

**MINUTES  
BOARD OF APPEALS  
August 28, 2018**

The regular meeting of the Board of Appeals was called to order at 7:00 p.m. on Tuesday, August 28, 2018 at Town Hall, 39 N. Hickory Avenue, Bel Air, Maryland.

**MEMBERS PRESENT:** Gregory Adolph, Chair  
Phil Hosmer, Vice Chair  
Rick Gerety

**IN ATTENDANCE:** Robert Syphard, Senior Planner  
Charles Keenan, Town Counsel  
Brenda Hiob, Court Reporter  
Catherine Butrim, Recording Secretary

**ADMINISTRATIVE MATTERS:**

Approval of Minutes – February 28, 2017 & June 26, 2018

Mr. Gerety moved and Mr. Adolph seconded the motion to approve the minutes of the February 28, 2017 meeting.

Ayes: Mr. Gerety, Mr. Hosmer, and Chair Adolph

Nays: none

The motion carried.

Mr. Hosmer moved and Mr. Gerety seconded the motion to approve the minutes of the June 26, 2018 meeting.

Ayes: Mr. Gerety, Mr. Hosmer and Chair Adolph

Nays: none

The motion carried.

**NEW BUSINESS:**

The request of Harry J. Plack and Mary C. Plack for a Special Exception to convert the R-2 Transition Overlay District property located at 603 N. Hickory Avenue from Residential to Professional Office use pursuant to Article IV, Chapter 165-36 & 37 of the Town Development Regulations

Mr. Syphard stated that the Staff Report dated August 21, 2018 has been presented to the members. Mr. Syphard stated that the applicants are the owners of the property located at 603 N. Hickory Avenue and are requesting a Special Exception from the Board of Appeals to convert

the residential unit for professional office use. There are no plans to alter or expand the footprint of the existing dwelling. Residential conversions in the Transition Overlay District require on-site parking sufficient to accommodate the proposed use. Plans provided by the applicants indicate office use will be limited to the first floor of the building. As with any Special Exception, the Board of Appeals must find that the proposed conversion would not adversely impact surrounding properties.

Bradley Stover, Esquire, stated that he is representing Mr. & Mrs. Plack, who are present this evening; and Dudley Campbell, principal of Bay State Land Services, is present this evening. Mr. Stover stated that Mr. Campbell prepared the site plan and will offer testimony this evening.

Mr. Plack and Mr. Campbell were sworn in by Ms. Hiob.

Mr. Stover stated that Mr. & Mrs. Plack did obtain the title to the property in June of this year. He stated that Mr. Plack intends to keep the existing character of the property intact and that Mr. Plack currently operates his accounting business in downtown Bel Air.

Mr. Stover called on Mr. Campbell to testify.

Mr. Stover inquired if Mr. Campbell is familiar with the property that is the subject of this application and if Mr. Campbell has visited the property.

Mr. Campbell testified that he is familiar with the property and that he has visited the property today.

Mr. Campbell testified that he has prepared the site plan that has been submitted with this application.

Mr. Stover inquired if Mr. Campbell understands that the applicant is seeking to convert the property to professional office use in the Transition Overlay District and if Mr. Campbell has made himself familiar with the Town codes, specifically 165-36 & 37.

Mr. Campbell testified in the affirmative.

Mr. Stover inquired about the size of the parcel.

Mr. Campbell testified that the parcel is 30,000 sq. ft. or 0.689 acres and that the zoning is the R-2 Transition Overlay District.

Mr. Stover inquired about some of the uses on the adjacent properties.

Mr. Campbell testified that a residential use is on the north quadrant, the American Legion is located to the south on Crocker Street, across the way are apartments and assorted

office uses. He testified that entrance to the subject property is via Crocker Street, directly opposite to the first entrance to the American Legion.

Mr. Stover inquired about the existing trees and vegetation on the site.

Mr. Campbell testified that a 60” poplar and a 48” maple exist on the site, and three 48” maples and a 24” maple also comprise the vegetation on the site.

Mr. Stover inquired if the property is serviced by public water and sewer.

Mr. Campbell testified in the affirmative.

Mr. Stover inquired about the driveway to access the property.

Mr. Campbell testified that they have proposed to install a small gravel parking area with two spaces and a handicapped space close to the use.

Mr. Campbell provided photographs of the site. Photograph #1 depicts the American Legion entrance. Photograph #2 depicts the view east to the property. Photograph #3 depicts the view due east to the adjacent residential property. Photograph #4 depicts the view due north to the adjacent residence.

Mr. Stover inquired if it is Mr. Campbell’s understanding that the applicant does not intend to alter the existing exterior of the subject property.

Mr. Campbell testified that this is his understanding.

Mr. Stover inquired if the building depicted in the photographs is consistent with the existing character of the neighborhood.

Mr. Campbell testified in the affirmative.

Mr. Stover inquired if any additional exterior structures are being contemplated by the applicant.

Mr. Campbell testified that there are none.

Mr. Stover inquired if the trash on the site will be accounted for by the applicant.

Mr. Campbell testified that they have proposed a small trash corral that will be fenced in and utilize trash cans for garbage and recycling rather than a dumpster.

Mr. Stover inquired if the trees and vegetation on the subject property will provide an adequate buffer for the proposed use.

Mr. Campbell testified that, for such a docile use, the trees and vegetation will provide an adequate buffer.

Mr. Stover inquired if the use, with two full-time employees and one part-time employee, will have a substantial traffic impact.

Mr. Campbell testified that there will be no impact whatsoever.

Mr. Stover inquired if the use will have any negative impact on the American Legion.

Mr. Campbell testified that there will be no negative impact whatsoever.

Mr. Stover inquired if Mr. Campbell contemplated additional parking to mitigate any impact on neighboring properties.

Mr. Campbell testified that they proposed on the site plan a gravel parking area for economic purposes, but they could also put in pavers if requested by the Board.

Mr. Stover inquired if Mr. Plack's business will generate any noise, dust, smoke or fumes or have any other adverse impact on the surrounding properties.

Mr. Campbell testified that there will be no adverse impact on surrounding properties.

Mr. Stover inquired if Mr. Campbell believes that the provisions of 165-36 & 37 regarding the Transition Overlay have been satisfied.

Mr. Campbell testified in the affirmative.

Mr. Stover inquired if Mr. Campbell has reviewed the Staff Report and if he agrees that the conditions set forth are appropriate.

Mr. Campbell testified in the affirmative.

Mr. Stover called on Mr. Plack to testify.

Mr. Stover asked Mr. Plack to provide his name and address for the record.

Mr. Plack state that his name is Harry Plack of 2317 Franklins Chance Court, Fallston, Maryland 21047.

Mr. Stover inquire if Mr. Plack and his wife purchased the property located at 603 N. Hickory Avenue in June 2018.

Mr. Plack testified in the affirmative.

Mr. Stover inquired if Mr. Plack intends to operate his accounting business at the subject property.

Mr. Plack testified in the affirmative.

Mr. Stover inquired about the name and nature of the business.

Mr. Plack testified that the business is the Plack Group, which employs himself, one full-time assistant and one part-time assistant. He testified that the business provides accounting

services for other businesses throughout 21 states, and there is on average one client visit at the business per week. The business has operated for approximately 27 years and currently operates at 139 N. Main Street.

Mr. Stover inquired about Mr. Plack's attraction to the subject property.

Mr. Plack testified that he took notice of the property about ten years ago and had enquired about purchasing the property at that time. When the previous owner passed away, Mr. Plack purchased the property.

Mr. Stover inquired if Mr. Plack has any plans to change the exterior character of the subject property.

Mr. Plack testified that there are no plans to change the exterior of the property.

Mr. Stover inquired about any planned improvements to the interior.

Mr. Plack testified that they plan to paint the interior and make small repairs.

Mr. Stover inquired if Mr. Plack intends to use only the first floor for professional office use.

Mr. Plack testified in the affirmative.

Mr. Stover inquired if any of Mr. Plack's employees drive company or fleet vehicles.

Mr. Plack testified that they do not.

Mr. Stover inquired if there will be any retail sales or walk-ins on the site.

Mr. Plack testified that there will be no retail or walk-ins.

Mr. Stover inquired if there are any plans to make changes to the detached garage.

Mr. Plack testified that denting on the garage will be replaced with comparable materials.

Mr. Stover inquired if there are plans to change the tree canopy.

Mr. Plack testified that there are no plans to change the tree canopy.

Mr. Stover inquired about any plans to add exterior lighting.

Mr. Plack testified that there will be no additional exterior lighting.

Mr. Stover inquired about the hours of operation.

Mr. Plack inquired that the business operates five days per week from 8:30 a.m. – 4:30 p.m.

Mr. Stover inquired if Mr. Plack will provide for trash and recycling removal.

Mr. Plack testified in the affirmative.

Mr. Stover inquired if the business generates much in the way of trash and recycling.

Mr. Plack testified that it does not as they have a business that shreds and removes recycling.

Mr. Stover inquired if Mr. Plack is ready, willing and able to obtain a U&O Permit for the Plack Group.

Mr. Plack testified in the affirmative.

Chair Adolph called for questions from the Board members.

Mr. Gerety inquired if Mr. Plack intends to install any signage.

Mr. Plack stated that he has no plans to install a sign for the business, but they may install a sign depicting the house number.

Mr. Stover inquired if Mr. Plack is seeking to install a sign in the context of this application.

Mr. Plack stated that he is not.

Mr. Gerety inquired if Mr. Plack has any plans for the second floor of the property.

Mr. Plack stated that he and his wife may use the second floor as a bedroom, but he has no plans to rent it out. He stated that the business will operate only on the first floor.

Chair Adolph called for public comments.

David Carey, 615 N. Hickory Avenue, stated that as the next-door neighbor of the subject property, he is in full support of the Special Exception being sought by the applicant. Mr. Carey noted that it is odd that the zoning goes from the R-2 to the R-O at McCormick Lane. Mr. Carey stated that he feels it should go to the R-O at the American Legion.

Hearing no further comments, Chair Adolph closed the public hearing.

Chair Adolph called for discussion among the Board members.

Mr. Gerety inquired if the attractiveness of the location of the gravel parking pad matters to the Board.

Chair Adolph stated that the Board should consider the need to require any additional parking.

Mr. Gerety inquired if they need to have one more parking spot.

Mr. Syphard advised that the Board could determine whether there is a need for it, or the Board could make the condition that the use and occupancy be limited to office space on the first floor for the existing parking to be adequate. If the applicant wants to expand the professional office use to the second floor, they would then be required to obtain approval from the Board of

Appeals, which could then require additional parking spaces. Mr. Syphard advised that this condition could be made specific to this proposed use at this location. Mr. Syphard advised that the employees of the applicant could utilize the existing garage for parking. There would then be sufficient parking for clients. Mr. Syphard also advised that the Board could simply approve the current parking as is.

Chair Adolph advised that he envisioned that approval by the Board of Appeals would pertain only to this business, and that any other business that would occupy this location would need approval from the Board, at which point a decision about additional parking could be rendered again.

Mr. Gerety inquired if additional employees would be hired during tax season in February, March and April.

Mr. Plack stated that his business is small scale, and no additional employees would be hired during tax season.

Mr. Gerety inquired if the applicant wants to add the gravel parking pad to the site.

Mr. Plack stated that they do not want to add the parking pad because there will be no need to add more employees to the business. He stated that if the Board of Appeals required more parking, he would much rather approach the American Legion to rent parking spaces if it would be acceptable to do so. Mr. Plack stated that his vision for the site is to keep it as residential in appearance as possible.

Mr. Gerety stated that the site would look better without the parking pad.

Mr. Keenan advised that the Board could require that the applicant provide additional parking if they were ever to add more employees to the business or if they were to expand the business beyond the first floor.

Mr. Plack stated that his plans are not to subtract from the neighborhood but to add to it, and that they want to be good neighbors. Mr. Plack noted that there are two parking spaces available in the garage, and there is paving on the side of the garage.

Mr. Keenan advised that the Board can state in its findings that there is no need for an additional parking pad if the professional office use is limited to the first floor as the existing parking on the site is adequate.

Mr. Campbell advised that the trash corral and the parking pad were suggested for the site plan by the Planning Department. He respectfully suggested that the two proposed parking gravel

spaces be eliminated and that the two parking spaces in the garage be used to accommodate employee parking on the site, understanding that it would be like “stadium” parking.

Mr. Syphard advised that, with a business of this size, the Board can find it acceptable to count the parking spaces in the garage as employee parking with stacked parking behind the garage.

Mr. Gerety moved to approve the Special Exception request by Harry J. Plack and Mary C. Plack to Article IV, Chapter 165-36 & 37 of the Town of Bel Air Development Regulations to permit the conversion of the residential building in the Transition Overlay District to a professional office use on the property located at 603 N. Hickory Avenue, Bel Air, Maryland 21014. Based on the staff report and testimony provided at the hearing, the Board finds that the proposed conversion would not adversely impact surrounding properties. The Board notes the professional office use will be limited to the first floor of the structure, and the existing parking area on site is adequate to accommodate the proposed use. The Board conditions the approval on completion of all necessary building and site work, and the issuance of a Use and Occupancy Certificate prior to any commercial use of the structure. Further, the Board restricts the placement of any future professional office sign to the Hickory Avenue right-of-way only.

Mr. Hosmer seconded the motion

Ayes: Mr. Gerety, Mr. Hosmer, and Chair Adolph

Nays: None

The motion carried.

**ADJOURNMENT:**

The meeting was adjourned at 7:45 p.m.

