

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

RECEIVED  
 HARFORD COUNTY COUNCIL  
 OCT - 7 2016  
 ZONING BOARD OF APPEALS  
 HARFORD COUNTY, MD

Case No. 5872  
 Date Filed 10/7/16  
 Hearing Date \_\_\_\_\_  
 Receipt \_\_\_\_\_  
 Fee 5100.00  
 Type SE

**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 5872 MAP 48 TYPE Special Exception**  
**ELECTION DISTRICT 03 TAX ID 03067483**  
**LOCATION 304 Vale Road, Bel Air 21014**  
**BY Joyce and David Apperson, 539 Rock Spring Road, Bel Air 21014**  
**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 R2 district requires approval by the Board.**

**Owner (please print or type)**

Name Diana Harloe Phone Number 410-638-5100  
 Address 304 Vale Road Bel Air MD 21014  
*Street Number Street City State Zip Code*

Co-Applicant none Phone Number \_\_\_\_\_  
 Address \_\_\_\_\_  
*Street Number Street City State Zip Code*

Contract Purchaser Joyce Apperson and David Apperson Phone Number 410-638-5100  
 Address 539 Rock Spring Road Bel Air MD 21014  
*Street Number Street City State Zip Code*

Attorney/Representative John J. Gessner, Esquire Phone Number 410-638-5100  
Attorney at Law  
 Address 26 South Main Street Bel Air MD 21014  
*Street Number Street City State Zip Code*

**Land Description**

Address and Location of Property 3.24 AC  
304 VALE ROAD  
VALE

Subdivision n/a Lot Number n/a

Acreage/Lot Size 3.240 acres Election District 03 Zoning R2 Tax ID # 03 067483

Tax Map No. 0048 Grid No. 0001F Parcel 0283 Water/Sewer: Private  Public

List ALL structures on property and current use: Single family detached dwelling and detached garage; 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: \_\_\_\_\_

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.

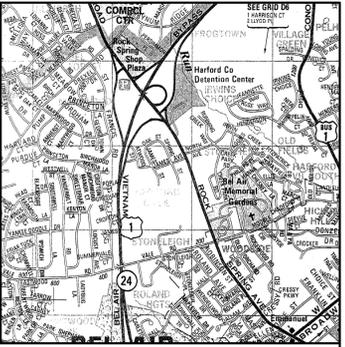
*If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)*

2 : 9/30/16  
2 : 33932  
hf2

ATTACHMENT TO APPLICATION OF DIANA HARLOE, JOYCE APPERSON AND  
DAVID APPERSON

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-2, Urban Residential, as shown on the attached site plan.

JUSTIFICATION: The subject property is currently improved by a single family detached dwelling ("Dwelling") and a detached garage building. The Applicant/contract purchaser is requesting zoning approval to board up to 14 residents in the Dwelling at the subject property. The Applicant is an experienced personal care boarding home operator. No changes to the exterior of the existing Dwelling are proposed. The existing dwelling has a residential appearance which is already compatible with the neighborhood. The existing dwelling is well screened from adjoining properties. All required parking under the Code will be provided. The contract purchasers will reside at the Dwelling and assist the residents. 2 additional individuals will be employed to care for the residents. At least 2 employees will be located on the subject property at all times. All applicable Code requirements will be met. No zoning variances are necessary. All licenses required by the State of Maryland to operate the personal care boarding home will be obtained. All employees will be properly trained and will possess all required licenses and certifications.



COPYRIGHT ADD. THE MAP PEOPLE USED WITH PERMISSION PERMITTED USE NUMBER 2100194

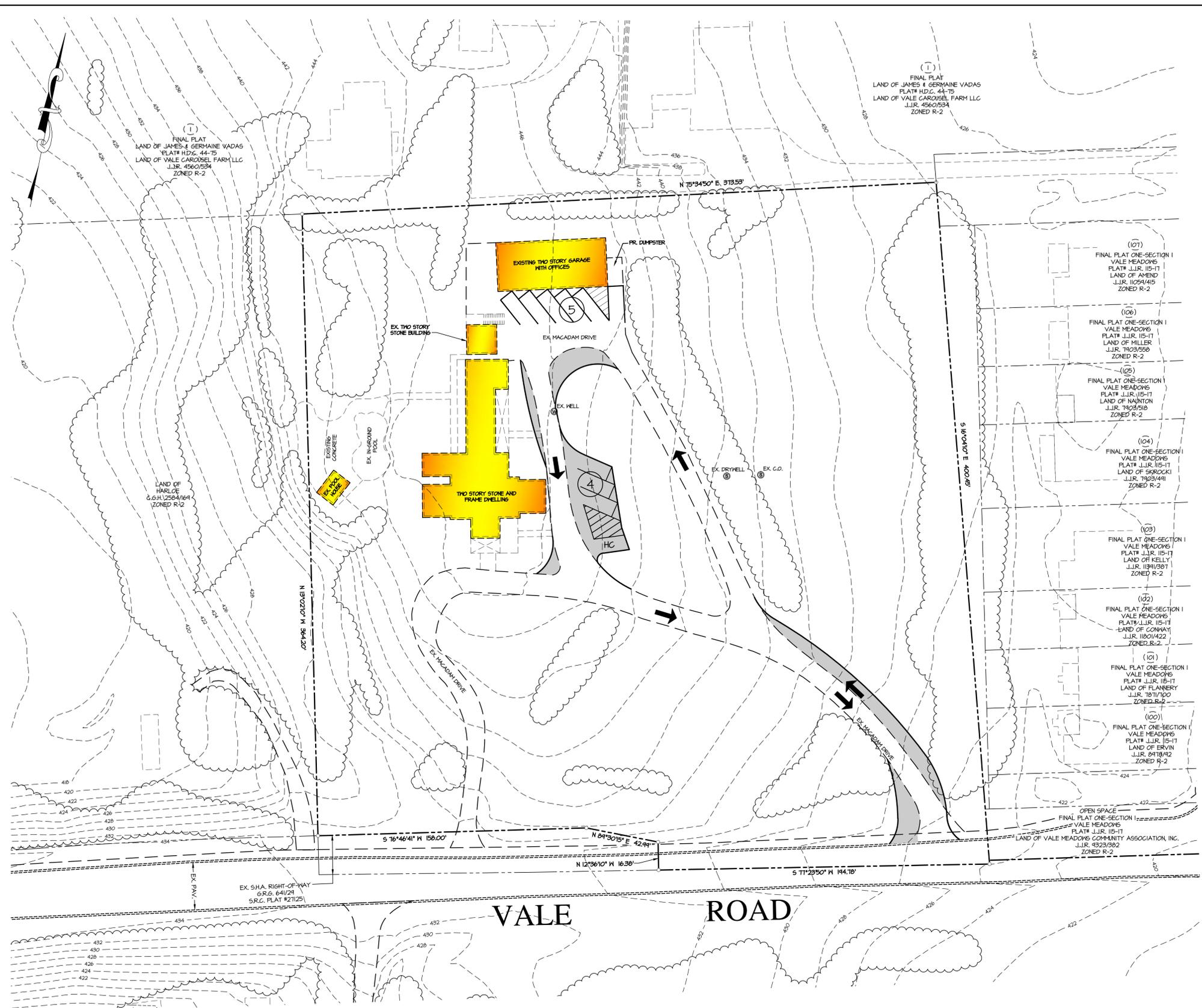
**LOCATION MAP**

SCALE: 1" = 2000'

**SITE DATA**

- OWNER/DEVELOPER: WILLIAM A. HARLOE  
DIANA HARLOE  
304 VALE ROAD  
BEL AIR, MARYLAND 21014
- CONTRACT PURCHASER: VALE ESTATES ASSISTED LIVING  
4142 AMOS ROAD  
WHITE HALL, MARYLAND 21161
- SITE ADDRESS: #304 VALE ROAD, BEL AIR, MARYLAND 21014
- TAX MAP#: 48; PARCEL#: 283; GRID# IF
- CURRENT ZONING: R-2
- DEED REFERENCE: C.G.H. 1351/511
- ELECTION DISTRICT: THIRD
- SITE AREA: 141,334 SQ. FT./3.24 AC.±
- EXISTING USE: RESIDENTIAL
- PROPOSED USE: PERSONAL CARE BOARDING HOME
- BOARDING REQUIREMENTS: 1 BOARDER PER 2,000 SQ. FT. OF LOT AREA  
141,334 SQ. FT. / 2,000 SQ. FT. = 70.66 OR 70 BOARDERS PERMITTED  
PROPOSED BOARDERS UNDER THIS PLAN: 14
- PROPOSED PARKING: **REQUIRED:** 1 PARKING SPACE PER 4 BEDS PLUS 1 SPACE PER EMPLOYEE AT LARGEST SHIFT  
14 BEDS / 4 = 3.5 OR 4 PARKING SPACES  
NUMBER OF EMPLOYEES AT LARGEST SHIFT: 4 OR 4 PARKING SPACES  
8 PARKING SPACES REQUIRED  
**PROPOSED:** 4 PARKING SPACES
- BUILDING SETBACK: FRONT: 35'  
SIDE: 10'-TOTAL OF 35'  
REAR: 40'
- NO PORTION OF THIS SITE IS WITHIN 100 YEAR FLOOD PLAIN BASED ON F.I.R.M. #2402500161 E DATED 4/19/2016.
- THIS SITE IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- THERE ARE NO KNOWN HISTORIC STRUCTURES OR NON-TIDAL WETLANDS ON THIS SITE.
- THERE ARE NO KNOWN RARE, THREATENED OR ENDANGERED SPECIES ON THIS SITE.
- SITE IS CURRENTLY SERVICED BY A WELL AND SEPTIC SYSTEM.
- BOUNDARY INFORMATION TAKEN FROM METES AND BOUNDS DESCRIPTION IN C.G.H. 1351/512 AND A LOCATION DRAWING AND BOUNDARY SURVEY CONDUCTED BY FREDERICK WARD ASSOCIATES, INC. DATED TITLES.
- TOPOGRAPHICAL INFORMATION TAKEN FROM HARFORD COUNTY G.I.S.
- A SPECIAL EXEMPTION IS REQUIRED FOR A PERSONAL CARE BOARDING HOME ON THIS PROPERTY.
- THE TOTAL LAND DISTURBANCE PROPOSED FOR IMPROVEMENTS SHOWN ON THIS PLAN SHALL NOT EXCEED 5000 SQ. FT. THEREFORE, THE DEVELOPMENT WILL REQUEST AN EXEMPTION FROM THE STORM WATER MANAGEMENT AND SEDIMENT AND EROSION CONTROL REGULATIONS.

 DENOTES PARKING AND DRIVEWAY IMPROVEMENTS  
 DENOTES EXISTING BUILDINGS



PLAN TO ACCOMPANY SPECIAL EXCEPTION REQUEST

**#304 VALE ROAD**

TAX MAP #48 - PARCEL #283

THIRD ELECTION DISTRICT HARFORD COUNTY, MARYLAND

REVISIONS		
NO.	DATE	DESCRIPTION

**OWNER**  
WILLIAM A. HARLOE  
DIANA HARLOE  
304 VALE ROAD  
BEL AIR, MARYLAND 21014-2308  
DEED REF.: C.G.H. 1351/511

**DEVELOPER**  
VALE ESTATES ASSISTED LIVING  
4142 AMOS ROAD  
WHITE HALL, MARYLAND 21161

DATE: 10-7-16  
SCALE: 1"=30'  
CHECKED BY: CDC  
DRAWN BY: JSC

**BAY STATE LAND SERVICES**  
Engineers \* Surveyors \* Planners \* Architects \* Geotechnical Testing

P.O. Box 853, Bel Air, Maryland 21014  
2012 Rock Spring Road, Forest Hill, Maryland 21050  
Phone: (410) 879-4747 Fax: (410) 420-3949  
www.baystatelandservices.com

DRAWING NO. **ZE01**  
SHEET 1 OF 1  
BSLS JOB NO. 16073

**BARRY GLASSMAN**  
HARFORD COUNTY EXECUTIVE

**BILLY BONIFACE**  
DIRECTOR OF ADMINISTRATION



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

November 8, 2016



**STAFF REPORT**

**BOARD OF APPEALS CASE NO. 5872**

APPLICANT/OWNER: Diana Harloe  
304 Vale Road, Bel Air, Maryland 21014

CONTRACT PURCHASER: Joyce Apperson and David Apperson (Contract Purchaser)  
539 Rock Spring, Bel Air, Maryland 21014

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

LOCATION: 304 Vale Road  
Tax Map: 48 / Grid: 1F / Parcel: 283 / Lot: N/A  
Election District: Third (03)

ACREAGE: 3.240+/- acres

ZONING: R2/Urban Residential District

DATE FILED: October 07, 2016

HEARING DATE: November 30, 2016

**APPLICANT'S REQUEST and JUSTIFICATION:**

See Attachment 1.

*Maryland's New Center Of Opportunity*

410.638.3103 | 410.879.2000 | TTY Maryland Relay 711 | [www.harfordcountymd.gov](http://www.harfordcountymd.gov)

220 South Main Street, Bel Air, Maryland 21014

THIS DOCUMENT IS AVAILABLE IN ALTERNATIVE FORMAT UPON REQUEST

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Board of Appeals Case Number 5872

Diana Harloe (Joyce Apperson and David Apperson)

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**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 R2/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:*
  - (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) *All applicable State and County laws and regulations are satisfied.*

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 Vale Road, approximately 1,500 feet west of Rock Spring Road (MD Route 24). 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 immediate area are Low and Medium Intensity. The Sensitive Areas Map reflects Sensitive Species Project Review Areas and Stream Systems located to the west. The 2016 Master Plan designates the property as Medium Intensity which is defined as:

***Medium Intensity** – Areas within the Development Envelope where residential development is the primary land use. Development densities shall range from 3.5 to 7.0 dwelling units per acre. Limited commercial uses such as grocery and convenience stores, banks, and professional offices are intended for this designation.*

## STAFF REPORT

Board of Appeals Case Number 5872

Diana Harloe (Joyce Apperson and David Apperson)

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Enclosed with the report are copies of a portion of the 2016 Land Use Map and the Sensitive Areas Map (Attachments 4 and 5).

### Land Use – Existing:

The existing land uses in the area conform to the overall intent of the 2016 Master Plan. There is a diverse mixture of land uses within the surrounding area. Residential uses include single-family homes, townhouses, and condominiums. Commercial uses, located to the east, include shopping centers, individual retail, restaurants and professional services. Institutional uses include churches, schools and parks.

The subject property is approximately 3.24+/- acres in size and rectangular in shape. The property is currently improved with a two story, single-family dwelling, a detached five (5) bay garage and several accessory structures. An in-ground pool is located within a hardscaped terrace to the west of the existing dwelling.

The existing dwelling is a two-story, stone and framed structure totaling 6,798 square feet. The original dwelling was constructed around 1863. A two-story framed addition was added to the west side of the dwelling in 2000. A detached, 15'-0"+/- x 15'-0"+/- stone guest house is located to the north of the dwelling. This structure appears to match the architectural construction method of the primary dwelling. A framed two-story five (5) bay detached garage is located to the northeast of the primary dwelling. All structures have been painted white with black architectural shutters.

The topography of the property is relatively level to the south and east. The property is terraced to the west with moderate sloping to the southwest. The area to the south and east of the existing dwelling is maintained lawn with existing mature trees and landscaping. The majority of the property is buffered with established landscaping and mature evergreen and deciduous trees. The property has frontage along Vale Road. Access to the dwelling is achieved via a paved private loop drive extending north and west. Enclosed with the report are a topography map, aerial photographs and site photographs (Attachments 6, 7A-B and 8A-I).

### Zoning:

The zoning classifications in the area are consistent with the 2016 Master Plan as well as the existing land uses. Residential zoning includes R1, R2, and R3/Urban Residential Districts. Commercial zoning, located adjacent to Rock Spring Road (MD Route 24) includes B1/Neighborhood Business District, B2/Community Business District, and CI/Commercial Industrial. The subject property is zoned R2/urban Residential District. A zoning map is enclosed with this report (Attachment 9).

The town of Bel Air Planning Department has reviewed the application for Board of Appeals Case Number 5872 (304 Vale Road) and has no comment.

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Diana Harloe (Joyce Apperson and David Apperson)

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Zoning History:

The Applicant's property was the subject of a prior Board of Appeals case (Case Number 2498). This request sought a variance to construct a 24'-0" x 42'-0" detached garage with a second floor to be utilized as an apartment. Although the request for the garage was granted, only family members were permitted to occupy the premises. A permit was approved in 1998 to use the garage as offices for a home occupation. The garage does not meet setbacks for a personal care boarding home. Therefore, the garage may only be used as a residential accessory structure for the Apperson's personal storage and vehicle parking.

**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 R2/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 R2/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. The single family dwelling totals 6,798 square feet. The applicants are requesting fourteen (14) boarders to reside in the dwelling.

- (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 R2/Urban Residential District is 10,000 square feet. The subject property is 3.24+/- acres (154,202.40+/- square feet) in size.

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

The Applicant has proposed a 14-bed facility which is below the allowable density for the proposed use on the subject property.

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- (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.*

The existing single family dwelling was constructed in 1800 and totals 6,798 square feet. No additions have been proposed with this request.

- (e) *All applicable State and County laws and regulations are satisfied (Amended by Bill No. 16-007)*

The Applicant shall comply with State and County laws and regulations.

Section 267-9I:

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

The proposed personal care boarding facility would be located adjacent to established residential development including the Vale Meadows and Stoneleigh communities to the east. The proposed use should not adversely affect persons living or working in the area. The proposed use would require a total of eight (8) parking spaces. The applicant has proposed nine (9) parking spaces. This includes five (5) parking spaces to the south of the existing detached garage and four (4) parking spaces located to the east of the existing dwelling.

- (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. Vale Road is designated as an Urban Collector road. The amount of traffic generated by the proposed use should not adversely impact traffic in the area.

- (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.

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

The proposed site is landscaped and buffered and should have no adverse impacts on surrounding properties regarding the above referenced items.

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Diana Harloe (Joyce Apperson and David Apperson)

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- (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 will provide police protection. The Bel Air Volunteer Fire Department would provide fire protection and emergency services. The existing dwelling is currently serviced by a well and private septic system. If permitted, the proposed use shall continue to utilize the existing well for water service and private septic system. 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 adversely 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 should 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 are no sensitive natural features on the property.

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

The proposed use should have no impacts to cultural or historic landmarks.

Conclusion:

The Applicants are proposing to establish a personal care boarding home for fourteen (14) residents within an existing dwelling. The Appersons also plan to reside on the property. The Department of Planning and Zoning has reviewed the site plan submitted with the application. The property is extensively buffered from adjacent development by mature trees and established landscaping. No exterior changes to the existing structures are proposed with this request. The proposed use and required parking areas are located approximately 175-feet north of Vale Road and 250-feet west of the Vale Meadows subdivision. The Applicant(s) proposed personal care

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boarding home will not adversely impact the residential character of the surrounding neighborhoods.

**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 a site plan for review and approval through the Development Advisory Committee (DAC) process.
2. The Applicant shall obtain all applicable County and State permits and approvals to operate the personal care boarding home.
3. The approval of the Special Exception shall be limited to the Applicant(s) only. The personal care boarding home shall not be transferred to another person or entity.
4. The Applicant shall obtain all applicable permits and approvals for the accessory structures, additions and existing pool located on the proposed site.
5. The detached garage may only be used for the Apperson's personal storage and vehicle parking.
6. This approval is limited to fourteen (14) residents.



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Eric L. Vacek  
Planner



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Anthony S. McClune, AICP  
Chief, Current Planning Division

EV/ASM/jf