks and Trailers Located on Property

- 1997 Chevy 3500 pickup (spare back-up)
- 1999 GMC 2500 pickup (John Donaldson's work and personal truck)
- 1999 Isuzu box truck (mowing crew)
- 2001 GMC 3500 dump truck (mulch, bush crew's truck)
- 2002 Chevy 2500 pickup (mowing crew)
- 2005 Chevy 2500 pickup (mowing crew)
- 2009 Chevy 2500 pickup (Adam's work and personal truck)
- 2 – 20' PJ Landscape trailers
- 1 – 20' Peque dovetail trailer
- 1 – 16" Pero trailer



CRAIGS CORNER ROAD

ROCK RUN ROAD

0 100 FEET

539 CRAIGS CORNER ROAD

2008 AERIAL PHOTOGRAPHY

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

November 1, 2010

STAFF REPORT

BOARD OF APPEALS CASE NO. 5723

APPLICANT/OWNER: John C. & Kimberly A. Donaldson
539 Craigs Corner Road, Havre de Grace, Maryland 21078

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

LOCATION: 539 Craigs Corner Road, Havre de Grace, Maryland 21078
Tax Map: 37 / Grid: 2A / Parcel: 91
Election District: Second (2)

ACREAGE: 3.126 acres

ZONING: AG/Agricultural

DATE FILED: September 14, 2010

HEARING DATE: November 10, 2010

APPLICANTS' REQUEST and JUSTIFICATION:

See Attachment 1.

CODE REQUIREMENTS:

The Applicants are requesting a Special Exception pursuant to Section 267-88H(2) of the Harford County Code to allow lawn and landscaping services in the AG/Agricultural District. The Applicants are also requesting a variance from Section 267-88H(2)(c) which requires a Type "C" buffer along an adjacent road right-of-way or adjacent residential lot.

Section 267-88H(2) of the Harford County Code reads:

Preserving Harford's past; promoting Harford's future

MY DIRECT PHONE NUMBER IS



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Board of Appeals Case Number 5723

John C. Donaldson and Kimberly A. Donaldson

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- (2) *Lawn and landscaping services. This use may be granted in the AG and VB districts, provided that:*
- (a) *A minimum parcel area of 2 acres in the AG district and .5 acres in the VB district is required.*
 - (b) *All parking areas must be paved.*
 - (c) *A type "C" buffer yard, pursuant to §267-30 (Buffer Yards), shall be provided along any adjacent road rights-of-way or adjacent residential lots.*
 - (d) *All commercial vehicles, equipment and supplies must be stored within an enclosed building.*

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 Applicants' property is located on the east side of Craigs Corner Road west of Rock Run Road. Enclosed with the report are copies of a location map and the Applicants' site plan (Attachments 2 and 3).

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

***Agricultural** – Areas where agriculture is the primary land use, but where development rights are available. Residential development is possible at a density of 1.0 dwelling unit for every 10 acres. Commercial uses within this area are intended to serve the agriculture industry or residents of the area while maintaining the character of the surrounding countryside.*

Enclosed with the report are copies of the 2004 Land Use Map, the Natural Features Map and the Greater Aberdeen – Greater Havre de Grace Community Area Map (Attachments 4, 5 and 6).

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Land Use – Existing:

The existing land uses in this area of the County conform to the intent of the Master Plan. The predominant land use is Agricultural. Single-family residential uses are generally located within older established subdivisions throughout the area or on large individual lots. The area also contains large areas of dense woodland. The topography ranges from rolling to steep especially near Deer Creek, the Susquehanna River and along the many stream valleys. The topography of the subject property is generally level around the dwelling to moderately sloping towards the rear of the property. Enclosed with the report are copies of the aerial photograph and topography map (Attachments 7 and 8).

The subject property is nearly rectangular in shape, contains approximately 3.126+/- acres, and has 200-feet of road frontage on Craigs Corner Road. The subject property is known as Lot 2 of the Gatewood Property. The majority of the subject property is maintained lawn with scattered trees, shrubs and landscaping. The subject property is improved with a rancher style single-family dwelling, a detached garage and shed. It is important to note that a Use and Occupancy Permit was never issued for the garage and a permit was never obtained to construct the shed. The Department will recommend that all applicable permits and inspections be obtained for the existing accessory structures as a condition of approval should the Board approve the requested Special Exception. The Department will also recommend that all miscellaneous junk and debris be removed from the subject property. Enclosed with the report are site photographs (Attachment 9).

Zoning:

The zoning classifications in the area are generally consistent with the 2004 Master Plan as well as the existing land uses. The predominant zoning classification in the area is AG/Agricultural. The subject property is zoned AG/Agricultural as shown on the enclosed copy of the zoning map (Attachment 10).

SUMMARY:

The Applicants are requesting a Special Exception pursuant to Section 267-88H(2) of the Harford County Code to allow lawn and landscaping services in the AG/Agricultural District. The Applicants are also requesting a variance from Section 267-88H(2)(c) which requires a Type "C" buffer along an adjacent road right-of-way or adjacent residential lot.

Section 267-88H(2) of the Harford County Code reads:

- (2) *Lawn and landscaping services. This use may be granted in the AG and VB districts, provided that:*
 - (a) *A minimum parcel area of 2 acres in the AG district and .5 acres in the VB district is required.*

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(b) All parking areas must be paved.

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

(d) All commercial vehicles, equipment and supplies must be stored within an enclosed building.

The subject property is zoned AG/Agricultural.

(a) A minimum parcel area of 2 acres in the AG district and .5 acres in the VB district is required.

The subject property contains 3.126+/- acres.

(b) All parking areas must be paved.

The site plan submitted with the application demonstrates that the parking area and driveway will be paved.

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

The Applicants are requesting a variance from this requirement. A Type "C" buffer yard (20-foot) is required along Craigs Corner Road. There are no adjacent residential lots abutting the subject property. The variance request will be discussed later in this report.

(d) All commercial vehicles, equipment and supplies must be stored within an enclosed building.

The Applicants shall store all commercial vehicles, equipment and supplies within the proposed building. No outside storage shall be permitted. All miscellaneous junk and debris, including mowers and equipment, shall be removed from the property or stored within the building.

Section 267-9I:

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

This area of the County contains a mix of agricultural and large lot residential uses. The proposed use will be completely contained within a building, with no outside storage. There will be little or no impact on individuals living or working in the surrounding community.

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- (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.*

Craigs Corner Road is a paved road that is County owned and maintained. There is adequate sight distance to accommodate vehicles and equipment that enter and exit the subject property. The Applicants' business will not add a significant amount of traffic to the surrounding roads.

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

The use is permitted in the AG/Agricultural District as a Special Exception. The use proposed will not impact 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 proposed use will not have an adverse impact on surrounding properties with respect to odors, dust, gas, smoke, fumes, vibration, glare and noise. All maintenance of the Applicants' vehicles and equipment shall be performed within the proposed building.

- (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 Sheriff's Department and the Maryland State Police. Fire and emergency protection will be provided by Level Volunteer Fire and Ambulance. The property is currently served by a private well and septic system. Trash and garbage collection will be the responsibility of the property owner.

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

The use as proposed is consistent with generally accepted planning practices

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

The proposed use should not have any impact on the uses listed above.

- (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 request is consistent with the 2004 Land Use Plan.

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

The request should not impact any environmental features.

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

Not applicable to the subject site and request.

Variance:

Variances may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty or unreasonable hardship. Further, the applicant must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

The Applicants are requesting a variance from Section 267-88H(2)(c) of the Harford County Code which reads:

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

A Type "C" buffer yard (20-feet) would only be required along Craigs Corner Road since there are no properties that meet the definition of an adjacent residential lot that abut the subject property. The proposed building and parking area will be located approximately 450-feet from Craigs Corner Road. The rear of the subject property is moderately sloping where the proposed building is to be located. The foundation of the proposed building will sit approximately 12-feet lower than the foundation of the existing dwelling due to the change in topography. The proposed building will be effectively screened from the road by the existing dwelling, the topography and the fact that it will be located a considerable distance from the road.

Additionally, a buffer of mature Leyland Cypress exists between the subject property and adjacent Lot 3. The Applicants have recently planted a row of Leyland Cypress between the subject property and Lot 1. The Applicants also propose additional planting along each property line and around the proposed building. If the required buffer was imposed, it would occupy a significant portion of the Applicants' front yard. It is more appropriate and practical to require additional plantings along the side property lines as proposed. Therefore, the Department of Planning and Zoning recommends that the variance to the required buffer yard be granted.

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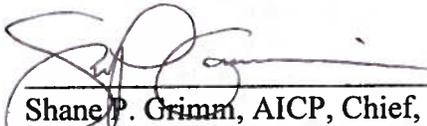
John C. Donaldson and Kimberly A. Donaldson

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RECOMMENDATION and or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends that the requested Special Exception and variance be approved subject to the following conditions:

1. The Applicants shall submit a detailed site plan to be reviewed and approved thru the Development Advisory Committee (DAC). A landscaping plan shall also be submitted with the preliminary plan.
2. The Applicants shall obtain all necessary permits and approval for the construction of the storage building, including the proposed retaining wall.
3. The Applicants shall obtain a permit for the shed located to the rear of the garage. A Use and Occupancy Permit shall be obtained for the existing garage.
4. The drive aisle and parking area shall be paved prior to the issuance of a Use and Occupancy permit for the proposed building.
5. No outside storage of vehicles, equipment or supplies shall be permitted. All miscellaneous junk and debris shall be removed from the property or stored within the proposed building.
6. The approval is for the Applicants only and shall become void if the property is sold or transferred.



Shane P. Grimm, AICP, Chief,
Site Plan & Building Permits Review



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

SPG/ASM/jf