



City of Havre de Grace

711 PENNINGTON AVENUE, HAVRE DE GRACE, MARYLAND 21078
WWW.HAVREDEGRACEMD.COM

410-939-1800

BOARD of APPEALS AGENDA

City Hall Council Chambers

July 6, 2023

6:30 PM

1. Call to Order
2. Roll Call
3. New Business

- a. **BoA No.** 533
Location: 729 Warren Street
Owner/Applicant: Thomas Flynn
Permit No: 2023-0369
Account ID: 06-009589
Description:

To hear a request by the applicant for a Variance for a garage / "storage building" in the Residential Business/RB zoning district. Storage buildings are not an allowed use in the RB zoning district. Garages and other customary accessory structures/uses are allowed under Section [§205-28\(B\)](#) and [\(C\)](#); however, the ordinance clearly states that accessory structures shall not be located in the front yard within the Residential Business/RB Zoning district.

- b. **BoA No.** 534
Location: 1715/1719 Chapel Road
Owner/Applicant: Michele & Mark Ball
Permit No: 2023-0360
Account ID: 06-006108
Description:

To hear a request by the property owner for a Conditional Use within the Residential Business/RB zoning district. The proposed use as an Accessory Dwelling Unit (ADU) / Cottage Dwelling [§205-27D](#) is currently listed as a Conditional Use within the RB zoning district with approval by the Boards of Appeal.

4. Old Business
5. Adjournment

The public is invited to attend and observe the meeting. The meeting may be viewed live by visiting the City of Havre de Grace website at www.havredegracemd.com and click on the City YouTube Videos tab. The video will be available to view immediately following the meeting.

Attorney/Representative _____ Phone Number _____

Mailing Address _____

EMAIL Address _____

Land Description

Address and Location of Property 729 Warren Street Haverly grace Maryland 21078

Subdivision _____ Lot Number _____

Acreage/Lot Size 5,600 sq ft Zoning _____ Tax ID # 06009859

Tax Map No. _____ Grid No. _____ Parcel _____

List ALL structures on property and current use: approx. 8'x8' shed - storage for bikes
+ lawn mower + misc. items

Estimated time required to present case: 30 min - 1 hr

Would approval of this petition violate the covenants and restrictions for your property, if any? Yes _____ No

Is this property located within the County's Chesapeake Bay Critical Area? Yes _____ No _____

Is this property located within a Special Flood Hazard Zone? Yes _____ No _____

If so, what is the Critical Area Land Use designations: _____

Is this request the result of a zoning enforcement investigation? Yes _____ No _____

Request

Permission to install a 18' x 32' storage shed

Justification

Moving out of the country, need to store my personal items
from house to storage shed. Also items of my daughter's house
into storage shed.

**If additional space is needed, attach sheet to application.*

I/We agree to provide additional information as requested by the Department of Planning, Planning Commission or the Board of Appeals.

I/We do hereby declare that no officer or employee of the City of Havre de Grace, 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 Planning Commission and/or Board of Appeals.

Thomas E Flynn 5-18-23
Signature of Owner Date

William B... 5-18-23
Witness Date

William B... 5-18-23
Signature of Co-Applicant Date

Thomas E Flynn 5-18-23
Witness Date

Signature of Attorney/Representative Date

Witness Date

Director of Planning Date

Zoning Staff Date



City of Havre de Grace

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410- 939-1800

June 20, 2023

DEPARTMENT OF PLANNING STAFF REPORT

BOARD OF APPEALS **Case No. 533**

PERMIT NO. 2023 0369

PROJECT: Garage/storage building at 729 Warren Street

APPLICANT/OWNER: Thomas E. Flynn
729 Warren Street
Havre de Grace, Maryland 21078

LOCATION: North side of Warren Street between Juniata and Adams Streets, and
abutting Morrison Lane to the north
Havre de Grace, MD 21078
Tax Map: 601 / Parcel: 0581

AREA: 5,600 +/- square feet

ZONING: RB/Residential Business District

DATE FILED: May 25, 2023

HEARING DATE: July 6, 2023 – Board of Appeals

APPLICANT'S REQUEST:

The applicant is requesting a Variance for a garage/"storage building" in the RB/Residential Business zoning district. Storage buildings are not an allowed use in the RB zoning district. Garages and other customary accessory structures/uses are allowed under Section 205-28(B) and (C); however, the ordinance clearly states that accessory structures shall not be located in the front yard. Due to the location of the main structure located at the rear of the property, the accessory structure would be constructed in the front yard.

LAND USE - EXISTING:

The subject property is located in a single-family residential neighborhood of the city. The 1,440 square foot existing single-family home was constructed in 1935. While the property abuts Morrison Lane, the main entrance to the property is on Warren Street. The entrance to the existing home is on the side of the house and can be accessed through either Warren Street or Morrison Lane. Attached to this report is a Site Plan, 2023 Aerial Photograph and site photos (Attachments 1-3).

ZONING:

The subject property is zoned RB/Residential Business District as shown on the enclosed copy of the Zoning Map (Attachment 4). The zoning in the surrounding area is also RB/Residential Business.

The zoning code in Havre de Grace was adopted in March 1982, almost 50 years after construction of this house. Upon adoption of the code, the existing single-family home at this address became non-conforming. Table I requires all single-family detached dwellings have a 25-foot minimum rear yard setback. The existing structure has no rear yard setback. The zoning code adoption anticipated, that over time, properties would redevelop and conform to the new rules.

Section 205-3 deals with nonconforming uses and expansion of those uses. However, this section does not discuss accessory structures or uses.

PROPOSED USE:

The applicant is requesting an accessory structure be placed in his front yard for storage. While a storage building is not an allowed use, garages and other similar structures are allowed in the RB zoning district as accessory to the main structure.

REVIEW OF APPLICABLE CODE SECTIONS:

Section 205-28 discusses the accessory uses and structures allowed in the RB zoning district. Subsection B and C would allow the applicant's proposed structure. However, the ordinance specifically states, "accessory structures shall not be located in a front yard...". Section 205-13 "Definitions" defines a "yard, front" as "an open space extending the full width of a lot between any part of a main building and the front lot line". Due to the location of the house directly on the rear lot line, any new accessory structures would be located in the front yard. The applicant would need a variance in order to allow the construction of the accessory structure. Section 25-17(C) lists the findings required in order to approve of a variance request. Those findings are discussed below.

VARIANCE FINDINGS

Section 25-17(C) states the Board of Appeals shall not grant a request for a variance unless the Board finds the following:

- 1) Because of certain unique physical conditions, such as an irregularity, narrowness or shallowness of lot size and shape or exceptional topographical conditions peculiar to or inherent in the particular lot, there is no reasonable possibility in pursuing the proposed use or developing the lot in strict conformance of the zoning regulations; and*

Concerning the physical conditions of the lot, there is nothing out of the ordinary. The size, shape and topography of the lot are similar to other lots in the neighborhood. The only irregularity is the location of the existing home, but the placement of the home in its existing location does not seem to have anything to do with the physical conditions of the lot.

- 2) Because of exceptional circumstances other than financial considerations, the granting of a variance is necessary to avoid practical difficulties or unnecessary hardship, and to enable the applicant to pursue the proposed use or development of the lot; and*

The applicant has not demonstrated “exceptional circumstances” and the need for the accessory storage structure. A small shed already exists on site. The applicant has not demonstrated that not being able to construct the accessory structure would lead to an unnecessary hardship.

- 3) *That literal enforcement of the ordinance would result in practical difficulty or unreasonable hardship; and*

While an accessory storage structure would be convenient, practical difficulties or an unreasonable hardship have not been demonstrated.

- 4) *Granting the relief requested would not do substantial injury to the public health, safety and general welfare and is the minimum necessary relief to permit the petitioners’ use or development of the lot.*

The zoning code creates conformity between neighbors in a zoning district. While the code allows structures constructed before 1982 to remain non-conforming, creating a further non-conforming situation could negatively affect neighbors’ property values. However, it is difficult to determine whether any potential injury would be “substantial”.

RECOMMENDATION & SUGGESTED CONDITIONS:

The Department of Planning recommends denial of the Variance request. The applicant was not able to satisfy all of the findings described above.

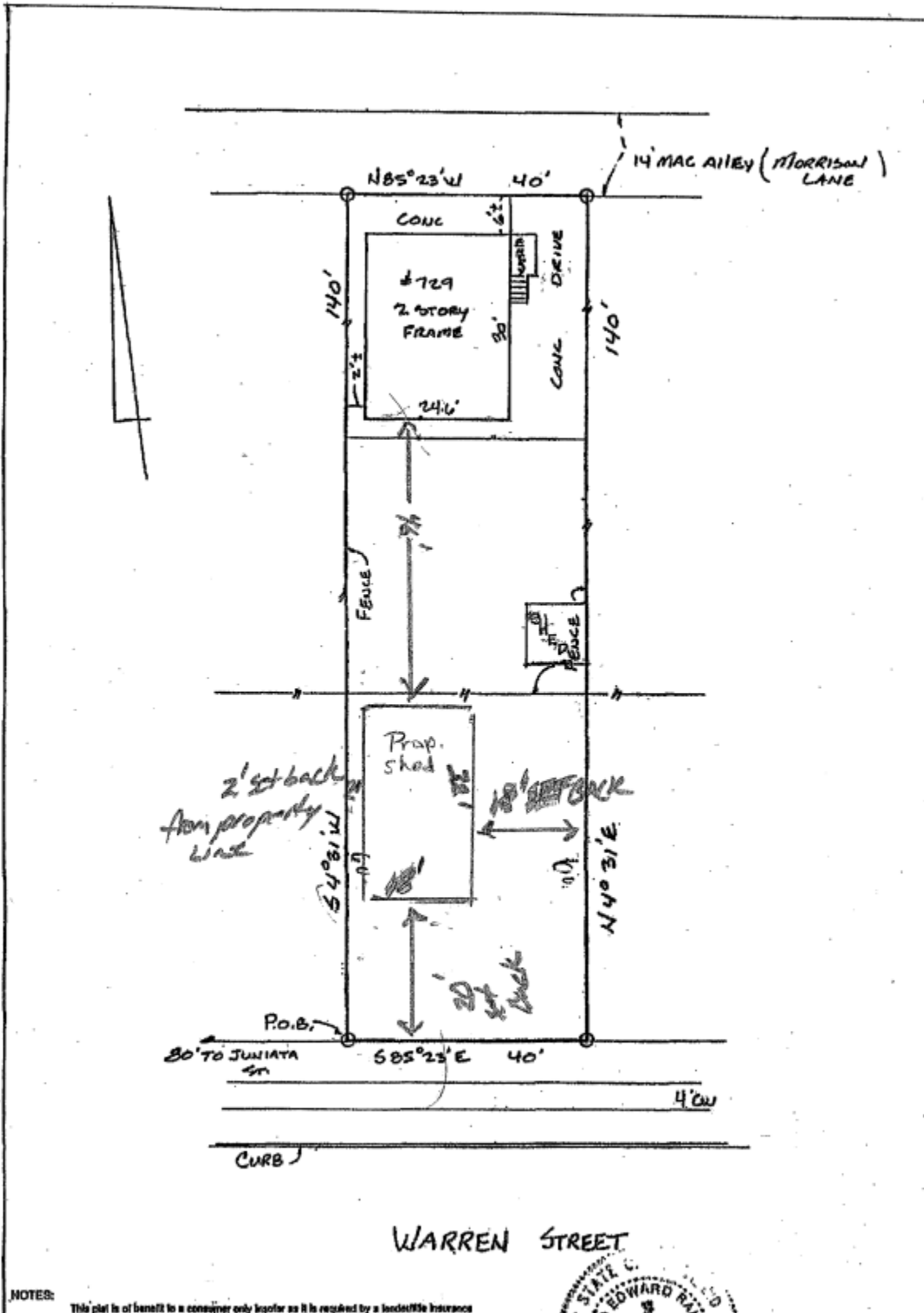
Timothy Bourcier

June 20, 2023

Tim Bourcier, AICP
Director
Department of Planning

cc: Marisa Willis, CFM, Planner
Eric Lawrence, Associate Planner
Colleen Critzer, Permits Clerk

2023 Site Plan – 729 Warren Street

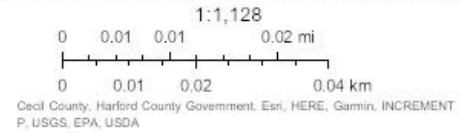


2023 Aerial Image - 729 Warren Street



6/26/2023, 10:28:06 AM

-  Centerline
-  Harford County Boundary
-  Cadastral



Esri, HERE, Garmin, FAO, USGS, NGA, EPA, NPS |



WARREN STREET- FACING WEST



729 WARREN STREET- FACING NORTHWEST



729 WARREN STREET- FACING NORTH



729 WARREN STREET- FACING NORTHEAST



WARREN STREET- FACING NORTH



MORRISON LANE - FACING SOUTH



MORRISON LANE - FACING SOUTHWEST



MORRISON LANE - FACING SOUTH

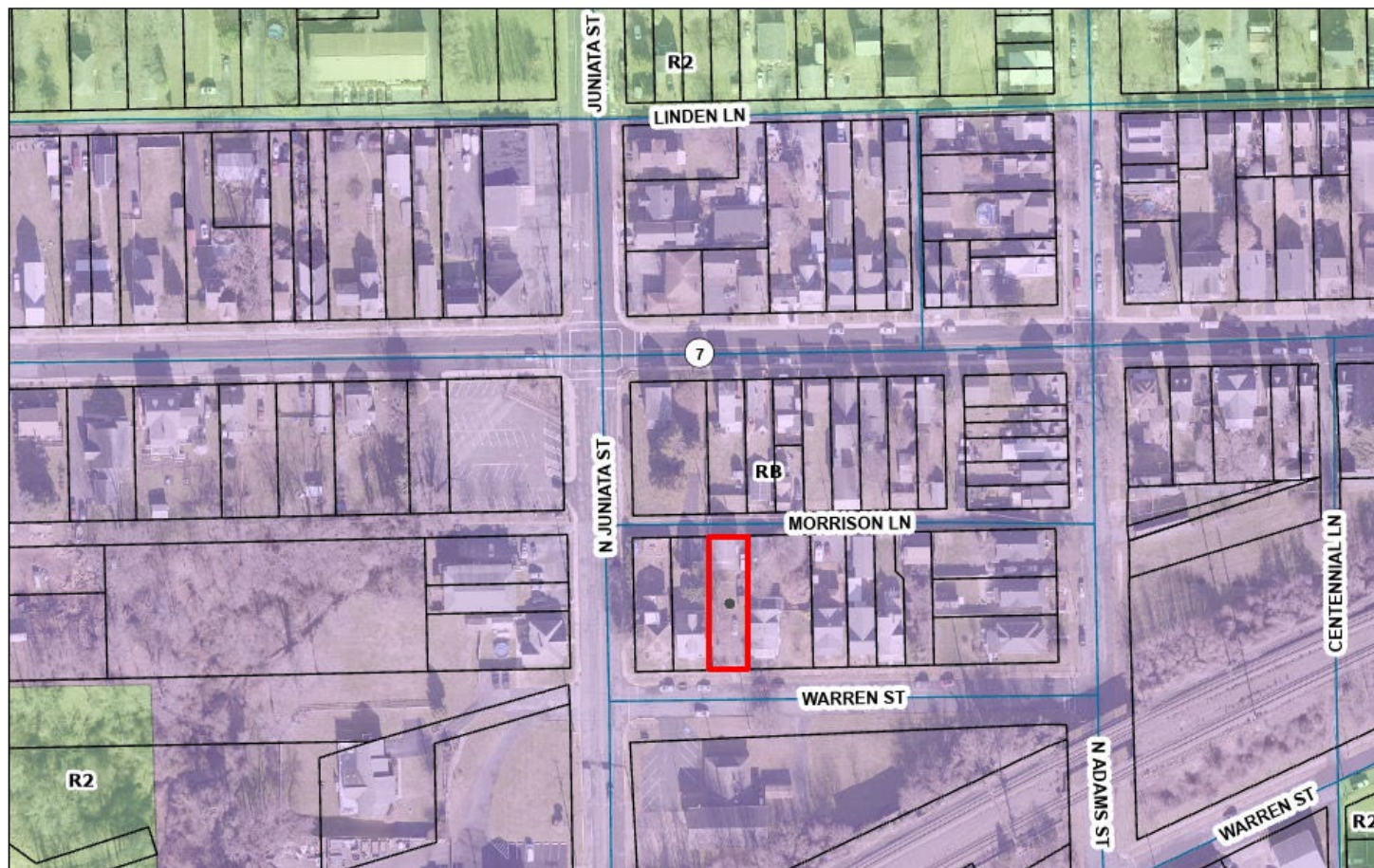


MORRISON LANE - FACING SOUTHEAST



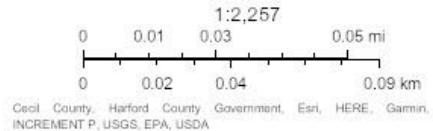
MORRISON LANE – FACING EAST

2023 Zoning Map - 729 Warren Street



6/26/2023, 10:41:58 AM

- Centerline
- Harford County Boundary
- Cadastral
- Havre de Grace Zoning
- R2
- RB



Esri, HERE, Garmin, FAO, USGS, EPA, NPS |

Attorney/Representative None Phone Number _____

Mailing Address _____

EMAIL Address _____

Land Description

Address and Location of Property 1715-1719 Chapel Rd
Havre de Grace, MD. 21078

Subdivision N/A Lot Number _____

Acreage/Lot Size 4.21 AC Zoning RB Tax ID # _____

Tax Map No. 44 Grid No. _____ Parcel 238

List ALL structures on property and current use: 5 Minutes

Estimated time required to present case: _____

Would approval of this petition violate the covenants and restrictions for your property, if any? Yes _____ No

Is this property located within the County's Chesapeake Bay Critical Area? Yes _____ No

Is this property located within a Special Flood Hazard Zone? Yes _____ No

If so, what is the Critical Area Land Use designations: _____

Is this request the result of a zoning enforcement investigation? Yes _____ No

Request

Approve a conditional use cottage dwelling in the RB zoning district

Justification

This property is unique in that it already had a cottage dwelling on the property and a fire occurred that burned down the main dwelling. All we are doing now is replacing the burned structure, which necessitates an approval for a cottage dwelling. Unlike other cottage dwellings in town, this lot is 4.21 acres large.

- 1) The lot wœrn will occupy the new dwelling, 2) The cottage dwelling currently has off-street parking
- 3) The property currently has 2 address (you will need to advise us on this)

**If additional space is needed, attach sheet to application.*

I/We agree to provide additional information as requested by the Department of Planning, Planning Commission or the Board of Appeals.

I/We do hereby declare that no officer or employee of the City of Havre de Grace, 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 Planning Commission and/or Board of Appeals.

Michael L Ball 4/18/23 Christina A 5/18/23
Signature of Owner Date Witness Date

[Signature] 4/18/23 [Signature] 5/18/23
Signature of Co-Applicant BUILDERS Date Witness Date

Signature of Attorney/Representative Date Witness Date

Signature of Director of Planning Date Signature of Planning Staff Date



COTTAGE DWELLING
BURNED DWELLING

OFF STREET PARKING





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June 20, 2023

DEPARTMENT OF PLANNING STAFF REPORT

BOARD OF APPEALS **Case No. 534**

PERMIT NO. 2023 0360

PROJECT: Accessory Dwelling Unit at 1715 Chapel Road

APPLICANT/OWNER: Michele and Mark Ball
1715 Chapel Road
Havre de Grace, Maryland 21078

LOCATION: North side of Chapel Road across from Mount Pleasant Circle
Havre de Grace, MD 21078
Tax Map: 44 / Parcels: 238

AREA: 4.21 acres

ZONING: RB/Residential Business District

DATE FILED: May 23, 2023

HEARING DATE: July 6, 2023 – Board of Appeals

APPLICANT'S REQUEST:

The Applicant is requesting approval of a Conditional Use for an Accessory Dwelling Unit (ADU) in the RB/Residential Business District that requires approval by the Board of Appeals.

LAND USE - EXISTING:

The subject property is located near the Bulle Rock subdivision, and adjacent to Scenic Manor and Sion Hill Estates (currently at the beginning phases of construction). A new home will be developed on the property and the applicant would like to keep the existing cottage. In order to do so, they will need Conditional Use approval from the Board of Appeals to allow an Accessory Dwelling Unit (ADU). Attached to this report is a 2023 Aerial Photograph and site photos (Attachments 1 and 2).

ZONING:

The subject property is zoned RB/Residential Business District as shown on the enclosed copy of the Zoning Map (Attachment 3). The zoning in the area is a mix of R/Residential District to the south, R1/Residential to the west, R2/Residential to the east and RB/Residential Business District zoning to the north

PROPOSED USE:

The applicant would like to maintain the existing use as a dwelling, but since it will be accessory to the planned single-family dwelling, conditional use approval is required

REVIEW OF APPLICABLE CODE SECTIONS:

Sections 205-9(H) of the City Code and Section 25-17(B) are applicable to this request. The Department of Planning has reviewed both sections and offers the responses found below.

Section 205-9(H)

Accessory Dwelling Unit (ADU) requirements. An ADU may be permitted by the Board of Appeals as a conditional use on a single lot in the R, R-1, R-2, RO and RB Districts, provided that the following provisions are met:

- (1) *The lot owner occupies one of the two dwellings on the lot as a principal residence.*

The Applicants have stated in their application that they will reside in the main house once construction is completed.

- (2) *Occupants of the ADU shall park their vehicles off-street on the subject property; at least one off-street space shall be provided in addition to any off-street parking required for the main dwelling unit.*

The existing ADU has a driveway and meets the necessary parking requirements. Any future dwellings will also need to meet the off-street parking requirements.

- (3) *No separate address will be assigned to the cottage dwelling.*

A separate address has already been assigned to this unit. The new home will inherit 1715 Chapel Road and the ADU is currently listed as 1719.

- (5) *Detached ADUs are limited to the least of:*
 - a. *Fifty percent of the footprint of the house*
 - b. *Ten percent of the total lot area; or*
 - c. *One thousand square feet of gross floor area*

The least of the above is 1,000 square feet of gross floor area. The existing ADU is +/-700 square feet.

- (9) *ADUs cannot be subdivided from the main property, sold fee simple, nor converted into a condominium or other form of conveyance for ownership or sale separate from the main structure.*

Approval of this conditional use is contingent on accepting this provision. The conditional use approval becomes null and void upon subdivision of the property.

(10) ADUS are subject to Capital Cost Recovery fees per the methods prescribed in Chapter 196 of the City Code.

The ADU is not subject to Capital Cost Recovery fees for potable water since it is already connected to the City water system. However, Capital Cost Recovery fees will be required prior to connecting to the City sewer system. The proposed single-family home and any future structures are subject to all applicable City fees.

(12) Such other conditions that the Board of Appeals may deem appropriate to a particular case.

The Department of Planning may make recommended conditions at the conclusion of this report. The Board may choose to adopt additional conditions should they grant the Conditional Use.

(13) Prior to the issuance of a use and occupancy permit by the City, the owner of the lot shall record a confirmatory deed that describes the foregoing conditions and limitations in the land records of Harford County.

Approval of this conditional use is contingent on accepting this provision.

Section 25-17(B)

B. Special Exceptions. A Special Exception may be granted when the Board of Appeals finds from the evidence of record that the proposed use:

1) Is a permissible Special Exception within the zone and that the petition complies with all procedural requirements set forth in this chapter;

An ADU is allowed as a Conditional Use (also referred to as a Special Exception) in the RB/Residential Business District. The request complies with all procedural requirements.

2) Complies with all standards and requirements specifically set forth for such use as may be contained in this chapter and the development standards for the zoning district within which the intended use will be located;

The existing ADU does not meet the zoning code requirements. The ADU was built in 1900, prior to the city adopting the zoning code in 1982. Granting the Conditional Use and construction of the new single-family home will make the ADU non-conforming as ADUs are not allowed in the front yard and are not allowed to have a separate address.

3) Will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood; and will cause no objectionable noise, vibrations, fumes, odors, dust, toxicity, glare or physical activity;

The requested ADU should not have an impact on the neighborhood as it currently exists and there have not been any complaints concerning this matter.

4) Will be in harmony with the general character of the neighborhood considering population density, design, scale and bulk of any proposed new structure or conversion of existing structures; as well as the intensity and character of activity, traffic and parking conditions and number of similar uses;

The requested ADU will be in harmony with the neighborhood and is a low intensity, low impact use. There will be no impact to traffic or parking by continuing the existing use.

5) Will be consistent with the comprehensive plan or other planning guides or capital programs for the physical development of the district;

Not applicable to this request.

6) Will not adversely affect the health, safety, security, morals or general welfare of residents, visitors or workers in the area;

The requested ADU should not adversely affect the health, safety, security, morals or general welfare of residents, visitors or workers in the area, as no problems currently exist.

7) Will be served by adequate public services and facilities, including police and fire protection, water and sanitary sewer, storm drainage, public roads and other public improvements; and

The subject property is presently served by public water. When public sewer is brought to the main house, the cottage will also need to connect to the central sewer and abandon the existing septic system. The site plan will be sent to Harford County Health Department – Environmental Review for their full review and comment.

8) Will consider the environmental impact, the effect on sensitive features and opportunities for recreation and open space.

The environmental situation will be improved upon connecting the cottage to the central sewer system.

9) Will consider the preservation of cultural and Historic Landmarks.

The Applicant is retaining the historic structure.

10) That the petitioner has demonstrated a need for the requested use.

Keeping the existing structure and creating Accessory Dwelling Units is a need for the City.

RECOMMENDATION & SUGGESTED CONDITIONS:

The Department of Planning recommends APPROVAL of the Conditional Use for an ADU at 1715/1719 Chapel Road subject to the following conditions:

1. The approval of the ADU is limited to the Applicants and does not transfer with the ownership of the property.
2. Any future subdivision of the property makes this Conditional Use approval null and void.
3. All applicable fees, including Capital Cost Recovery Fees, must be paid prior to the issuance of a Use & Occupancy Permit.
4. The cottage will need to be connected to the central sewer system when it becomes available. Building permits and Use & Occupancy permits on this property may be conditioned on abandoning the septic system.
5. A confirmatory deed of the conditions listed herein, including that construction of the main dwelling will make the ADU a nonconforming structure, must be recorded in the land records for Harford County prior to the issuance of a Use & Occupancy Permit.

Timothy Bourcier

June 29, 2023

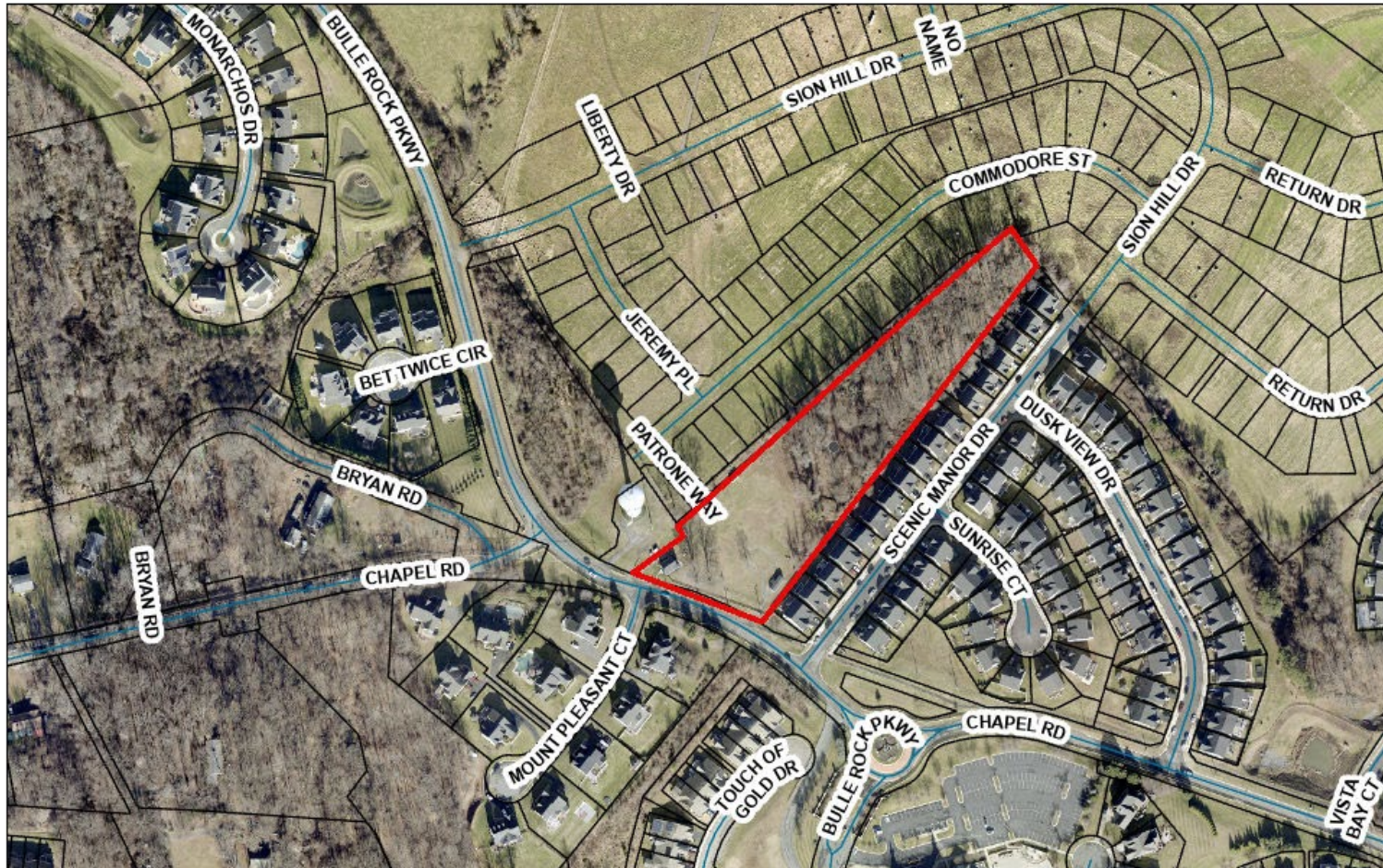
Tim Bourcier, AICP

Director

Department of Planning

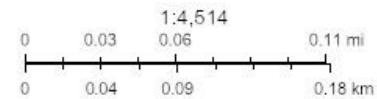
cc: Marisa Willis, CFM, Planner
Eric Lawrence, Associate Planner
Colleen Critzer, Permits Clerk

2023 Aerial Image - 1715 Chapel Road



6/26/2023, 11:39:18 AM

- Centerline
- Cadastral
- Harford County Boundary



Cecil County, Harford County Government, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA

Department of Planning
BOA Staff Report
1715/1719 Chapel Road
Accessory Dwelling Unit



1715 Chapel Road Facing East

Department of Planning
BOA Staff Report
1715/1719 Chapel Road
Accessory Dwelling Unit



1715 Chapel Road Facing North

Department of Planning
BOA Staff Report
1715/1719 Chapel Road
Accessory Dwelling Unit



1715 Chapel Road Facing North

Department of Planning
BOA Staff Report
1715/1719 Chapel Road
Accessory Dwelling Unit



1715 Chapel Road Facing North



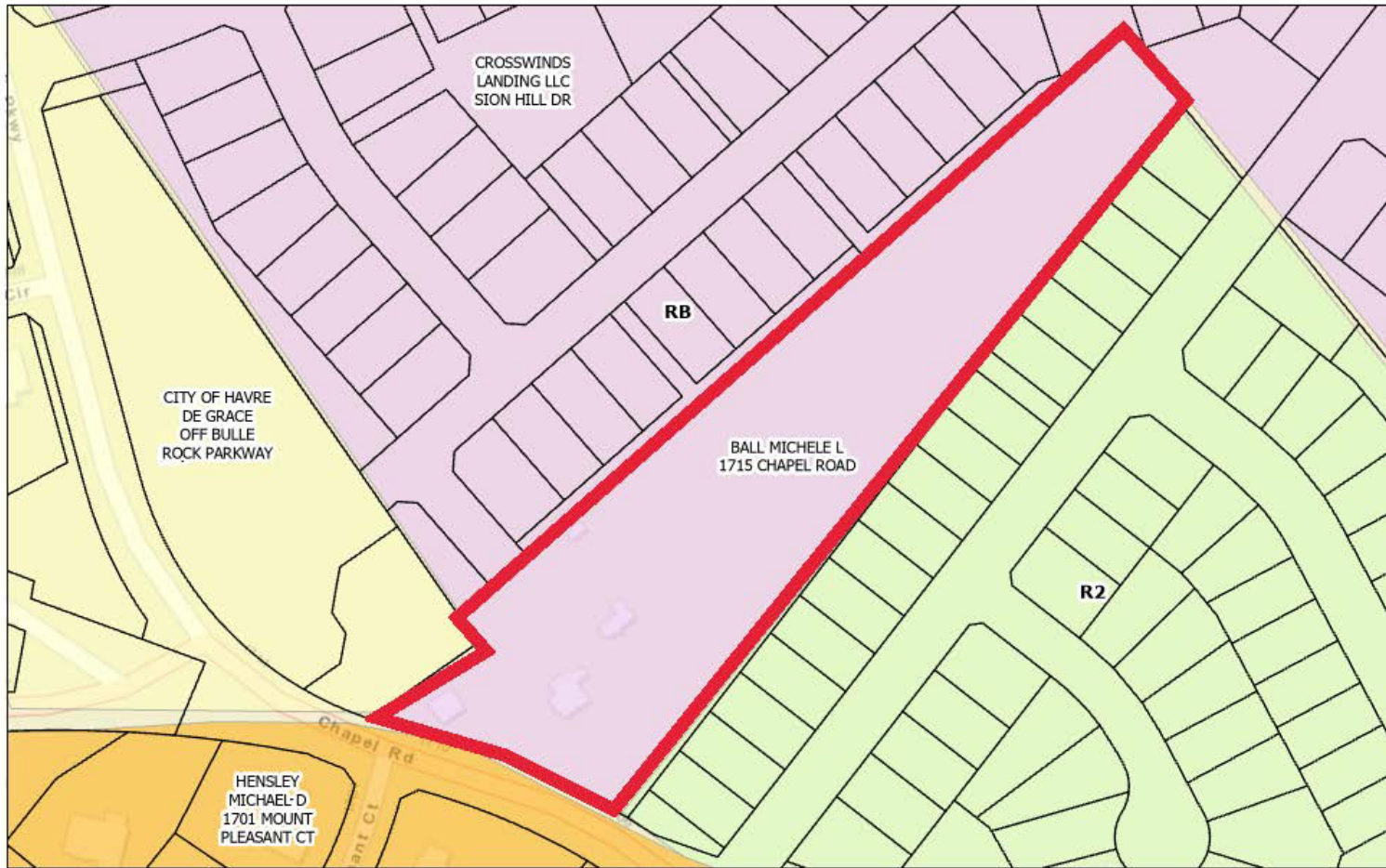
1715 Chapel Road Facing North

Department of Planning
BOA Staff Report
1715/1719 Chapel Road
Accessory Dwelling Unit



1715 Chapel Road Facing North

1715 Chapel Road



5/30/2023, 9:23:14 AM

- Harford County Boundary
- Cadastral Labels
- Cadastral
- Havre de Grace Zoning
 - R
 - R1
 - R2
 - RB
- 1715/1719 Chapel Road

