

BOARD OF APPEALS CASE NO. 4414	*	BEFORE THE
APPLICANT: Henry Smedley	*	ZONING HEARING EXAMINER
REQUEST: Special Exception to	*	OF HARFORD COUNTY
permit a golf course and	*	
amendment to Case No. 3657;	*	Hearing Advertised
Gilbert and Maxa Roads, Aberdeen	*	Aegis: 1/12/94 & 1/19/94
HEARING DATE: February 23, 1994	*	Record: 1/14/94 & 1/21/94
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ZONING HEARING EXAMINER'S DECISION

The Applicant, Henry Smedley, is requesting a Special Exception to Section 267-53(A)(2) of the Harford County Code, to permit a golf course, and a modification of Board of Appeals Case No. 3657.

The Applicant, along with various members of his family, own two separate parcels. The first parcel contains 167.766 acres, more or less, and will be hereinafter referred to as the "large parcel". This parcel was previously owned by Frank S. Donohue, Inc, who was granted a Special Exception in Board of Appeals Case No. 3657 to construct a golf course, and a variance to disturb non-tidal wetlands. Five conditions were imposed on the Special Exception and variance. The second parcel which abuts the large parcel contains 20 acres, more or less, hereinafter referred to as the "small parcel", was conveyed by John W. Holcomb and Sandra L. Holcomb, his wife, by deed dated November 15, 1993, to the Applicant herein.

Mr. John L. Wirth, President of Geo Technology Associates, Inc., and Vice President of Morris Ritchie & Associates, Inc., qualified as an expert in the field of civil engineering and land development. Mr. Wirth said that he prepared the Donohue development plan submitted in Board of Appeals Case No. 3657 and, under that plan, the golf course was located among nine, large single-family residential lots ("Locksley Manor"), which are served from Gilbert Road for ingress and egress by Locksley Manor Drive. Locksley Manor Drive runs in a north-south direction.

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The clubhouse, parking, and other golf-related facilities were to be located on the west side and near the end of Locksley Manor Drive, within the residential subdivision. Therefore, access by golfers to those facilities would have been by Locksley Manor Drive through the Locksley Manor subdivision. Mr. Wirth presented "Applicant's Exhibit No. 9", entitled "Locksley Manor Golf Course". The exhibit shows the large parcel and the small parcel together in one comprehensive golf course facility. He pointed out that there were certain structures currently located on the small parcel, including a single-family dwelling, a block and frame barn, and a shed. Mr. Wirth proposed that the single-family residence would be converted into an office and residence for the golf course superintendent, who would also act as caretaker; the block portion of the barn would be converted into a clubhouse, with the remaining portion of the barn being used for carts and other storage; and the shed would be converted into a golf pro shop.

Mr. Wirth described Gilbert Road and concluded it was a collector road, and stated that access to the new club facilities would be in the approximate location of the existing driveway on the small parcel. A change of the entrance from Locksley Manor Drive to the existing driveway would be an improvement in that traffic to and from the club facilities would not go through the Locksley Manor subdivision. Mr. Wirth testified that the Applicant and the County had agreed that the Applicant would make certain improvements to the intersection of Maxa Road and Gilbert Road, to adjust the curve located at the northwest corner of the property, and that such improvements would improve the quality of travel along Gilbert Road.

Mr. Wirth also testified that the traffic generated by the golf course would not be changed or altered by the addition of the small parcel and the uses to be located thereon. He said the golf course would remain very much the same as proposed in the Donohue plan and would not generate additional traffic. He also stated that traffic generated by a golf course is sporadic, that it contains no peak hour due to the fact that play on a golf course is regulated by tee times, which are staggered throughout the day.

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He said that improvements may be required to Gilbert Road adjacent to the small parcel access road in the form of limited acceleration and deceleration lanes to assist traffic flow to and from the small parcel. Mr. Wirth opined the location of the entrance to the small parcel would not result in dangerous traffic conditions or create traffic congestion.

Regarding parking for the golf club, Mr. Wirth stated that parking would be located as shown on "Exhibit No. 9". He said 54 spaces shown thereon meet Code requirements, and that there was sufficient room on the small parcel for additional parking if necessary, and agreed that ground lighting would be used in the parking lot. The witness also said the driving range would be located north of the clubhouse and partially on the small parcel and partially on the large parcel, and that the driving range would not be illuminated.

Mr. Wirth described the 14 acre parcel located to the immediate south of the small parcel and north of the large parcel. He noted that it was primarily wetland and that no dwelling was located on the property. He concluded that it was not an adjacent residential lot to the small parcel, which needed screening under Code Section 267-53(A)(2)(b), because a residential lot is defined in the Code as a lot which abuts another lot and is either within a residential district or is a lot of two acres or less, intended for residential use. Mr. Wirth testified that, in spite of there being no Code requirement to screen that property, the Applicant would provide screening.

Mr. Wirth opined that the addition of the small parcel to the large parcel would not generate any offensive odors, dust, noise, or smoke fumes which would result in an adverse impact on the neighbors or the neighborhood. The golf course shown on "Exhibit No. 9" was a more appropriate design than the prior Donohue plan, and he stated there was sufficient land area on the small parcel and the large parcel for the location of a septic system and septic reserve area to serve the clubhouse, and there was sufficient area for a well to provide potable water.

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He also stated that the non-tidal wetlands located on the property would in no way be adversely affected or changed as a result of the granting of the Special Exception to include the small parcel, and he further stated that the use of the property was compatible with the neighborhood, which presently included an 18-hole golf course and was agricultural/residential in character.

Mr. Henry C. Smedley testified that he has 35 years experience in golf course design, management and operation, and confirmed Mr. Wirth's testimony regarding the location of the buildings and their proposed uses on the small parcel. He said the golf course would be open to the public and was to be developed in two phases, with the first nine holes to be located on the southerly portion of the property, and the second nine holes to be located on the northerly portion of the property. Mr. Smedley said the conversion of the buildings on the small parcel are for uses which are normally accessory to a public or private golf course. He said that the location of the facilities in the center of the golf course, rather than Locksley Manor Drive makes it a far more attractive and comprehensive club. He said that Holes No. 1 and 18 would be adjusted from the Donohue plan and will be made longer and partially located on the small parcel. He indicated that the driving range would be located on both parcels, as shown on "Petitioner's Exhibit No. 9." Mr. Smedley further testified that he had entered into a lease with William Adams, who owns property adjacent to the large parcel and its southerly portion. The lease gives the Applicant ownership rights over approximately 4,000 pine trees, which are currently located on the Adams property. Mr. Smedley said he intends to relocate these trees throughout the golf course and will use them as buffer when necessary and appropriate.

Mr. Smedley went on to testify that the hours of operation for the golf course and driving range would be from dawn to dusk, that the driving range would not be illuminated, and that ground lighting would be used in the parking lot, if acceptable to his insurance carrier.

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Regarding the recommendation in the Department of Planning & Zoning's Staff Report to permit a snack bar but not a full-service restaurant, Mr. Smedley testified he did not wish to have a full-service restaurant; however, he would need more than a snack bar to serve his patrons. He indicated that it is necessary to provide food for golf outings. Golf outings involve group playing a round of golf and then returning to the clubhouse for a meal and socializing and/or ceremonies. Mr. Smedley said that he would like to have a full kitchen for the purpose of serving the patrons of the golf club only, and did not wish to have the clubhouse operate as a full-service restaurant open to the general public. He said he would agree to a condition to that effect.

Mr. Smedley also testified that there would be no major changes as to what uses will occur on the small parcel than would have occurred under the Donohue plan on the large parcel. He said that the quality of golf play would be substantially improved by the proposed configuration of the golf course and club to include the large parcel and small parcel into a 187 acre, 18-hole golf course and club.

Mr. Thomas O'Laughlin, Senior Vice President in charge of Land Development for Morris Ritchie & Associates, Inc., qualified as an expert in the field of land planning. Mr. O'Laughlin stated that he was in charge of planning for the Donohue project and he that he testified in Board of Appeals Case No. 3657. He said that he recalled testifying that the golf course as then designed would not have an adverse impact on the public health or safety and would not have an impact on police, fire, or other services. He further opined that the addition of the small parcel would not affect the conditions of the decision in Case No. 3657, nor would the intensity of the use as shown on the Donohue plan be changed by the addition and use of the small parcel.

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Mr. O'Laughlin said that Mr. Wes Guckert testified as a traffic expert in Case No. 3657, and had found that the level of service on Gilbert Road before and after the development of the golf course to be a level of service "A". Mr. O'Laughlin stated that the level of service on Gilbert Road would not change by the addition of the small parcel, in that the use was not changing in any way, just the location of some of the accessory uses. He concurred with Mr. Wirth regarding his testimony as to no adverse impact and stated that the addition of the small parcel and modification to the Donohue plan would result in a use which was compatible with neighboring properties and the general neighborhood. He felt that there would be no adverse impact on the neighborhood or the property values by the granting of the Special Exception and, in fact, felt there would be less general impact because of the removal of the golf facility traffic from Locksley Manor Drive to the small parcel. He stated that the use of the small parcel was in harmony with the general purpose and intent of the comprehensive plan and that there would be no harm or disturbance to the neighborhood. He stated it was an appropriate location for an addition to a prior approved golf club and opined that there would be no adverse effect on the adjoining or surrounding properties that was unique or different in any kind or degree than that inherently associated with a golf club regardless of its location within any agricultural district.

Mr. James Wagman, the owner of Lot 2 in Locksley Manor, testified that he was not opposed to the Applicant's request. No protestants appeared in opposition to the Applicant's request, and the Staff Report recommends conditional approval.

CONCLUSION:

The Applicant, along with members of his family, purchased property previously owned by Frank S. Donohue, Inc., which was granted a Special Exception and variance to construct and operate a golf course in Board of Appeals Case No. 3657. The Applicant and his wife have acquired an additional 20 acres, which they propose to incorporate into the previously approved golf course.

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Therefore, the Applicant is requesting a Special Exception for use of the small parcel as part of the golf course, and a modification or amendment to permit a change in the golf course design by incorporating the smaller parcel into the large parcel and to permit relocation of the golf course facilities and several holes from the large parcel to the small parcel.

Section 267-53(A)(2) allows country club, golf clubs, tennis and swim clubs as Special Exceptions and provides:

"These uses may be granted in the AG, R, RR, R1, R2, R3, and R4 Districts, provided that:

- (a) In the urban residential districts, such facilities shall be a part of a conventional development with open space (COS) or a planned residential development (PRD).
- (b) A buffer yard at least fifteen (15) feet wide shall be provided along any boundary with an adjacent residential lot and along any public road."

The Applicant's predecessor in title met all required conditions as set forth in the testimony of Mr. Wirth and, by prior findings in Board of Appeals Case No. 3657. It is clear from the testimony of Messrs. Wirth, Smedley and O'Laughlin that the proposed use of the small parcel as part of the golf course would not adversely affect the public health, safety or general welfare, nor would it result in any dangerous traffic conditions or jeopardize the lives and property of people living in the neighborhood. Mr. Wirth further testified that the use of the small parcel as part of the golf course would be compatible with the neighborhood and the golf course would not create odors, dust, gas, fumes, etc., upon surrounding properties. He stated that there was adequate room for private water and sewer facilities on the small parcel to serve the proposed golf course facility.

The Staff Report supported the Applicant's request for the Special Exception and modification, and there was no testimony which would indicate any adverse impact would result from the request.

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Section 267- (B) requires that a substantial modification of the approved site plan shall require further Board of Appeals approval. The Donohue plan approved in Case No. 3657 has been amended to partially change the location of holes nos. 1 and 18 on the golf course. The Applicant also proposes the movement of the club house and other golf facilities from the Locksley Manor Drive location to the small parcel and combining the small and large parcel into one golf facility.

The Board of Appeals has the power to approve a modification of a prior site plan as long as no adverse impact result. It is clear from the testimony of the witnesses that no adverse impact will result and, in fact, the plans as set forth on Applicant's Exhibit No. 9 is a plan which will benefit the use of the golf club and the owners of Locksley Manor residential lots and the neighborhood in general.

Therefore, it is the recommendation of the Hearing Examiner that the requested Special Exception for the small parcel to be used as a portion of the Locksley Manor Golf Course and plans submitted as Exhibit No. 9 be approved as a modification to the original Donohue plan in Case No. 3657.

The approval shall be subject to the following conditions:

1. The Applicant obtain all necessary permits for alterations to the existing structures, grading permits for the parking area, putting green, driving range, and the two holes which overlap on the subject property, and access permits for the entrance onto Gilbert Road.
2. The revised site plan shall be subject to review through the Development Advisory Committee (DAC) and approval by the Department of Planning and Zoning.
3. The approval includes the establishment of a snack bar, accessory sales of golfing supplies and clothing only. This approval does not include a full-service restaurant and sporting goods store; however, the Applicant may incorporate a full-service kitchen to provide food for patrons of the golf course.

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4. Illumination around the parking lots, buildings, etc. shall be limited to ground lighting unless the Applicant is unable to obtain liability insurance on the project with ground lighting only.

Date March 24, 1994

L. A. Hinderhofer  
L. A. Hinderhofer *ds*  
Zoning Hearing Examiner