

APPLICANT:
Steven Bloyd

REQUEST: Special exception to permit
a personal care boarding home in the
Agricultural District

HEARING DATE: February 3, 2016

BEFORE THE
ZONING HEARING EXAMINER
FOR HARFORD COUNTY
BOARD OF APPEALS
Case No. 5861

ZONING HEARING EXAMINER'S DECISION

APPLICANT: Steven Bloyd

LOCATION: 46 Davis Road, Street
Tax Map: 17 / Grid: 3B / Parcel: 284 / Lot: 4
Fifth (5th) Election District

ZONING: AG / Agricultural District

REQUEST: A special exception, pursuant to Section 267-88F(6), of the Harford County Code, to permit a personal care boarding home in the Agricultural District.

TESTIMONY AND EVIDENCE OF RECORD:

The Applicant, Steven Bloyd, testified in support of his application for a special exception. The Applicant testified he is a Pastor with a 100 member church. He has been a minister for 25 years and a pastor for 24 years. He is seeking a special exception to construct a personal care boarding home in the Agricultural District. The boarding home will house no more than 16 residents. He anticipates the residents will be from within a 10 - 15 mile radius of the home. The property sits on 3.44 acres and is zoned Agricultural. He has owned the property for 16 years and owns two other adjacent lots that are wooded and vacant.

The Applicant testified that he appeared before the Board of Appeals in 2011 and requested a special exception in Case No. 5743 which was approved. He obtained a one-year extension but the special exception expired December 7, 2015. He was unable to move forward because of a financial issue, as it was difficult to obtain financing with the state of the economy.

The Applicant testified to the site plan (Applicant's Exhibit No. 3). He testified it is the same site plan he relied upon in the prior Board of Appeals Case No. 5743 in 2011. The Applicant testified he obtained all the approvals from the Department of Planning and Zoning, the Department of Public Works and the Health Department. He understands he needs to start the process over and obtain all new approvals.

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The Applicant testified with reference to Exhibit No. 5, an aerial photograph of the property and the area. He said the area is primarily rural and mostly agricultural, with large parcels and dwellings. On the west side of the property, there is a farm and to the east are wooded parcels with two dwellings. As previously referenced, the Applicant owns property to the north and south of the proposed personal care boarding home.

Also accepted into evidence was Exhibit No. 1 (Board of Appeals application) and Exhibit No. 7 (Department of Planning and Zoning Staff Report and attachments).

The Applicant also testified to various site photographs, marked and accepted into evidence as Exhibit No. 6. The Applicant identified Exhibit 6-A which is a southern view photo from his porch. Exhibit No. 6-B is a front view from his house and Exhibit 6-C is a side view of his house. He described the home as a 20 year old Colonial. Exhibit No. 6-D shows an existing sunroom.

The Applicant's plan is to add one story on the back of the home, next to the sunroom. On the west side, he plans to add a two-story addition with private rooms and bathrooms. When the addition is completed, he will be able to house no more than 16 residents.

The planned entrance will be off Davis Road on the existing driveway. He said there will be no disturbance to the Natural Resource District on the property. (See site Applicant's Exhibit No. 6).

The Applicant then testified with respect to the requirements of Section 267-88F(6) of the Harford County Code to permit a personal care boarding home in the AG/Agricultural District. The Applicant said that the proposed personal care boarding home would be located in a single-family home. He can also meet the 2.0 acre requirement as his property is 3.44 acres. The Applicant proposes 16 beds and this is below the maximum density requirement of 1 boarder per 2,000 square feet of lot area. The proposed addition to home will be similar to the current home which is Colonial style. The Applicant's intent is to make the addition harmonious with the current structure. There will be wood siding and it will be architecturally compatible with the color of the current home. The Applicant will also take all necessary steps to obtain the appropriate approval of all other agencies as required, including but not limited to the Harford County Health Department, the Office on Aging, the Department of Inspections, Licenses and Permits, and the State Fire Marshal.

The Applicant next testified to the requirements of Section 267-9I (Limitations, Guides and Standards) of the Harford County Code.

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

The Applicant testified that the proposed personal care boarding home is in a rural area and will have no adverse impact on the County.

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- (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 Applicant testified that the property fronts on a country road, there is adequate site distance at the existing driveway entrance, and there will be no adverse impact.

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

There will be no fiscal impact on the County and the proposed addition is on privately owned property.

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

There will be no adverse impact. The residence is in a quiet area with trees. The property will essentially stay the same.

- (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.*

There will be no impact as the property is on a private well and septic.

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

The Applicant anticipates receiving all approvals from the County and State.

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

There will be no impact on the community or surroundings land uses.

- (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.*

There will be no impact as it is consistent with the Master Plan and will not change the rural nature of the property.

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

There will be no environmental impact.

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

There will be no impact to cultural and historic landmarks.

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The Applicant also reviewed the Staff Report, marked as Applicant's Exhibit No. 7. He specifically reviewed the requirements on page 6 of the Staff Report concerning obtaining a detailed site plan and obtaining approval through the Development Advisory Committee, and obtaining all necessary State and County permits. The Applicant also agrees to comply with Chapter 199 of the Harford County Code and limit the number of residents to 16.

On cross-examination by People's Counsel, the Applicant testified that the property will only house the elderly. There will not be any residents dealing with addiction issues. The Applicant also confirmed that the addition will be harmonious with the current structure and will be brick and wood to tie the addition into the home. The current site plan is accurate as he intends to move forward with the property. His intent is to make the additions maintain the character of the structure as a single-family home. He wants the property to look like a home and not an institution. There will only be 16 residents. There will be a staff with three shifts. There will be 12 parking spots and he meets the minimum requirement.

Next testified Anthony McClune, Chief of Current Planning Division for the Department of Planning and Zoning. Mr. McClune testified that he reviewed the application, visited the property and also reviewed the surrounding neighborhood. The property is designated in an Agricultural District, pursuant to the 2004 Land Use Plan. The subject property is 3.44 acres and is one of three lots in a subdivision the Applicant owns.

Mr. McClune referenced Harford County Code Section 267-88F(6) and testified the Applicant meets or exceeds all the requirements. He specifically noted that the number of the residents is well below the density allowance. The proposed additions will match the rest of the existing dwelling. He noted that the Applicant will need to obtain the specific licensing and operation requirements, as referenced in Section 267-88F(6)(e) and Chapter 199 of the Harford County Code.

Mr. McClune also referenced Section 267-9I of the Harford County Code, and noted that the Applicant's proposal meets or exceeds all of those requirements. Mr. McClune subsequently testified to all of the requirements and referenced the Staff Report (Exhibit No. 7).

Mr. McClune indicated that there are four conditions for the proposed special exception. The Applicant must submit a detailed site plan to be reviewed and approved through the Development Advisory Committee, and must also obtain all necessary State and County permits to construct the addition and operate the personal care boarding home.

On cross by People's Counsel, Brian Young, Mr. McClune, testified that the original approval for a special exception was valid for three years and a one-time extension. The Applicant was given a one-year extension and it expired December 7, 2015. There was no legal way the special exception could then be extended. The site plan had been approved but then expired.

No other testimony or evidence was submitted, and there was no testimony or evidence given in opposition to the Applicant's request for a special exception.

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APPLICABLE LAW:

The Applicant is requesting a special exception, pursuant to Section 267-88F(6) of the Harford County Code which states:

- “(8) *Personal Care Boarding Homes. These uses may be granted in the AG, RR, R, 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 one (1) boarded per two thousand (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.”*

Furthermore, Section 267-9I of the Harford County Code, Limitations, Guides, and Standards, is applicable to this request.

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

The Applicant, Steven Bloyd, intends to operate a personal care boarding home on the subject property, which is located in an AG/Agricultural District. The proposed personal care boarding home will be limited to 16 residents. The Applicant will also construct an addition to an existing, well-maintained and attractive Colonial home. The addition, which is not a condition of the granting of the special exception, will be harmonious with the existing home. The proposal is also within the density requirement of Section 267-88F(6)(c). The Applicant easily meets the requirements of Section 267-88F(6) for a special exception for a personal care boarding home in the Agricultural District.

The Applicant must also meet the requirements of Section 267-9I, “Limitations, Guides and Standards”, of the Harford County Code. The Applicant’s proposal also easily meets all requirements of this Section. The proposal will not have a detrimental impact on the area or to the County, or create any traffic issues. The proposal will be consistent with the area and have no negative fiscal impact on the County or on any need to provide services. The proposal is also consistent with the current area, including the Master Plan. There will be no environmental impact on the surrounding area.

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Having met all the specific and general requirements of the Harford County Code, the use, nevertheless, must be shown to have no greater impact at this location than at another location within the district. While addressed above and for reasons set forth above, it is easily found that the proposed use will have no greater impact here than at some other location within the zone.

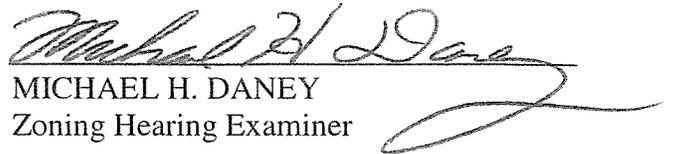
Accordingly, the use as described and as will be conditioned, will have no adverse impact on the neighborhood and certainly no impact greater than that which would normally expect from such a use in the agriculturally zoned district.

CONCLUSION:

It is accordingly recommended that the requested special exception be granted, subject to the following conditions:

1. The Applicant shall submit a detailed site plan to be reviewed and approved through the Development Advisory Committee (DAC).
2. The Applicant shall obtain all necessary State and County permits to construct the additions and operate the personal care boarding home.
3. The Applicant must meet the provisions of Chapter 199 of the Harford County Code, as amended.
4. The number of residents shall be limited to no more than 16.

Date: March 7, 2016


MICHAEL H. DANAY
Zoning Hearing Examiner

Any appeal of this decision must be received by 5:00 p.m. on APRIL 4, 2016.