

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

RECEIVED

JUN - 7 2013

HARFORD COUNTY COUNCIL

Case No.	5802
Date Filed	6/5/13
Hearing Date	_____
Receipt	_____
Fee	\$400.00
Type	E

Information to be Submitted with Application

1. A plot plan drawn to scale indicating all pertinent data.
2. A list of all adjoining property owners with mailing addresses.
3. Names and addresses of all persons having legal or equitable interest in the property.
4. All required supporting documentation or additional studies as may be required; including traffic and environmental studies, etc.

NOTE:

All applicants **MUST** schedule a pre-application meeting with the Department of Planning and Zoning prior to filing any application to the Board of Appeals.

To schedule please call 410-638-3119.

Shaded areas for Office Use Only

Nature of Request and Section(s) of Code

CASE 5802 MAP 56 TYPE Special Exception

ELECTION DISTRICT 01 TAX ID 01001612

LOCATION 408 Sassafras Court, Bel Air 21015

BY 408 Realty, LLC

Appealed because a special exception pursuant to Sec. 267-88F(6) of the Harford County Code to permit a personal care boarding home in the R1 District requires approval by the Board.

Owner (please print or type)

Name 408 Realty, LLC Phone Number call attorney

Address 408 Sassafras Court Bel Air MD 21015

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 John J. Gessner Phone Number (410) 638-5100

Address 26 South Main Street Bel Air MD 21014

Street Number Street City State Zip Code

Land Description

Address and Location of Property 408 Sassafras Court Lot 12 23544SF,
Valley View S5 P 18/98

Subdivision Valley View Lot Number 12
Acreage/Lot Size 0.54 ± Election District 1 Zoning R-1 Tax ID # 01-001612
Tax Map No. 56 Grid No. 3C Parcel 489 Water/Sewer: Private _____ Public

List ALL structures on property and current use: single family detached dwelling; residential use

Estimated time required to present case: 30 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? Yes _____ 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: N/A

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 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.)

4 : 6/2/13
2 : 30908
hf2

ATTACHMENT TO APPLICATION OF 408 REALTY, LLC

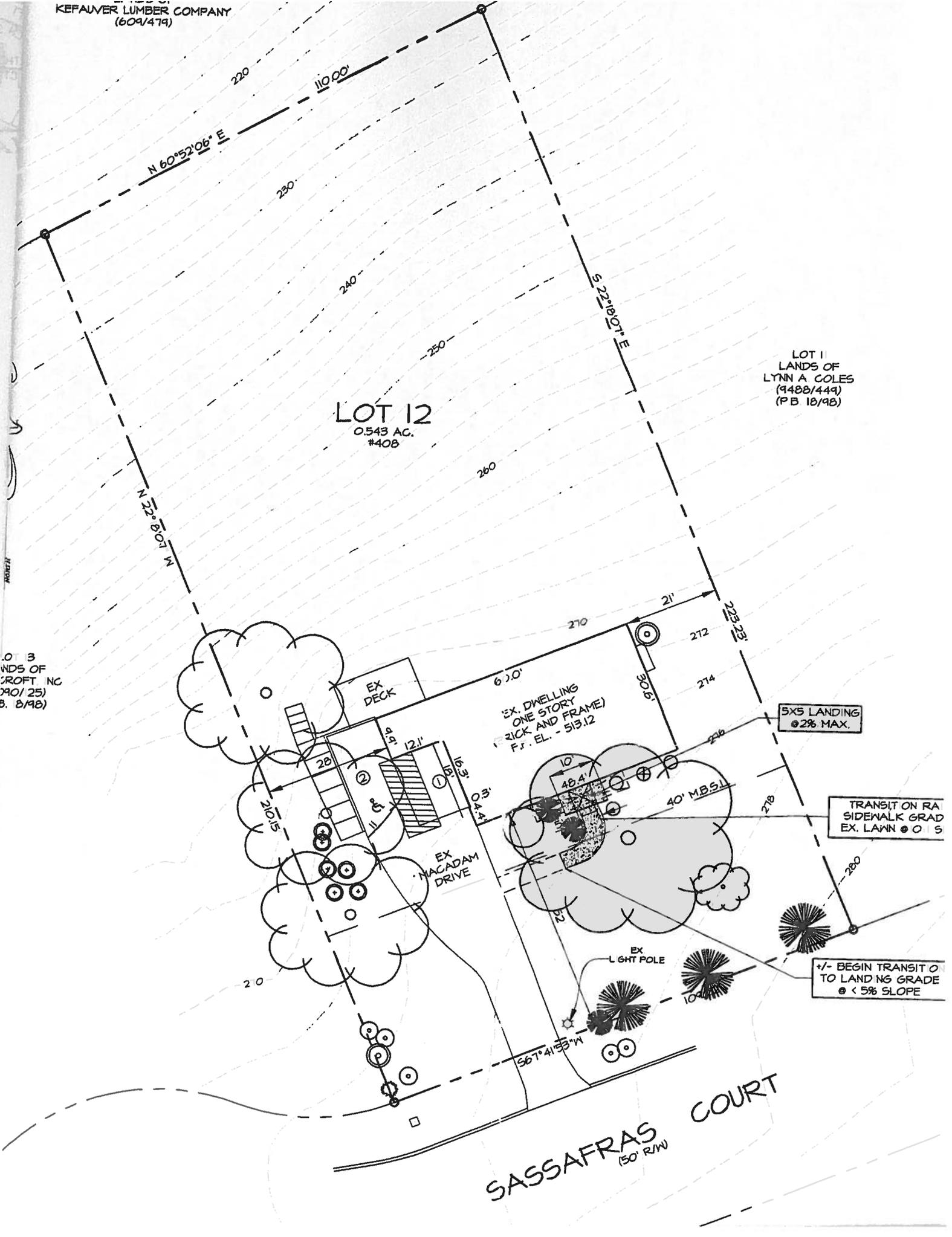
REQUEST: The applicant requests a special exception pursuant to Section 267-88F(6) of the Harford County Zoning Code ("Code") to permit a personal care boarding home on the subject property zoned R-1, Urban Residential, as shown on the attached site plan.

JUSTIFICATION: The subject property has been legally used as personal care boarding home with 2 residents since July 17, 2012, without any impact to adjoining properties. The applicant is request approval for only 1 additional resident, for a total of 3 residents, to be boarded at the subject property. No changes to the exterior of the existing residential dwelling will be made. No changes to the driveway located on the subject property will be made. No persons will reside at the dwelling except for the 3 residents. Except during employee shift changes, which occur once every 8 hours, only 1 employee will be located on the property at any one time. No additional parking spaces will be required. All applicable Code requirements will be met. No zoning variances are necessary. All licenses required by the State of Maryland to operate the boarding home will be obtained. All employees will be properly trained. The residential appearance of the subject property will be maintained. The subject property will be in character with the residential neighborhood.

LOT 11
LANDS OF
LYNN A COLES
(9488/449)
(P B 10/98)

LOT 12
0.543 AC.
#408

LOT 3
WDS OF
SROFT NC
(90/25)
B. B/98)



5X5 LANDING
@ 2% MAX.

TRANSIT ON RAIL
SIDEWALK GRAD
EX. LAWN @ 0.5

+/- BEGIN TRANSIT
TO LANDING GRADE
@ < 5% SLOPE

SASSAFRAS COURT
(50' R/W)

DAVID R. CRAIG
HARFORD COUNTY EXECUTIVE

MARY F. CHANCE
DIRECTOR OF ADMINISTRATION



C. PETE GUTWALD
DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

DEPARTMENT OF PLANNING & ZONING

June 25, 2013

STAFF REPORT

BOARD OF APPEALS CASE NO. 5802

APPLICANT/OWNER: 408 Realty LLC
408 Sassafras Court, Bel Air, Maryland 21015

REPRESENTATIVE: John J. Gessner, Esquire
26 South Main Street, Bel Air, Maryland 21015

LOCATION: 408 Sassafras Court
Tax Map: 56 / Grid: 3C / Parcel: 489 / Lot: 12
Election District: First (1)

ACREAGE: 0.54+/- acres

ZONING: R1/Urban Residential District

DATE FILED: June 5, 2013

HEARING DATE: July 17, 2013



APPLICANT'S REQUEST and JUSTIFICATION:

See Attachment 1.

CODE REQUIREMENTS:

The Applicant is requesting a Special Exception pursuant to Section 267-88F(6) of the Harford County Code to permit a Personal Care Boarding Home in the R1/Urban Residential District.

Section 267-88F(6) of the Harford County Code reads:

Preserving Harford's past; promoting Harford's future

MY DIRECT PHONE NUMBER IS (410) 638-3103

- (6) *Personal-care boarding homes. This use may be granted in the AG, RR, R1, R2, R3, R4, RO, VB and VR districts, provided that:*
- (a) *The proposed use shall be located in a single-family detached dwelling.*
 - (b) *The proposed use meets the minimum lot size requirements for a conventional single-family residence in the district where located.*
 - (c) *A maximum density of 1 Boarder per 2,000 square feet of lot area shall be maintained.*
 - (d) *Where an application is for construction of a new dwelling, the building shall be similar in appearance to other single-family dwellings in the neighborhood.*
 - (e) *Provisions of Chapter 199 of the Harford County Code, as amended, must be met.*

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 on the north side of Sassafras Court west of Cypress Drive in the Valley View subdivision. 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 Intensity. The Bel Air South Community Center is located east of the subject property near the intersection of MD Route 924 and Bel Air South Parkway. The Natural Features Map reflects Sensitive Species Project Review Areas and Stream Systems. The 2004 Master Plan designates the property as Low Intensity which is defined as:

Low Intensity - Areas within the Development Envelope where residential development is the primary land use. Density ranges from 1.0 to 3.5 dwelling units per acre. Neighborhood commercial uses such as convenience stores, doctors' offices, and banks are examples of some of the nonresidential uses associated with this designation.

Enclosed with the report are copies of a portion of the 2012 Land Use Map and the Natural Features Map (Attachments 4 and 5).

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Land Use – Existing:

The existing land uses in the area conform to the overall intent of the 2012 Master Plan. There is a diverse mixture of land uses within the area. Residential uses include single family homes, townhouses, and condominiums. Commercial uses include shopping centers, general merchandise, individual retail, restaurants, personal and professional services and commercial amusements. Institutional uses include churches, schools and parks.

The subject property is known as Lot 12 of the Valley View subdivision. The subject property is approximately 0.54+/- acres in size and nearly rectangular in shape. The subject property is currently improved with a single-family ranch style dwelling with an attached carport. The topography of the subject property is gently sloping in the front yard to steeply sloping in the rear yard. The front yard is predominately maintained lawn with existing mature trees and landscaping. The majority of the rear yard is existing mature forest. Enclosed with the report are a topography map, aerial photograph and site photographs (Attachments 6, 7 and 8).

Zoning:

The zoning classifications in the area are consistent with the 2012 Master Plan as well as the existing land uses. Residential zoning includes R1, R2, R3 and R4/Urban Residential Districts. Commercial zoning includes B1/Neighborhood Business District, B2/Community Business District, B3/General Business District and CI/Commercial Industrial. There are also several parcels zoned RO/Residential Office District near the Community Center. AG/Agricultural zoning is located on the west side of Winters Run. The subject property is zoned R1/urban Residential District (Attachment 9).

SUMMARY:

The Applicant is requesting a Special Exception pursuant to Section 267-88F(6) of the Harford County Code to permit a Personal Care Boarding Home in the R1/Urban Residential District.

Section 267-88F(6) of the Harford County Code reads:

- (6) *Personal-care boarding homes. This use may be granted in the AG, RR, R1, R2, R3, R4, RO, VB and VR districts, provided that:*

The subject property is zoned R1/Urban Residential District.

- (a) *The proposed use shall be located in a single-family detached dwelling.*

The personal care boarding home is proposed to be located within an existing single-family dwelling located on the subject property. No residents other than the 3 boarders will reside in the dwelling.

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- (b) *The proposed use meets the minimum lot size requirements for a conventional single-family residence in the district where located.*

The minimum lot size in the R1/Urban Residential District is 20,000 square feet. The subject property is 0.54+/- acres (23,522 ± square feet) in size.

- (c) *A maximum density of 1 Boarder per 2,000 square feet of lot area shall be maintained.*

The Applicant is proposing a 3-bed facility which is below the allowable density for the proposed use on the subject property. The Applicant currently provides care for two boarders in the dwelling.

- (d) *Where an application is for construction of a new dwelling, the building shall be similar in appearance to other single-family dwellings in the neighborhood.*

Not applicable to this request.

- (e) *Provisions of Chapter 199 of the Harford County Code, as amended, must be met.*

The Applicant shall comply with Chapter 199 of the Harford County Code.

Section 267-9I:

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

The proposed personal care boarding facility would be located within an older established residential development within the Bel Air South community. The proposed use would only require the establishment of 2 parking spaces as there will be no residents other than the boarders residing in the dwelling. No changes to the driveway or parking pad are necessary to accommodate the proposal.

- (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 a County owned and maintained road.

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

There should be minimal fiscal impact to the County.

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

The proposal should have no adverse impacts on surrounding properties.

- (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 local Sheriff's Office and the Maryland State Police would provide police protection. The Bel Air Volunteer Fire Department would provide fire protection and emergency services. The existing dwelling is currently serviced by public water and a private septic system. The Harford County Health Department has provided comments stating that they grant preliminary approval for the proposed 3 bed Personal Care Boarding Home subject to several conditions (Attachment 10). The owner/operator would be responsible for choosing a solid waste disposal service.

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

The proposed use is consistent with generally accepted planning principles. No changes to the exterior appearance or residential character of the dwelling are proposed.

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

The institutional uses located in the area would not be impacted by this 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 proposed use will not have an adverse impact on surrounding land uses.

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

There should be no impact to natural features located on the subject property if the Special Exception is granted.

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

Not applicable to this request.

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Conclusion:

The Applicant is proposing to establish a personal care boarding home for 3 residents in an existing dwelling. The Applicant currently provides care for 2 boarders residing in the dwelling. There are no other permanent residents living in the dwelling other than the boarders. No additional parking spaces or changes to the exterior appearance of the dwelling are necessary to accommodate the proposed use.

RECOMMENDATION and or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends approval of the Special Exception subject to the following conditions:

1. The Applicant shall submit detailed plans for review and approval through the Development Advisory Committee (DAC).
2. The Applicant shall obtain all applicable County and State permits to operate the personal care boarding home.
3. The Applicant shall comply with the requirements of Chapter 199 of the Harford County Code.
4. The approval of the Special Exception shall be limited to the Applicant only. The personal care boarding home shall not be transferred to another person or entity.
5. This approval is limited to 3 boarders and no permanent residents other than the boarders shall be permitted to reside in the dwelling.



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

SG/ASM/jf



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