

CITY OF HAVRE DE GRACE
DEPARTMENT OF PLANNING – BEN MARTORANA, P.E., P.P. DIRECTOR
CITIZEN & BUSINESS GUIDE TO THE PERMIT APPLICATION PROCESS

To our citizens and businesses of Havre de Grace ...

We understand that the application process that gets you to the point where you can apply for a building permit for your project can seem difficult to navigate. We are here to help you, and are available to answer any questions you may have. That is the most important point to remember. We will guide you through every step in the process, including applications, fees, permits, hearings, plans, experts, etc. The process starts with the City of Havre de Grace enabling legislation, which provides the general outline for the Permit Application process. For details you can read thorough the Sections of our Code located on the City's web Site at <http://ecode360.com/8366987> .

1. BASIC APPLICATIONS – BUILDING PERMIT ONLY REQUIRED

For many applications, the process only requires one step, which is your application for a building permit. Projects that may be eligible for this process would include the following:

1. Accessory Structures
2. Renovations & Some Additions
3. Signs
4. New construction of dwellings & other occupied structures

If you fall into this category, or if you are very familiar with the process and understand all of the requirements, you may apply directly for a building permit with no other steps. This office is located in the lobby of the Municipal Building at 711 Pennington Avenue. If you need help with this process, we urge you to contact our Planning staff at 410-939-1800, Ext. 1123 or 1102.

2. APPLICATIONS REQUIRING A CONCEPT PLAN

For any project that will include construction of a new roadway, in general the applicant shall submit a Concept Plan to the Director of the Department of Public Works and the Director of Planning (applications that propose a new road plan have other criteria), and shall comply with the Department of

Public Works and Department of Planning's approved Check Lists and Application guidelines, when so authorized. Any Concept Plan reflecting construction of a public or a private road shall reflect a design in accordance with the specifications and requirements of the Harford County Road Code Book II, effective December 2, 2008, (hereinafter "Road Code"). There are two Concept Plan Application Packages & Checklists; one for major development such as that associated with an Annexation and a second for all others. Any variance request from the Road Code shall be made in writing by the applicant for consideration by the Mayor and City Council of Havre de Grace and may only be granted pursuant to a written public works agreement approved by the Mayor and City Council by ordinance. Failure to submit these documents prior to site plan submission will result in the site plan being returned due to the lack of sufficient information.

3. APPLICATIONS REQUIRING APPROVAL OF THE PLANNING COMMISSION

For more complicated projects that require approval of a City Board, the first step is the submission of your Application to the Planning Commission. Projects that require this step followed by application for a Building Permit would include the following:

1. Conditional Uses
2. Variances
3. Site Plans
4. Subdivision Plans

WHAT IS A PLANNING COMMISSION?

The Planning Commission is made up of seven members, one of whom may be a member of the City Council. The powers and duties of the Planning Commission are extensive, and include the review of proposed amendments to the zoning text and map, Comprehensive Plan, review of all applications for variances, conditional uses, special exceptions, and modifications of nonconforming uses and making a recommendation to the Board of Appeals for same, review all appeals from decisions of the Zoning Administrator and report the Commission's findings and recommendations to the Board of Appeals, make final decisions for the approval of Subdivision plats, and review and approve Site Plans

WHY & WHEN DO I NEED TO BE THERE?

In accordance with State Statutes and Local Ordinances, you will be required to obtain the approval of the Planning Commission for certain Site Plans and Subdivisions, as well as for modifications of non-conforming uses, and reviews of actions of the Zoning Administrator.

To help determine when you need to make an application before this Commission we urge you to first contact our Planning Department staff at 410-939-1800, Ext. 1120 to discuss your project and the scheduling of your application before the Planning Commission.

WHAT IS A SITE PLAN?

Site plans shall be required prior to the issuance of any building permit for a building in excess of 5,000 square feet on the ground floor, any project occurring on a site larger than 40,000 square feet regardless

of building size and prior to the approval of subdivision plats for subdivisions in excess of two lots in accordance with the terms and conditions set forth herein. A Site Plan is a map of a proposed land use that shows all required “check list” requirements, including roads, ingress, egress, draining, topography, storm water collection and management, bulkheads, piers, sediment and erosion control, sanitary sewers, pumping stations, site grading, forest conservation, soils, curbing, sidewalks, parking, loading, recreational facilities, signage, lighting, landscaping, and more. See <http://ecode360.com/8369517> of the City’s Code. A site plan is prepared by a licensed Professional Civil Engineer or Licensed Surveyor.

WHO REVIEWS A SITE PLAN?

The Plan is first reviewed by the Havre de Grace Department of Public Works with the assistance of the Planning Department, and is then referred to the Planning Commission for review. ??? If the Site Plan proposes variances from the City’s Ordinances, the applicant must also obtain approval of the Board of Appeals before seeking a building permit.

WHAT IS A SUBDIVISION PLAT?

A subdivision plat is a map of a proposed division of lands, showing existing and proposed lot lines, lot areas, areas dedicated to public use including Right of Ways, common areas, preservation areas, easements, flood zones, Critical Areas, etc. all delineated by metes and bounds survey information. If the Subdivision Plan proposes variances from the City’s Ordinances, the applicant must also obtain approval of the Board of Appeals before seeking a building permit. A plan requesting a variance from the Harford County Road Code may be rejected by the Planning Commission or referred to the Mayor & Council for consideration of the requested variance.

4. APPLICATIONS REQUIRING APPROVAL OF THE BOARD OF APPEALS

If you have made it this far, you have already been before the Planning Commission and received their recommendation at that step. A Building Permit is applied for, then is reviewed by the Planning Department for compliance and to determine the necessary process for approval. To obtain final approval, your application may require relief or a “variance” from certain Land Use regulations of the City, or for “Conditional Uses or Special Exceptions” under the terms of the City Zoning Ordinance. Let’s look at what each of these terms mean, to help you determine if your project requires this step, but first let’s talk about the Board of Appeals.

WHAT IS A BOARD OF APPEALS?

The Board of Appeals is made up of five citizens of Havre de Grace appointed by the Mayor and confirmed by the Council. Under State Law, this Board has the authority to hear and decide appeals where a decision of an Administrative Officer of the City is in dispute, rule on requests for a Special Exception to the terms of an Ordinance, and, most commonly, decide the merits of a request for a Variance from the terms of an Ordinance. The Board may make use of a Hearing Examiner in certain cases.

WHY & WHEN DO I NEED TO BE THERE?

If your project needs approval of a Variance, Conditional Use or Special Exception, you will need the Approval of the Board of Appeals to obtain a Building Permit. The Board of Appeals is a more formal

process that will require a Hearing with you and/or your professional team to provide testimony under oath.

WHAT MUST MY APPLICATION INCLUDE?

It is the applicant's responsibly to meet the burden of proof necessary to meet the standards required for the Board to approve the application, including the preparation and submission of all sketches, plans, reports, expert testimony, etc. If you are at all unsure of how to do this, we urge you to obtain professional representation, since you may be prohibited from filing the same or similar application again for a period of one year. Again, we urge you to contact our Planning Department staff at 410-939-1800, Ext. 1120 to discuss these details along with the scheduling of your application before the Board of Appeals.

WHAT IS A VARIANCE?

A Variance application is required for any project that includes the following, and is the most common type of application heard by the Board of Appeals.

1. A project does not comply with one or more provisions of the City's Ordinances, including the Zoning Ordinance, which can be found at <http://ecode360.com/8370874> on the City's web site. For example, a structure that is too close to the street line, or too high, or that does not have an adequate rear yard are just a few examples that would require the grant of a Variance by the Board of Appeals in order for your permit to be approved. There are many others and we will help you determine exactly what they are.
2. A project that proposes a use or a structure that is prohibited in the Zone District or City wide. For more details, see <http://ecode360.com/8366987> on the City's web site under Section 25-17, Variances and non-conforming uses.

WHAT MUST I PROVE TO RECEIVE A VARIANCE?

In accordance with the City Code as well as Maryland Statutes, you have the burden to prove, through testimony, reports, or plans "that the literal enforcement of the Ordinance would result in practical difficulty or unreasonable hardship, and that the grant of the relief requested would not do substantial injury to the public health, safety and general welfare." In some States these are referred to as the "positive" and "negative" showings.

WHAT IS A CONDITIONAL USE OR SPECIAL EXCEPTION

A Conditional Use is a use that requires compliance with a more detailed and more demanding set of requirements than a regular use. A project that requires approval of a Conditional Use or Special Exception. In many respects these can be the most complicated applications and often require the assistance of a Professional (an Attorney, Engineer, Architect or Planner, for example). We will help you in understanding what you will need to provide in support of your application so that you can consider how best to present that to the Board.

There are many standards that the Board may consider in this review. They are available at <http://ecode360.com/8366987> on the Havre de Grace web site, specifically in Section 25-16, Conditional Uses and Special Exceptions.

HOW DO I GET MY CASE HEARD?

Once you file a permit application the staff will guide you through the process and help you provide all necessary information to make the application complete. The Department of Planning will then set a reasonable date and time for the hearing to begin. Notice of that hearing must be advertised at least once in a designated newspaper. The property which is the subject of the application shall also be posted at least 30 days prior to the hearing. Staff will also guide you through that process. Also, all contiguous property owners must be notified by certified mail. Generally, this will be done by the City, but please check.

WHAT HAPPENS AT THE HEARING?

The Chairman will open the hearing by introducing the matter before the Board, and identify the parties and their representatives. The members of the Board will then listen to the presentation of the Applicant, may cross examine the applicant and their witnesses, may ask questions of the Planning Department staff in attendance, and will hear statements of objections or support for the application. The Board will also hear the recommendations of the Planning Commission. The Board may then discuss the merits of the application and then make a determination in accordance with their Rules of Procedure.

WHEN WILL I LEARN ABOUT THE DECISION?

In many cases, the Board will reach a decision on the record at the time of the hearing. ??? In other cases and in accordance with their Rules, the Board may defer their decision or memorialize the same at a later meeting. ???

FEEDBACK

We hope that you have found this guide useful. We encourage your input to make it even better. If you have a printed copy, we ask that you check the date on the version posted on the City of Havre de Grace web site (www.havredegracemd.com) to make sure you have the latest information, or to simply add the changes to your copy. Thank you for your assistance!

Frequently asked questions (FAQ'S)

Q 1. I want to do paint my home; repair my driveway;

What do I do next?

A 1. STOP! No permits or approvals or necessary. You may start work on your project! Thank you for your efforts and concern in taking good care of your home!

Q 2. I want to construct a new home, or an addition to my home, or a deck that fully complies with all Ordinances;

A 2. Go to Page 1, Item 1.

Q 2. I want to develop a new business in the City, change the use of an existing business, modify or alter the site of an existing business

A 2. Go to Page 2, Item 3.

Q 3. I want to construct a new residential subdivision

A 4. Got to Page 2, Item 3. If your subdivision requires a new road, you will first start with Page 2, Item 2.

Q 4. I'm planning on building a new business, modifying a Site Plan, constructing a new residential subdivision, and my plan will require variances from City Codes.

A4. You will start by going to Page 2, Item 3, and then will continue by going to Page 3, Item 4.

Q 5. The roads in the subdivision I'm planning will not comply with the Harford County Road Code.

A 5. Go to Page 2, Item 3 and see "What is a Site Plan on Page 2, or "What is a Subdivision" on Page 3. Add City Council Review

Have a question that you would like to see added to this list? Give us a call at 410-939-1800.

[NEXT PAGE – GRAPHIC FLOW CHART OF PERMIT PROCESS](#)

Permit Review Process for All Development

