

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

RECEIVED
 HARFORD COUNTY COUNCIL
 JUN - 4 2019
 ZONING BOARD OF APPEALS
 HARFORD COUNTY, MD

Case No. 5906
 Date Filed 6/24/19
 Hearing Date _____
 Receipt _____
 Fee \$ 400
 Type Special Exception

Shaded areas for Office Use Only

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.

Nature of Request and Section(s) of Code

CASE 5906 MAP 32 TYPE Special Exception
ELECTION DISTRICT 04 TAX ID 04009738
LOCATION 1718 West Jarrettsville Road, Jarrettsville 21084
BY John W. Cairnes
Appealed because a special exception pursuant to
Sec. 267-88C(4) of the Harford County code to operate
a day care center in the VR District requires approval
by the Board.

Owner (please print or type)

Name John W. Cairnes Phone Number 410-557-8080
 Address P.O. Box 158 Jarrettsville MD 21084
Street Number Street City State Zip Code

Co-Applicant Laura Mason Phone Number 443-243-5121
 Address 4758 Carea Rd White Hall MD 21161
Street Number Street City State Zip Code

Contract Purchaser Laura Mason Phone Number 443-243-5121
 Address 4758 Carea Rd White Hall MD 21161
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 1718 W. Jarrettsville Rd
Jarrettsville, MD 21084

Subdivision Jarrettsville Lot Number _____

Acreage/Lot Size 26,250 SF Election District 4 Zoning VR Tax ID # 04009738

Tax Map No. 32 Grid No. B1 Parcel 160 Water/Sewer: Private Public _____

List ALL structures on property and current use: One building, 2 levels,
first floor is currently used as a realty office.

Estimated time required to present case: _____

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: N/A

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.)

Request

It is requested that a Special Exception be granted for the operation of a daycare on the property located at 1718 W Jarrettsville Rd, Jarrettsville, MD 21084 in the VR Zone.

Justification

The operation does meet the requirements of the Specific Standards for Special Exceptions with Harford County Zoning Code for the operation of a daycare as set forth in 267-88C(4):

(1) The minimum parcel area of ½ acre is satisfied as the parcel is 26,899 square feet.

(2) Road access to the facility is from a Major Rural Collector road.

(3) Outdoor play areas that are pursuant to 267-30 (Buffer Yards) shall be established with a fenced perimeter.

(4) The facility that the business will operate within is a previously existing structure that will not be altered.

(5) The operation will adhere to all requirements of the Harford County Zoning Code.

In addition, the operation will comply with requirements of Harford County Development Regulations, Limitations, Guidelines and Standards, 267-9I:

(1) No person will be living on the premises. A list of adjoining properties accompanies the application.

(2) Access to the facility is sufficient for incoming and simultaneously exiting customer vehicle traffic. Visibility at the driveway entrance onto the county road, W Jarrettsville, is unobstructed and well maintained. No dangerous traffic conditions exist, nor will any be created by this zoning request and the resulting business. Peak traffic times for the facility are estimated to be 7am to 8am for the morning and 4:30pm to 5:30pm in the evening. Impacts to county roads will be minimal as customers are expected to be those who live and work in the area. Sidewalks are in good condition and extend from multiple areas of the

parking lots to building entrances. Ample parking is available for employees and customers.

(3) Fiscal impacts will generate revenue and include employment of county residents, resources for employed parents in the county, and growth of the neighborhood and community.

(4) There will be no effects of emissions that would be detrimental to surrounding properties.

(5) Community services are in place and available when needed in the areas of emergency and sanitation.

(6) No additional buildings or structures will be erected. The existing structure is in compliance with architectural regulations as well as environmental maintenance.

(7) There are a mix of residential properties and business operations in the area surrounding the subject location.

(8) The proposed use of the subject location would not cause any dangerous conditions the neighboring areas.

(9) There are no sensitive features that are impacted in the general environment on or surrounding the subject location.

(10) No cultural or Historic Landmarks have been identified that would be impacted as a result of the proposed use.

Zoning Code Requirements

Appeal from Administrative Decision/Interpretation Requirements (Article 267-7A)

- (6) Render a final written determination, within 45 calendar days of the written request, of whether a proposed use is permitted in a particular zoning district, or whether a proposed use is a legal nonconforming use upon written request of any person. The Director of Planning may determine a materially similar use exists, based on the North American Industrial Classification System (NAICS). The final written determination of the Director of Planning shall be subject to appeal to the Board by the applicant within 20 calendar days of the date of the decision.

Variance Requirements (Article 267-11)

- (A) Variances from the provisions or requirements of this Code may be granted if the Board finds that:
 - (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of the Code would result in practical difficulty or unreasonable hardship; and
 - (2) The variance will not be substantially detrimental to adjacent properties, or will not materially impair the purpose of this Code or the public interest.

(The Board may impose such conditions as it deems necessary in each particular case. No variance shall exceed the minimum adjustment necessary to relieve the hardship imposed by literal enforcement of this Code.)

Special Overlay District Requirements (Article 267-62)

(E) Natural Resources District

Variances. The Board may grant a variance to Subsection C or D upon a finding by the Board that the proposed development has been designed to minimize adverse impacts to the Natural Resources District to the greatest extent possible. Prior to rendering approval, the Board shall request advisory comments from the Director of Planning, the Soil Conservation District and the Maryland Department of the Environment.

Chesapeake Bay Critical Area Overlay District (Article 267-63)

- (1) Variances from the provisions of this section may only be granted if, due to special features of a site or other circumstances, implementation of this section or a literal enforcement of its provisions would result in unwarranted hardship to an applicant.
- (2) All applications for variances shall be reviewed by the Director of Planning for conformance with applicable provisions of this section, and a written report shall be provided to the Board of Appeals.
- (3) In granting a variance, the Board shall issue written findings demonstrating that the requested approval complies with each of the following conditions:

- (a) That special conditions or circumstances exist that are peculiar to the land or structure within the County's Critical Area, and a literal enforcement of the Critical Area Program would result in an unwarranted hardship.
 - (b) That a literal interpretation of the provisions of this section will deprive the applicant of rights commonly enjoyed by other properties in similar geographic and land use management areas within the Critical Area.
 - (c) That the granting of a variance will not confer upon the applicant any special privilege that would be denied by this section to other lands or structures within the Critical Area.
 - (d) That the variance request is not based upon conditions or circumstances which are the result of actions by the applicant, nor does the request arise from any condition relating to land or building use, either permitted or nonconforming, on any neighboring property.
 - (e) That the granting of a variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the Critical Area, and the granting of the variance will be in harmony with the purpose and intent of this section.
 - (f) That all identified habitat protection areas on or adjacent to the site have been protected by the proposed development and implementation of either on-site or off-site programs.
 - (g) That the growth allocation for the County will not be exceeded by the granting of the variance.
 - (h) That the variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.
- I. Special exceptions. All projects requiring approval as special exceptions within the Critical Area must meet the standards of this section. The Director of Planning may require such additional information, studies or documentation deemed necessary to ensure that applicable requirements of this district are met. Applications will not be considered complete for processing until all information as required by the Director of Planning has been received.

Change/Extension of Non-Conforming Use Requirements

267-20(3) - When authorized by the Board, one nonconforming use may be substituted for another nonconforming use.

267-21(d) - The Board may authorize the extension or enlargement of a nonconforming use, with or without conditions, provided that:

- (A) The proposed extension or enlargement does not change to a less restricted and more intense use.
- (B) The enlargement or extension does not exceed 50% of the gross square footage in use at the time of the creation of the nonconformity.

Special Exceptions Requirements (Article 267-87)

(a) Special exceptions require the approval of the Board of Appeals in accordance with 267-9 (Board of Appeals). The Board may impose such conditions limitations and restrictions as necessary to preserve harmony with adjacent uses, the purposes of this Code and the public health, safety and welfare.

- (b) A special exception grant or approval shall be limited to the Site Plan approved by the Board. Any substantial modification to the approved Site Plan shall require further Board approval.
- (c) Extension of any use or activity permitted as a special exception shall require further Board approval.
- (d) The Board may require a bond, irrevocable letter of credit or other appropriate guarantee as may be deemed necessary to assure satisfactory performance with regard to all or some of the conditions.
- (e) In the event the development or use is not commenced within 3 years from date of final decision, after all appeals have been exhausted, the approval for the special exception shall be void. In the event of delays, unforeseen at the time of application and approval, the Director of Planning shall have the authority to extend the approval for an additional 12 months or any portion thereof. (See Article 267-88 for specific requirements of Special Exception uses.)

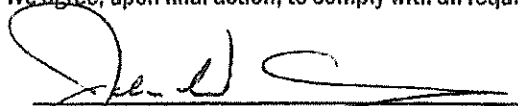
I/We agree to provide additional information as requested by the Department of Planning and Zoning or the Hearing Examiner.

I/We do hereby declare that no officer or employee of Harford County, whether elected or appointed, has received prior hereto or will receive subsequent hereto any monetary or material consideration, any service or thing of value, directly or indirectly, upon more favorable terms than those granted to the public generally in connection with the submission, processing, issuance, grant or aware of the within application or petition.

I/We do solemnly declare and affirm under the penalties of perjury that this petition contains names and addresses of all persons having legal or equitable interest in the property, including shareholders owning more than five percent (5%) of the stock in a corporation having any interest in the property, except those corporations listed and traded on a recognized stock exchange.

I/We do solemnly declare and affirm under the penalties of perjury that the contents of the foregoing affidavit are true and correct to the best of my/our knowledge, information and belief.

I/We agree, upon final action, to comply with all requirements or conditions imposed by the Board.

 5/24/19

 Signature of Owner Date

Witness Date

 5/23/19

 Signature of Co-Applicant Date

Witness Date

Signature of Attorney/Representative Date

Witness Date

 6-4-19

 Director of Planning and Zoning Date

Zoning Staff Date



HARFORD COUNTY GOVERNMENT

Owner Authorization Form

By signing hereunder, I authorize the below-identified person, as my authorized agent, to make application for, and act on my behalf in the administration and implementation of, any or all of the following permits, plans, or approvals (check all that apply) for the property that I own at

Address 1718 W Jarrettsville Rd, Jarrettsville, MD 21084

Work Description Operation of a daycare

- Building permit/Zoning certificate
- Demo Permit
- Standard Sediment and Erosion Control Plan Grading permit
- Standard Storm Water Management Plan Forest Harvest Permit
- Health Dept. Commercial Building Permit Questionnaire
- Stormwater Management Permit

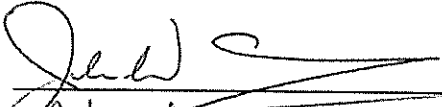
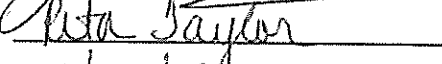
By signing hereunder, I understand that, as the property owner, I am responsible for any and all work that will result from the issuance of any permit, approval, order or notice of violation issued as a result of an application or request for approval submitted on my behalf by the authorized agent I have named below. I furthermore understand that I will be responsible for the payment of any charges or fees, including review fees, inspection fees, water and sewer hook-up charges, fines or penalties, that result from an application or request for approval submitted by my authorized agent. I also understand that all work performed on my property, whether by me or by anyone else, must comply with all applicable local, state or federal laws, codes, rules or regulations, whether or not specified in a permit, plan or approval.

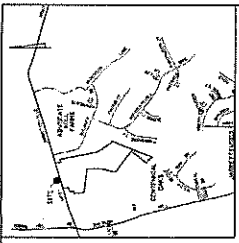
	Authorized Agent/Applicant	Owner
Printed/typed name:	<u>Laura L. Mason</u>	<u>John W. Cairnes</u>
Title (if applicable):	<u>Business Owner / Leasee of above address</u>	<u>Property Owner</u>
Address:	<u>4758 Carea Rd</u> <u>White Hall, MD 21161</u>	<u>P.O. Box 158</u> <u>Jarrettsville, MD 21084</u>
Telephone number:	<u>443-243-5121</u>	<u>410-557-8080</u>
E-mail address:	<u>tlcschooldaycare@gmail.com</u>	<u>johncairnes@verizon.net</u>

Signature:

Witness:

Date:

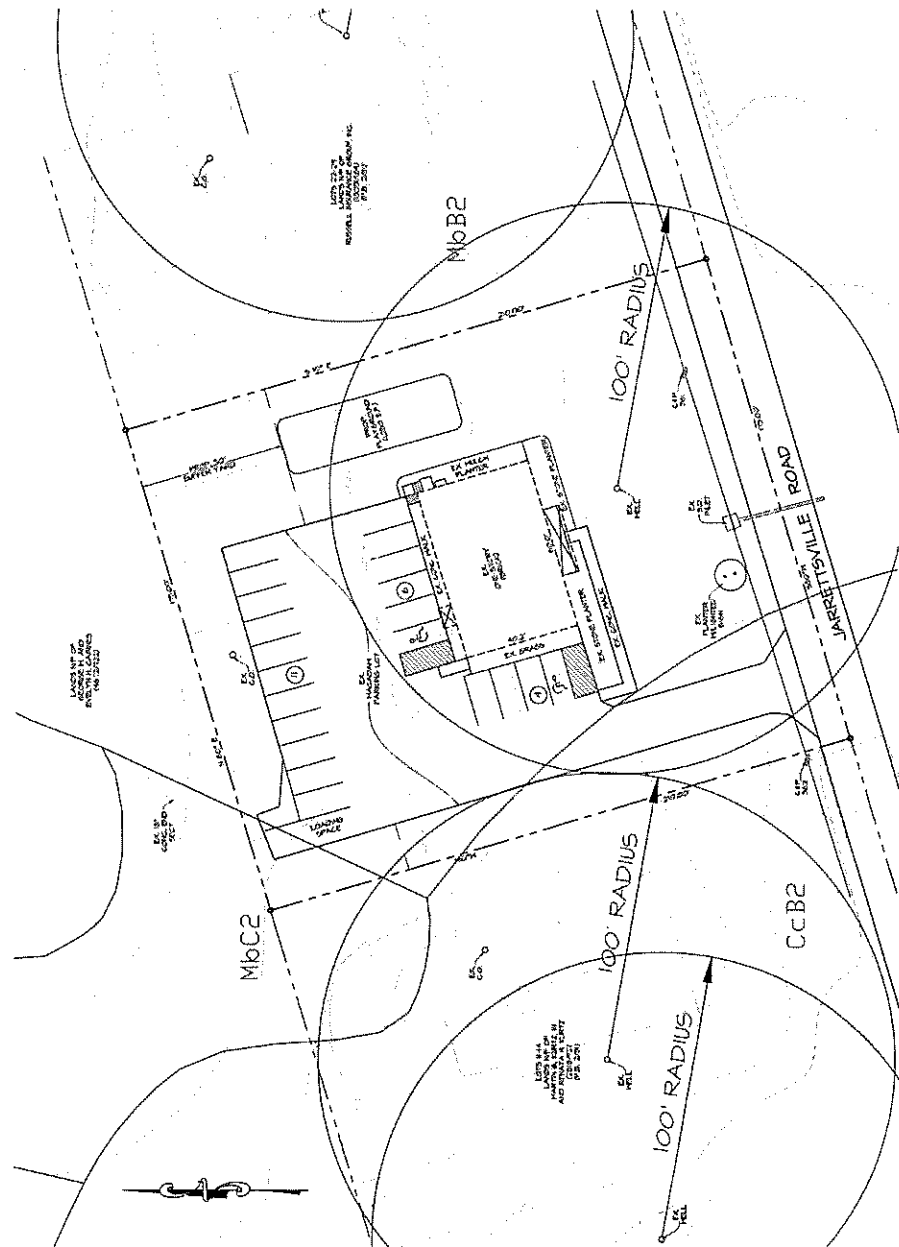


5/23/19



VICINITY MAP
SCALE 1" = 2500'

GENERAL NOTES:

- 1 OWNER: EVELYN HESS CAIRNES
1400 N. JARRETTVILLE ROAD
HARTLAND, MARYLAND 20634-0500
- 2 DEVELOPER: TLC PRESCHOOL AND DAYCARE, LLC
1200 VANDERBILT AVENUE
BETHESDA, MARYLAND 20814
- 3 ZONING: VC
- 4 DAYCARE FACILITY
EMPLOYEES: 1
HOURS OF OPERATION: 6 AM TO 6 PM
MAX. NO. OF CHILDREN: 50
MAX. NO. OF FULL-TIME EMPLOYEES: 2
HOURS OF OPERATION: 8 AM TO 5 PM
- 5 PARKING SPACES REQUIRED - 1 TRUCK & DAYCARE FACILITY - 5 SPACES
PARKING SPACES REQUIRED REAL ESTATE OFFICE - 11 PER 200 SF - 6 SPACES
PARKING SPACES PROVIDED - 3 (INCLUDES 2 IC)
- 6 LOADING SPACES PROVIDED - 1
- 7 TAX MAP NO. 22 PARCELS 160 AND 64
TAX ID NO. 04-C00225
- 8 DEED REFERENCE: 13202/64
- 9 EXISTING LAND USE: REAL ESTATE OFFICE
- 10 PROPOSED LAND USE: REAL ESTATE OFFICE AND DAYCARE FACILITY
- 11 AREA TABULATION
TOTAL AREA OF SITE - 0.244 AC. OR 36,700 SF.
- 12 AREA CALCULATIONS
PERCENT OF IMPERVIOUS SURFACE
EXISTING IMPROVED IMPERVIOUS - 0.0291 (87,000 SF) = 0.17%
- PROPOSED IMPROVED IMPERVIOUS COVERAGE - 2,400 SF OR 700 SF = 0.24%
- DAYCARE FACILITY (ADPH LINE) - 1,000 SF
REAL ESTATE OFFICE (SPRINT LINE) - 1,200 SF
UTILITY ROOM - 200 SF



Wilson Deegan & Associates, Inc.
SURVEYORS & ENGINEERS
1218 Madison Mill Road
HARTLAND, MARYLAND 20634
PHONE: (410) 882-0094

DATE: 4/23/04
SCALE: 1" = 20'
JOB NO.: 0405
SHEET: 1 of 1
DRAWN/DESIGNED BY: MHESTER
CHECKED BY: RFA

SITE PLAN
TLC PRESCHOOL AND DAYCARE
LOTS 15-21
BROWNS ADDITION
(PB 202)
LANDS OF
EVELYN HESS CAIRNES
1400 N. JARRETTVILLE ROAD
HARTLAND COUNTY, MARYLAND
FOUR ELECTION DISTRICTS

NO.	DATE	DESCRIPTION	BY