

BOARD OF APPEALS CASE NO. 4286	*	BEFORE THE
APPLICANT: C. Wayne Caswell	*	ZONING HEARING EXAMINER
REQUEST: Special Exception to	*	OF HARFORD COUNTY
store commercial vehicles in the	*	
Agricultural District; 3515	*	
North Furnace Road, Jarrettsville	*	Hearing Advertised
HEARING DATE: August 5, 1992	*	Aegis: 7/1/92 & 7/8/92
	*	Record: 7/3/92 & 7/10/92

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ZONING HEARING EXAMINER'S DECISION

The Applicant, C. Wayne Caswell, appeared before the Hearing Examiner requesting a Special Exception to Section 267-53(D) of the Harford County Code, to permit the storage of commercial vehicles in an Agricultural District.

The subject parcel is located at 3515 North Furnace Road in the Fourth Election District. The parcel is identified as Parcel No. 151, in Grid 3-F, on Tax Map 31. The parcel contains 14.236 acres, more or less, all of which is zoned Agricultural.

Mr. C. Wayne Caswell appeared and testified that he is requesting a Special Exception to store 2 well drilling vehicles, 2 pick-up trucks, 1 grout truck, 1 service truck and 1 trailer used to haul casing, in a building with dimensions of 56 feet by 104 feet. The witness said that when the vehicles are on the parcel, they will be stored within the enclosed building. The witness said that there is additional vegetation on the parcel which further screens the vehicles. The witness said he has operated the business on the parcel since 1976 without complaints from his neighbors and, therefore, feels that the Special Exception on the subject parcel will not have any greater impact on the neighborhood than a similar Special Exception in a different area. The witness said that he will not conduct sales of equipment on the parcel and that the only vehicles serviced on the parcel are those owned by his business.

Mr. Caswell said he generally starts work at 8:00 a.m. and works until 4:00 p.m., Monday through Friday, and occasionally works on Saturdays.

Case No. 4286 - C. Wayne Caswell

The witness said he has 5 employees, who on occasion report to the subject parcel and on other occasions report directly to the job site.

Mr. Robert Green, 3517 North Furnace Road, appeared and testified that his parcel adjoins the subject parcel and that the vehicles cannot be seen from his property.

Mrs. Dorothy Green, 3517 North Furnace Road, appeared and testified that Mr. Caswell's property is well maintained and that the commercial vehicles are stored in the storage building and are screened.

Ms. Anna Vanik, 3521 North Furnace Road, and testified that the subject parcel is kept clean, the building is screened, and she cannot see the vehicles from her home.

No protestants appeared in opposition to the Applicant's request, and the Staff Report of the Department of Planning and Zoning recommends conditional approval.

CONCLUSION:

The Applicant is requesting a Special Exception to Section 267-53(D)(1) of the Harford County Code, which provides that:

- D. Motor vehicle and related services.
- (1) Commercial vehicle and equipment storage and farm vehicle and equipment sales and service. These uses may be granted in the AG District, and commercial vehicle and equipment storage may be granted in the VB District, provided that:
 - (a) The vehicles and equipment are stored entirely within an enclosed building or are fully screened from view of adjacent residential lots and public roads.
 - (b) The sales and service of construction and industrial equipment may be permitted as an accessory use incidental to the sales and service of farm vehicles and equipment.
 - (c) A minimum parcel area of two (2) acres shall be provided.

Case No. 4286 - C. Wayne Caswell

The testimony of the Applicant, C. Wayne Caswell, was that the vehicles and equipment will be stored in an existing building on the parcel, which has dimensions of 56 feet by 104 feet. The witness said that in addition to the building, there is additional vegetation on the parcel which also screens the operation. The Applicant said he will not conduct sales or service of construction equipment on the parcel, but will do maintenance to equipment owned by his business. The Applicant also testified and the record verifies that the parcel contains 14.236 acres, more or less, and he did not feel that the Special Exception on the subject parcel would have a greater impact in that location than it would at a different location within the County.

It is the recommendation of the Hearing Examiner that the requested Special Exception to store commercial vehicles on the subject parcel be approved, subject to the following conditions:

1. The vehicles be stored in the storage building at all times when located on the parcel.
2. The Applicant obtain a zoning certificate to operate the business on the subject parcel.
3. The Special Exception is for the benefit of the Applicant and should he sell, lease, or otherwise transfer the subject parcel, the new owner or operator shall apply to the Board of Appeals for the necessary relief.

Date SEPTEMBER 3, 1992



L. A. Hinderhofer
Zoning Hearing Examiner