

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

RECEIVED  
 NOV 3 2015  
 HARFORD COUNTY COUNCIL  
 HARFORD COUNTY, MD

Case No. 5856  
 Date Filed 10/29/15  
 Hearing Date \_\_\_\_\_  
 Receipt \_\_\_\_\_  
 Fee \$2500  
 Type Var

**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 5856 MAP 47 TYPE Variance**  
**ELECTION DISTRICT 03 TAX ID 03031438**  
**LOCATION 1901 Fallston Road, Fallston 21047**  
**BY Board of Education of Harford County**  
**Appealed because a variance pursuant to Sec. 267-66F(2)(b) of the Harford County Code to increase the amount of impervious surface within the 100 foot radius of an existing well in an AG District requires approval by the Board.**

**Owner (please print or type)**

Name Board of Education of Harford County Phone Number 410-638-4303

Address 102 South Hickory Avenue Bel Air MD 21014  
*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 \_\_\_\_\_ Phone Number \_\_\_\_\_

Address \_\_\_\_\_  
*Street Number Street City State Zip Code*

**Land Description**

Address and Location of Property 1901 Fallston Road  
Fallston, MD 21047

Subdivision Youth's Benefit Elementary School Lot Number \_\_\_\_\_

Acreage/Lot Size 26.18 acres Election District \_\_\_\_\_ Zoning AG Tax ID # 1303031438

Tax Map No. 47 Grid No. 2E Parcel 228 Water/Sewer: Private  Public \_\_\_\_\_

List ALL structures on property and current use: Youth's Benefit Kindergarten Annex  
Youth's Benefit Primary Classroom Building - Grades 1-3  
Youth's Benefit Intermediate Classroom Building - Grades 4-5

Estimated time required to present case: 30 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? 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: \_\_\_\_\_

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**

We hereby formally request a variance from Harford County Code Article VII District Regulations, 267-77<sup>66</sup> Water Source Protection District, F, Nontransient Noncommunity Water System Protection Area F.2.b, to increase the amount of impervious surface within the 100 foot radius of existing well EXW-1 in order to maintain this existing high volume producing water well for use as a future backup to the two (2) new water wells being installed (NW-1 and NW-2).

**Justification**

Please refer to attached Justfication document, Exhibit A - Existing Conditions Plan and Exhibit B - Composite Plan

*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.)*



October 13, 2015

**To:** Harford County Department of Planning and Zoning  
220 South Main Street  
Bel Air, MD 21014

**RE:** Harford County Board of Appeals Application for Variance Request  
Board of Education of Harford County  
New Youth's Benefit Elementary School  
1901 Fallston Road, Fallston, MD 21047

**Request:**

We hereby formally request a variance from Harford County Code Article VII District Regulations, 267-~~77~~<sup>66</sup> Water Source Protection District, F, Nontransient Noncommunity Water System Protection Area F.2.b, to increase the amount of impervious surface within the 100 foot radius of existing well EXW-1 in order to maintain this existing high volume producing water well for use as a future backup to the two (2) new water wells being installed (NW-1 and NW-2).

New water well (NW-1) is located on the Harford County Public Schools (HCPS) property and the second well (NW-2) is located on the adjacent Harford County Parks and Recreation (HCPR) property by way of an easement with HCPR.

**Background:**

The 26.18 acre parcel located at 1901 Fallston Road was originally developed as an elementary school site in 1952. There are currently three (3) buildings on site which comprise the Youth's Benefit Elementary School campus. A Kindergarten building was constructed in 1967, the Primary building was constructed in 1952 with additions in 1962, 1965 and 1994 and the Intermediate building which was constructed in 1971. Approximately 1,041 students are being instructed on the campus. The property is located within a Nontransient Noncommunity Water System Protection Area as described in the Harford County, MD District Regulations, Section 267-66 Water Source Protection Districts.

The existing buildings are currently served by two wells (EXW-1 and EXW-2) as indicated on Exhibit A, Existing Conditions Plan.

Through a series of evaluations and studies, Harford County Public Schools has determined that a replacement school facility should be constructed to replace the existing buildings. The new facility will house the educational program within one combined facility. The existing

- The existing well (EXW-1) is sampled and tested quarterly for bacteria and nitrates by Laura M. Myers-Paligo, HCPS Environmental Compliance Coordinator.

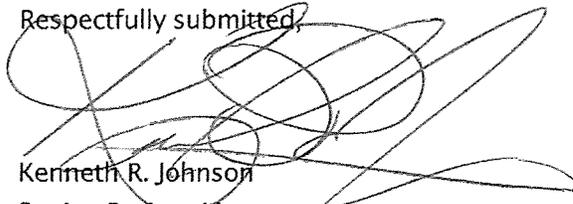
The new elementary school design and construction is being done in compliance with U.S. Green Building Council (USGBC), Leadership in Energy and Environmental Design (LEED) accreditation. The HCPS and their design professionals are pursuing LEED Silver certification for the project. Even though there is an increase in impervious area on the site; design features are included to mitigate heat gain, minimize stormwater but maintain quality, provide water efficient landscaping, and many other elements. Through the incorporation of green design into the project, the light green highlighted areas shown on the enclosed Exhibit C (LEED Open Space) will be maintained as meadow management (minimal mowing) and the HCPS has agreed to maintain all designated open space on the property for the life of the building (Exhibit D).

The topographical conditions and/or subject property are unique and, because of same, the literal enforcement of the Zoning Code would result in practical difficulty or unreasonable hardship to the Board; and the variance requested, if granted, would not be substantially detrimental to adjacent properties and will not materially impair the purpose of the Code or the public interest.

#### Exhibits

- List of Adjoining Property Owners
- Exhibit A: Existing Conditions Plan
- Exhibit B: Composite Plan
- Exhibit C: LEED Open Space Plan
- Exhibit D: HCPS Signed Statement

Respectfully submitted,



Kenneth R. Johnson  
Senior Project Manager

xc: file  
Charles Grebe, HCPS  
Christopher Morton, HCPS

**BARRY GLASSMAN**  
HARFORD COUNTY EXECUTIVE

**BILLY BONIFACE**  
DIRECTOR OF ADMINISTRATION



**BRADLEY F. KILLIAN**  
DIRECTOR OF PLANNING & ZONING

January 7, 2016

**STAFF REPORT**

**BOARD OF APPEALS CASE NO. 5856**

APPLICANT/OWNER: Board of Education of Harford County  
102 South Hickory Avenue, Bel Air, MD 21014

LOCATION: 1901 Fallston Road, Fallston, MD 21047  
Tax Map: 47 / Grid: 2E / Parcel: 228  
Election District: Third (3)

ACREAGE: 26.18+/- acres

ZONING: AG/Agricultural District

DATE FILED: October 29, 2015

HEARING DATE: January 20, 2016

**APPLICANT'S REQUEST and JUSTIFICATION:**

Attachment 1.

**CODE REQUIREMENTS:**

The Applicant is requesting a variance pursuant to Section 267-66F(2)(b) of the Harford County Code to increase the amount of impervious surface within the 100-foot radius of an existing well in the AG/Agricultural District.

**Land Use – Master Plan:**

The Applicant's property is located on the north side of MD Route 152 (Fallston Road) approximately 1,500 feet east of Pleasantville Road. A location map and a copy of the Applicant's site plan are enclosed with the report (Attachments 2 and 3).

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Board of Education of Harford County

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The 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 Agricultural Preservation Easements and Districts, Stream Systems and Sensitive Species Project Review Areas. The Rural Village of Upper Crossroads is located to the north of the subject property at the intersection of MD Route 165 and MD Route 152. The site abuts the Fallston Recreation Complex to the east. The subject property is designated as Agricultural which is defined by the 2012 Master Plan as:

*Agricultural – Areas where agriculture is the intended primary land use. Residential development potential is limited and available at a density of 1.0 dwelling unit for every 10 acres. No new commercial or industrial uses are permitted except those 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 Fallston Community Area portion of the 2012 Land Use Map and the Natural Features Map (Attachments 4 and 5).

Land Use – Existing:

The existing land uses in the area generally conform to the overall intent of the 2012 Master Plan. The predominant land use in this area of the County is agriculture and single-family residential dwellings. The area is a mix of older established subdivisions with small lots and newer large lot subdivisions. Commercial uses are generally concentrated at the intersection of Pleasantville and MD Route 152 and the intersection of MD Route 165 and MD Route 152. Commercial uses include a gas station with convenience store, restaurants, a retail greenhouse/nursery, sawmill, and personal and professional services. Institutional uses in the area include churches, schools, a community center, a library, parks and a fire station.

The subject property is approximately 26.18+/- acres in size and is the site of the Youth's Benefit Elementary School. The elementary school was originally constructed in 1952. Currently, there are three buildings on the site which comprise the school's campus. The Primary building was constructed in 1952 with additions constructed in 1962, 1965 and 1994. The Kindergarten building was constructed in 1967. The Intermediate building was constructed in 1971. There are approximately 1,000 students currently enrolled at the elementary school.

In 2014, the Applicant was granted a variance under Case No. 5819 to allow the new school and ancillary uses within the required 40-foot side yard setback for institutional uses. The Applicant received site plan approval for the construction of the new school on September 22, 2014. Construction on the new school and site work has begun with an anticipated completion date of December of 2017. A copy of the Hearing Examiner's decision in Case No. 5819 is enclosed with this report (Attachment 6).

The school campus also includes recreational facilities such as playgrounds, baseball diamonds, and a basketball court. The remainder of the property is maintained lawn with mature

## STAFF REPORT

Board of Appeals Case Number 5856

Board of Education of Harford County

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landscaping and trees with an area of forest on the north side of the site. There is a stream located within the forested area. The topography of the subject property is generally flat to moderately sloping adjacent to the buildings. The topography is steeper on the north side of the property within the forested area.

A copy of the topography map and aerial photograph are enclosed with the report (Attachments 7 and 8).

### Zoning:

The zoning classifications in the area are generally consistent with the 2012 Master Plan as well as the existing land uses. The predominant zoning classifications in the area are AG/Agricultural and RR/Rural Residential Districts. Commercial zoning includes B1/Neighborhood Business District. The subject property and the adjacent Fallston Recreation complex are zoned AG/Agricultural District (Attachment 9).

### SUMMARY:

The Applicant is requesting a variance pursuant to Section 267-66F(2)(b) of the Harford County Code to increase the amount of impervious surface within the 100-foot radius of an existing well in the AG/Agricultural District.

Variations of this nature may be approved by the Board of Appeals pursuant to Section 267-66G of the Harford County Code. The Board may grant a variance from the provisions of this section upon a finding by the Board that the proposed development will not have a significant adverse effect on the water source protection district. Prior to rendering approval, the Board shall request advisory comments from the Director of Planning, the Harford County Health Department, the Department of Public Works and the Maryland Department of the Environment.

The Harford County Board of Education is replacing the existing Youth's Benefit Elementary School with a new facility that will house all of the educational programs within one combined facility. The existing school buildings will remain in operation during the construction of the new facility. The construction is occurring in phases with an anticipated completion date of December 2017. The new campus will provide for improved vehicular and bus circulation as well as safer conditions for students entering the building.

The construction of the new school will require the installation of stormwater management facilities and a new septic system which occupy a considerable area of the subject property. The septic system will also include the construction of a waste water treatment facility. Several acres of land must be dedicated to the construction of these utilities. Therefore, the area where the new school can be constructed is constrained due to the phased construction around the existing facility and the location of the new stormwater management and waste water treatment facilities. Due to these constraints, the new school building could not be designed to avoid an increase in impervious surface within 100-feet of the existing well.

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The requested variance to increase the amount of impervious surface within the 100-foot radius of the existing well will not have an adverse impact on neighboring properties or the intent of the Code. The existing impervious coverage within the 100-ft radius of the existing well is 1,140 square feet, or 3.6%. The proposed impervious coverage within a 100-ft radius of the existing well is 4,565 square feet, or 14.5%. The unique configuration of the property and the location of the existing improvements create the need for the variance. The existing well is a high yield well that produces 30 GPM. The two new wells have a combined yield of 50 GPM. Therefore, it would be beneficial to retain the existing well for use as a backup to the two newly drilled wells. It is also important to note that multiple "dry holes" were encountered when drilling for new wells, making the existing well a known reliable backup.

The Harford County Health Department has provided a memo supporting the request. The Health Department believes that the proposed minor increase in impervious surface would not negatively impact water quality or recharge of the well. In addition, the grading of the site will direct water away from the well and into newly constructed stormwater management facilities for treatment. The Division of Water and Sewer also does not have any objections to the request. No comments were received from the Maryland Department of the Environment. Copies of memos from the Health Department and Division of Water and Sewer are attached to this report (Attachments 10 and 11).

**RECOMMENDATION and or SUGGESTED CONDITIONS:**

The Department of Planning and Zoning recommends that the requested variance be approved.



Shane R. Grimm, AICP  
Chief, Long-Range Planning



Anthony S. McClune, AICP  
Chief, Current Planning Division

SG/ASM/jf



# HARFORD COUNTY HEALTH DEPARTMENT

**Public Health**  
Prevent. Promote. Protect.

**Harford County  
Health Department**

Susan C. Kelly, LEHS  
Health Officer  
Russell W. Moy, MD, MPH  
Deputy Health Officer

120 S. Hays Street

P.O. Box 797

Bel Air, Maryland 21014-0797

## MEMORANDUM

**To:** Anthony S. McClune  
Deputy Director of Planning and Zoning  
Harford County Government

**From:** Julie Mackert, MS, LEHS *JM*  
Program Supervisor, PICSWA  
Bureau of Environmental Health

**Through:** Kevin Barnaba, LEHS  
Environmental Health Director  
Bureau of Environmental Health

**Date:** November 16, 2015

**Re:** 1901 Fallston Road  
Fallston, MD 21047  
Map 47, Grid 2E, Parcel 228  
Tax ID # 03-031438

The Harford County Health Department has reviewed the application for Board of Appeals #5856 for the above referenced property. Our office has no objection to allowing a new impervious surface to come within 100 feet of existing well EXW-1. The new wells, NW-1 and NW-2 have a combined yield of 50 GPM. Well EXW-1 has a yield of 30 GPM, which would be beneficial to maintain this existing high volume producing water well for use as a future backup to the two (2) new wells.

It should be noted that there were multiple "dry holes" when attempting to drill new wells on this property and it may be beneficial to keep EXW-1 on this site as a backup supply. In addition, to the high producing yield, the Health Department does not feel that the impervious surface within 100 feet would impact the recharge of well EXW-1 due to the depth and the piedmont conditions of the area.

ATTACHMENT 11

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NOV 18 2015

[www.harfordcountyhealth.com](http://www.harfordcountyhealth.com)

Harford County, Dept. of Planning



**BARRY GLASSMAN**  
HARFORD COUNTY EXECUTIVE

**BILLY BONIFACE**  
DIRECTOR OF ADMINISTRATION



**TIMOTHY F. WHITTIE, P.E.**  
DIRECTOR OF PUBLIC WORKS

Division of Water & Sewer | Administration & Engineering

**MEMORANDUM**

**TO:** Anthony S. McClune  
Chief, Current Planning Division

**FROM:** Darryl W. Ivins  
Civil Engineer III, Water & Sewer Division

**DATE:** November 13, 2015

**RE:** 1901 Fallston Road  
Youth's Benefit Elementary School

The Division of Water & Sewer has reviewed the requested variance by the Board of Education for the Youth's Benefit Elementary School. The proposed facility will not be served by the public water and sewer systems. Our office does not have any objections to the proposed variance.

ATTACHMENT 10

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