



# 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

August 3, 2023

6:30 PM

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

- a. **BoA No.** 535  
**Location:** 123/127 South Washington Street  
**Owner/Applicant:** 123 S. Washington St. LLC.  
**Permit No.:** 2023-0429  
**Parcel No.:** 06-028055/06-036279  
**Description:**

To hear a request by the property owner for a Conditional Use approval within the Residential Business/RB zoning district to convert the properties 123/127 South Washington Street from Commercial Use as a funeral home to a multifamily dwelling with (5) apartments total. The proposed use as a Multifamily Dwelling per [§205-27E](#) is currently listed as a Conditional Use within the RB zoning district. The applicant is also requesting a Parking Variance per [§122-Off Street Parking](#) for the (5) apartments. Also, the applicant is requesting a Variance approval per [§205 Attachment 1 Table 1 Lot Size](#) for minimum lot area of 10,000 square feet requirements.

- b. **BoA No.** 530  
**Location:** 556 Lewis Street  
**Owner/Applicant:** Lisa Scott-Coleman  
**Permit No.:** 2023-0245  
**Parcel No.:** 06-012299 (552 Lewis Street)  
**Parcel No.:** 06-008658 (556 Lewis Street)  
**Parcel No.:** 06-012302 (Vacant Lot next to 556)

To hear a request by the property owners of 556 Lewis Street for expansion of the existing funeral home at (currently) 552 Lewis Street-per [§205-3.A\(4\)](#). Although the current funeral home operation is a grandfathered use, it is still considered a non-conforming use within the RO zoning district.

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.havredegacemd.com](http://www.havredegacemd.com) and click on the City YouTube Videos tab. The video will be available to view immediately following the meeting.



**APPLICANT’S REQUEST:**

The Applicant is requesting the following review by the Board of Appeals:

- Conditional Use for “multifamily dwellings” per Section 205-27 of the City Code;
- Variance from the 10,000 square foot lot requirements for multifamily dwellings as required in Table I “Lot Specification” (adopted as part of Chapter 205 Zoning);
- Variance from Chapter 122, Parking, Off-Street, as explained later in the staff report.

**LAND USE - EXISTING:**

The property is located near the northeast corner of South Washington and Bourbon Streets. The existing building is currently Zellman Funeral Home. Attached to this report is a Site Plan, 2023 Aerial Photograph and site photos (Attachments 1-3, respectively).

**ZONING:**

The subject property is zoned RB/Residential Business District as shown on the enclosed copy of the Zoning Map (Attachment 4). The subject properties are also surrounded by properties in the RB/Residential Business zoning district.

**PROPOSED USE:**

The Applicant is proposing to redevelop the property into five apartments. There is already an apartment existing on the second floor of the building, meaning four new apartments would be constructed in the existing building footprint. “Multifamily dwelling” units are allowed as a Conditional Use under §205-27(E).

**REVIEW OF APPLICABLE CODE SECTIONS:**

“Dwelling, multifamily” is defined under Section 205-13, “Definitions”, and applies to the proposed redevelopment. Section 25-17(B) and (C) of the City Code are applicable to this request concerning conditional use and variance reviews, respectively. The Department of Planning has reviewed the relevant sections and offers the responses found below.

**Section 25-17(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;*

“Multifamily dwelling” units are a Conditional Use (also referred to as a Special Exception) in the RB/Residential Business zoning 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 Applicant plans to renovate the existing building. As part of the renovation requirements, the City requires the Applicant to consolidate the two lots. The lot consolidation causes the need for the two variance requests. Besides the two items up for variance review, the project meets all of the City's requirements and development standards. The redevelopment will require a building permit, trade permits and review by County inspectors prior to receiving and Use & Occupancy permit.

*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;*

Most of the neighborhood is residential in character and the redevelopment would be consistent.

*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 existing building will not change externally, or may very minimally. The request will be consistent with the current neighborhood.

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

The project is consistent with the comprehensive plan and infill development in the historic center of the City.

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

The requested redevelopment for multifamily dwellings should not adversely affect the health, safety, security, morals or general welfare of residents, visitors or workers in the area.

*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 and sewer. Additional Capital Cost Recovery Fees apply and payment will be required prior to receiving a building permit.

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

There will be no increased environmental impact caused by redeveloping the existing building.

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

123 and 127 South Washington are not listed on the Historic Havre de Grace website. However, the existing building, constructed in 1924, will be renovated and preserved consistent with the City's designated historic area.

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

National, regional and local trends all identify the need for additional housing.

### **Variance Request**

The existing building was constructed in 1924, with an addition in 1987. Under City rules adopted after construction of the building, no single building can cover multiple lots--the City is requiring the Applicant to consolidate the lots. The consolidation causes two problems: 1) the Applicant's request is redefined under the zoning code from duplex to multifamily; and, 2) the redevelopment is more than three units requiring off-street parking per Chapter 122. Each of these items are examined below:

#### **Issue 1 – Multifamily definition**

The Applicant is proposing five apartment units, where one unit already exists and would be considered "grandfathered" since the building was constructed prior to the current zoning regulations. The Applicant could renovate the building in a manner where two apartments were within one existing lot and two units were inside the other lot. In this case, the renovation would be considered the development of two duplexes and both lots would meet the minimum requirements of Table I.

#### **Issue 2 – Off-Street Parking**

Moreover, the two properties are in the City's "parking exempt area", as defined under Section 122-2. The last line of Section 122-2 requires parking in the parking exempt area for "buildings or structures with three or more dwelling units". Two duplexes would be considered less than three dwelling units and no off-street parking would be required. The lot consolidation creates four units and removes the off-street parking exemption.

Section 122 is also unclear concerning whether parking is required for all units once the three-unit threshold is surpassed, or only for those units over three. Moreover, Section 122-6(A), "Number of spaces required", states three parking spaces are required for "new construction", but it does not speak to redevelopment. The Department of Planning interprets the code as requiring only parking for one unit (one unit is grandfathered and three are exempt). The Department also interprets Section 122 as requiring two spaces per unit, per Table I of Chapter 122. It is recommended that only two off-street parking spaces are required.

Nevertheless, two variances are required for review by the Board of Appeals. This analysis is provided below:

Section 25-17(C)

*Variances. A variance from the terms of this article may be authorized by the Board of Appeals upon proof by the evidence of record. If a conflict between this statute and state law exists, the state law prevails. The Board shall not grant a request for a variance unless the Board finds:*

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

The existing building sits on two lots. Parcel 1001 changes lot width part way into site, narrowing by two feet before returning to the 34-foot lot width. The lots are also different lengths, with one at 100 feet and the other at 200. The ‘L’-shaped lot and change in lot widths for Parcel 1001, combined with the existing structure covering both lots, is a condition unique to this site.

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

Granting of the variance requests is necessary due to the hardships caused by the City’s requirements to consolidate the two lots. The physical configuration of the two lots and the location in the built environment also create practical difficulties that can only be remedied by granting the variance requests.

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

As discussed previously, literal enforcement of the zoning ordinance and off-street parking ordinance would cause practical difficulties and an unnecessary hardship.

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

Residential redevelopment at this location would be much less intense than the existing funeral establishment use. Although off-peak parking would increase near the location, the location has been determined previously by ordinance to be in an area where off-street parking is exempt. The new use will not cause substantial injury. The two requested variances are the minimum relief required for the applicant to continue the redevelopment project.

The Department of Planning believes the four variance findings have been satisfied and the Applicant’s request should be granted.

**RECOMMENDATION & SUGGESTED CONDITIONS:**

The Department of Planning recommends **APPROVAL** of the Conditional Use for a Multifamily Dwellings at 123 and 127 South Washington Street. The Department of Planning further recommends **APPROVAL** of the two variance requests, subject to the following conditions:

1. Depending of the interpretation of Chapter 122, Parking, Off-Street, it is recommended that the Board of Appeals require no less than two off-street parking spaces, but no more than eight.
2. The Applicant shall obtain all applicable permits and inspections for the building renovations.
3. All applicable fees must be paid prior to the issuance of a Use & Occupancy Permit.

*Timothy Bourcier*

7/25/2023

Tim Bourcier

Date

Director

Department of Planning

cc: Eric Lawrence, Associate Planner  
Marisa Willis, CFM, Planner  
Colleen Critzer, Permits Clerk  
Board of Appeals Members  
Brian Young, Attorney





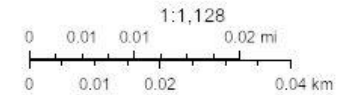
Attachment 2

2023 Aerial - 123-127 South Washington Street



7/27/2023, 9:51:00 AM

-  Centerline
-  Cadastral
-  Harford County Boundary



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

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

123-127 SOUTH WASHINGTON STREET: FACING EAST



123-127 SOUTH WASHINGTON STREET: FACING SOUTH-EAST



123-127 SOUTH WASHINGTON STREET: FACING EAST - SIDE CORRIDOR



STRAWBERRY LANE FACING EAST-REAR PARKING AREA



STRAWBERRY LANE FACING EAST- REAR PARKING



STRAWBERRY LANE FACING NORTH-EAST



STRAWBERRY LANE FACING WEST-REAR PARKING AREA





STRAWBERRY LANE FACING NORTH

STRAWBERRY LANE FACING SOUTH



STRAWBERRY LANE FACING NORTH-EAST

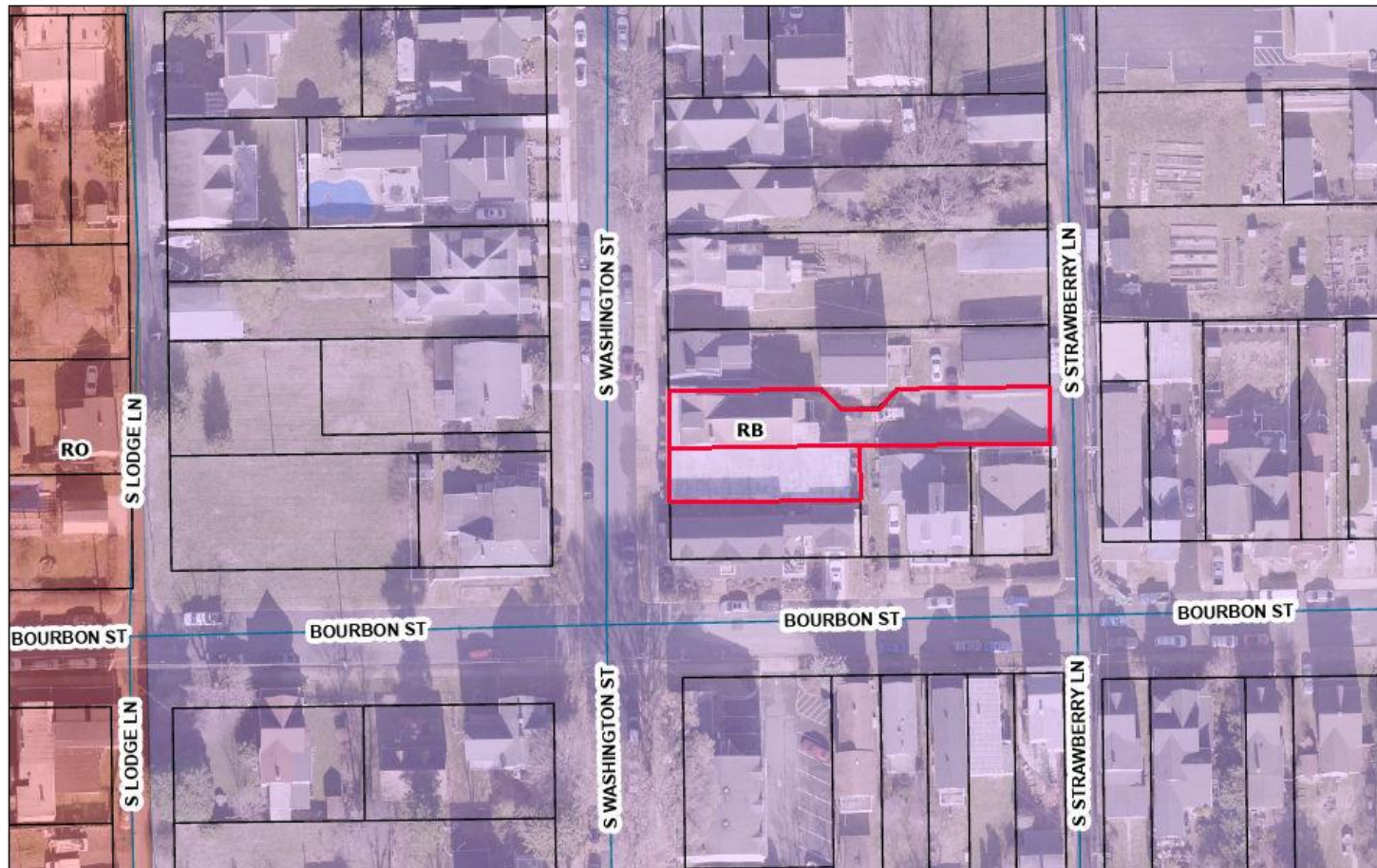


SOUTH WASHINGTON STREET – FACING SOUTH

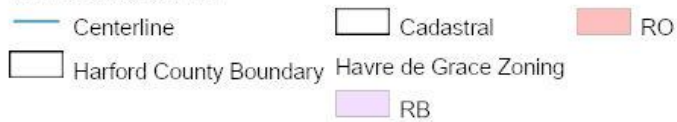


Attachment 4

2023 Zoning Map - 123-127 South Washington Street



7/27/2023, 9:50:37 AM



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

Attorney/Representative Br \_\_\_\_\_ Phone Number \_\_\_\_\_

Mailing Address \_\_\_\_\_

EMAIL Address \_\_\_\_\_

**Land Description**

Address and Location of Property 123 and 127 S Washington Street, Havre de Grace, MD 21078

Subdivision n/a Lot Number n/a

Acreage/Lot Size 9,060 SF Zoning RB Tax ID # 028055 / 036279

Tax Map No. 601 Grid No. 0000 Parcel 1001

List ALL structures on property and current use: Brick dwelling being used as a funeral home and a single family residential dwelling

Estimated time required to present case: 30 minutes

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: Federal Lands and Incorporated Towns

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

**Request**

**VARIANCE - CONDITIONAL USE**

To change the conditional use from funeral home to multifamily dwelling.

Applicant desires to renovate the properties into 5 apartments.

One 3-bedroom unit and Four 2-bedroom units.

(2) Variance from 122-6(A) 2 parking spaces per dwelling unit and (3) Table I - 10,000 sq ft lot required

**Justification**

See the attached.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*\*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.

  
Al Peterof  
A. Peterof

07 / 07 / 2023

\_\_\_\_\_  
*Signature of Owner*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Witness*

\_\_\_\_\_  
*Date*



07 / 07 / 2023

\_\_\_\_\_  
*Signature of Co-Applicant*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Witness*

\_\_\_\_\_  
*Date*



07/07/2023

\_\_\_\_\_  
*Signature of Attorney/Representative*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Witness*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Signature of Director of Planning*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Signature of Planning Staff*

\_\_\_\_\_  
*Date*

**ATTACHMENT TO CITY OF HAVRE DE GRACE BOARD OF APPEALS APPLICATION**  
**Applicants: 123 S Washington LLC and Nicholas Niceforo and Anna Niceforo**  
**Property: 123 and 127 S Washington Street, Havre de Grace, MD 21078**

Justification

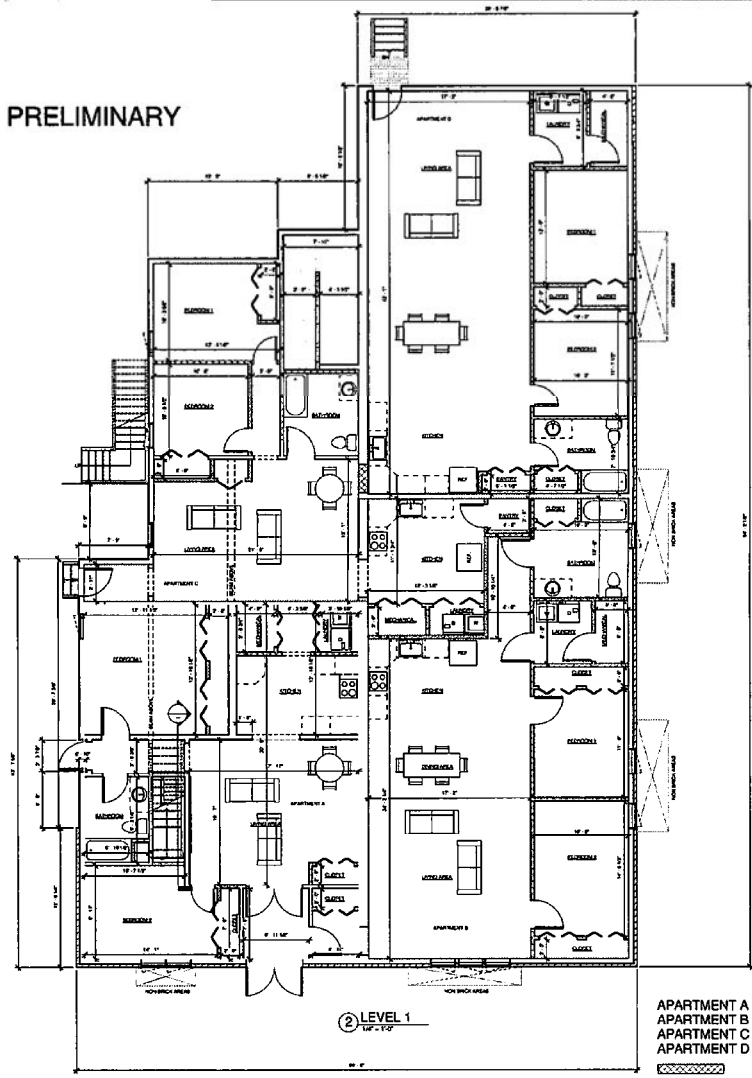
The location is appropriate and not in conflict with the Comprehensive Plan. The grant of the relief requested would not adversely affect the public health, safety and general welfare. The proposed use will have a lesser impact than the current use and there will be adequate public facilities. The proposed use will provided desirable, in demand housing options for residents of Havre de Grace. and will be beneficial to neighborhood values, persons, and surrounding properties.

The properties are unique and unusual in manner in that there is one unusually shaped structure on two parcels with alley access to a driveway. The properties are unusually shaped with an "indentation" on an "L" shaped lot by neighboring parcels. The property is also unique in that there is a 1,250.28 square foot garage constructed partially on the property and partially on an adjacent parcel, to which the subject properties have access. The entrance to the garage is solely on the subject property. The lease has a 20 year term and is recorded with Harford County Land Records. These unique characteristics cause the zoning code to impact disproportionately the subject properties.

The applicant will suffer from practical difficulty if the variances are not granted. The garage constructed by the adjacent property owner takes away suitable parking on the subject property but creates parking spots off site which are utilized via lease by the subject property. The unusual shape of the lot also diminishes the number of available parking spots. If a stringent reading of the code is utilized the garage provides additional space which is under lease. Additionally, there is ample parking on surrounding streets in a walkable area of the city, and there will be much less traffic than that created by the current use of a funeral home. The lots are configured to eliminate any adverse impact to the city as the driveway is accessed from Strawberry Lane and not a major throughfare.

The hardship caused by the code is not the property owner's own actions and the spirit of the ordinance is observed by the proposed use. A variance would grant substantial relief without causing injustice to any neighboring property. The hardship is peculiar to these properties and not similar to other properties in the area given the unusual shape of the lot and the lease and presence of the garage across the property and the adjacent lot. There is no reasonable alternative use of the property as other uses are out of character for the neighborhood.

PRELIMINARY



② LEVEL 1  
1st Floor

- APARTMENT A - 1,057 SQFT
- APARTMENT B - 1,338 SQFT
- APARTMENT C - 924 SQFT
- APARTMENT D - 1,187 SQFT
- ▨ - NEW CONSTRUCTION

Drafting  
By  
Design  
Date: 11/11/11

WE DESIGN  
YOUR IDEAS

Project Name \_\_\_\_\_  
Director \_\_\_\_\_  
Enter address here \_\_\_\_\_

THE DRAWING IS FOR INFORMATION ONLY AND DOES NOT REPRESENT A CONTRACT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE DRAWING IS NOT TO BE USED FOR CONSTRUCTION WITHOUT THE WRITTEN APPROVAL OF THE ARCHITECT.

DATE	REVISION

DATE: 11/11/11  
DRAWN BY: [Signature]  
SCALE: AS SHOWN  
CHECK BY: [Signature]  
APPROVED BY: [Signature]

A-1 REV  
Project  
Number



ATTACHMENT TO CITY OF HAVRE DE GRACE BOARD OF APPEALS APPLICATION  
Applicants: 123 S Washington LLC and Nicholas Niceforo and Anna Niceforo  
Property: 123 and 127 S Washington Street, Havre de Grace, MD 21078

## Chapter 205. Zoning

### Article VII. RB Residential Business District

#### § 205-27. Conditional uses.

[Amended 5-4-2009 by Ord. No. 904]

The Board of Appeals may permit the following conditional uses:

- A.  
Single-family detached dwellings meeting Lot Specification D, Table I.
- B.  
Single-family attached dwellings.
- C.  
Townhouse dwellings meeting Lot Specification E, Table I, and the requirements of this chapter.
- D.  
Cottage dwellings meeting the requirements of this chapter.
- E.  
Multifamily dwellings.
- F.  
Rooming houses, bed-and-breakfasts and corporate housing.
- G.  
Parking facility or parking lot.
- [Amended 5-3-2010 by Ord. No. 914]
- H.  
Churches meeting Lot Specification H, Table I.
- I.  
Schools.
- J.  
Clubs, provided that any principal building or swimming pool shall be located not less than 100 feet from any other lot in any residential district.
- K.  
Public utility structures.<sup>[1]</sup>

[1]

*Editor's Note: Former Subsection L, Cemeteries, which immediately followed this subsection, was repealed 5-3-2010 by Ord. No. 914, which ordinance also redesignated former Subsections M through AA as Subsections L through Z, respectively.*

- L.  
Funeral establishments, provided that a principal vehicular access shall be located on the public right-of-way and site illumination shall be limited to parking areas and landscaped areas.
- M.  
Gas stations, provided that no such use shall be permitted within the Chesapeake Bay at mean high tide critical area as shown on the Critical Area Map.

[Amended 9-15-2014 by Ord. No. 960]

N.

Hotels with more than 25 rooms meeting Lot Specification F, Table I. <sup>[2]</sup>

[Amended 5-3-2010 by Ord. No. 914; 4-16-2018 by Ord. No. 1001; 4-15-2019 by Ord. No. 1014]

[2]

*Editor's Note: Former Subsection P, Warehouses, and Subsection Q, Bulk petroleum and sales, which immediately followed this subsection, were repealed 5-3-2010 by Ord. No. 914, which ordinance also redesignated former Subsections R through AA as Subsections O through X, respectively.*

O.

Retail sales and services meeting Lot Specification O, Table I.

[Amended 5-3-2010 by Ord. No. 914]

P.

Temporary commercial circuses and carnivals, provided that:

(1)

Occupancy permits may be issued for a period not exceeding seven days.

(2)

A minimum lot area of one acre shall be provided.

Q.

Bakery meeting Lot Specification O, Table I.

R.

Laundry, clothes cleaning, dyeing, carpet cleaning and linen supply meeting Lot Specification O, Table

I.<sup>[3]</sup>

[3]

*Editor's Note: Former Subsection V, Wholesaling, which immediately followed this subsection, was repealed 5-3-2010 by Ord. No. 914, which ordinance also redesignated former Subsections W through AA as Subsections S through W, respectively.*

S.

Offices meeting Lot Specification O, Table I.

T.

Retail sales meeting Lot Specification O, Table I.

U.

Banks meeting Lot Specification O, Table I.

V.

Personal service shops meeting Lot Specification O, Table I.

W.

Restaurants meeting Lot Specification O, Table I.

X.

Amusement center.

[Added 5-3-2010 by Ord. No. 914]

Y.

Community residential facility.

[Added 5-3-2010 by Ord. No. 914]

Z.

Auto repair or service center.

[Added 9-15-2014 by Ord. No. 960]

Doc ID: 72dfbaaae06c88f48dd52be8dbc671e13b7197b  
Decision ID: 696313-CE63-4A4D-9620-FEA54D45B14D

**ATTACHMENT TO CITY OF HAVRE DE GRACE BOARD OF APPEALS APPLICATION**  
**Applicants: 123 S Washington LLC and Nicholas Niceforo and Anna Niceforo**  
**Property: 123 and 127 S Washington Street, Havre de Grace, MD 21078**

City of Havre de Grace, MD / Code / Boards, Committees and Commissions  
Article IV Board of Appeals § 25-17. Findings required.

**B. Special exceptions.**

(1) 205-27(E) allows Multifamily dwellings per Conditional Use approval within the zone and the petition complies with all procedural requirements set forth in this article.

(2) Multifamily dwellings comply with all standards and requirements specifically set forth for such use as may be contained in this article and the development standards for the zoning district within which the intended use will be located.

(3) Multifamily dwellings 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.

(4) Multifamily dwellings 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.

(5) Multifamily dwellings will be consistent with the Comprehensive Plan or other planning guides or capital programs for the physical development of the district.

(6) Multifamily dwellings will not adversely affect the health, safety, security, morals or general welfare of residents, visitors or workers in the area.

(7) Multifamily dwellings 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.

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

(9) Applicants will consider the preservation of cultural and historic landmarks.

(10) The petitioner has demonstrated a need for the requested use. The proposed use will have a lesser impact than the current use and will provide desirable, in-demand housing options for residents of Havre de Grace.

## GENERAL REFERENCES

Crimes and Sanctions See Ch. 1, Art. I.

Steps and Approvals Requirements See Ch. 155.

Parking Spaces for Taxicabs See Ch. 180.

Residential Permitted Parking Areas See Ch. 190, § 190-86.

Zoning See Ch. 205.

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### § 122-1 Off-street parking spaces required for new or modified buildings.

On and after the effective date of this chapter, no building permit shall be issued for the construction of any new building and no use and occupancy permit shall be issued for any existing building or structure, the use or nature of occupancy of which is significantly changed or modified, unless such building, structure or property is provided with off-street parking spaces as hereinafter set forth.

### § 122-2 Exclusion of certain property.

The provisions of this chapter shall not apply to any building, structure or property within the area of the City which is enclosed by the following boundaries: Beginning at the intersection of Green Street and Union Avenue, running south on Union Avenue to its intersection with Bourbon Street; running east on Bourbon Street and a project on thereof to the shoreline of the Susquehanna River then north following the shoreline of the Susquehanna River to a point where Otsego Street, if projected to the Susquehanna River, would reach the river; then following Otsego Street west to its intersection with Freedom Lane; then south on Freedom Lane to its intersection with Green Street; then east on Green Street to the point of beginning, except buildings and structures with more than three dwelling units.

### § 122-3 Location of parking area.

The required parking area shall be located within the confines and boundaries of the lot or tract of land on which the building, structure or use is located.

### § 122-4 Compliance required.

It shall be unlawful for any property owner or tenant to maintain less than the number of parking spaces required by this chapter or required by a decision of the Board of Appeals.

### § 122-5 Design standards for driveways and off-street parking areas.

- A. Driveways required. A off-street parking areas shall be connected to a public street or alley by at least one driveway.
- B. Driveway width.
- (1) Single family dwellings: A driveways connecting public streets or alleys to off-street parking areas serving single family dwellings shall be a minimum of nine feet in width.
  - (2) All other uses: A driveways connecting public streets or alleys to off-street parking areas serving users other than single family dwellings shall be designed in accordance with the following:
    - (a) Single driveways: Single driveways shall provide for simultaneous ingress and egress and shall be a minimum of 16 feet in width.
    - (b) Multiple driveways: When multiple driveways connect public streets or alleys to off-street parking areas, in order to provide separate ingress to and egress from said off-street parking areas, each driveway shall be a minimum of nine feet in width.
- C. Driveway surface. Every required driveway shall be surfaced with portland cement or bituminous concrete unless the driveway is located within the Cr t ca Area as defined in Chapter 49, Cr t ca Areas, contained in this Code. Driveways located within the Cr t ca Area may be constructed of permeable materials, provided such materials are approved by the Director of Public Works and the City Council.
- D. Parking area design requirements.
- (1) Surface: Every required parking area shall be surfaced with portland cement or bituminous concrete unless the parking area is located within the Cr t ca Area as defined in Chapter 49, Cr t ca Areas, contained in this Code. Parking areas located within the Cr t ca Area may be constructed of permeable materials, provided such materials are approved by the Director of Public Works and the City Council.
  - (2) Striping: Parking areas serving single family dwellings need not be striped. Parking areas serving all other uses shall be striped.
  - (3) Parking space access: Single family dwelling parking spaces and designated employee parking spaces may be blocked by other parking spaces. All other parking spaces shall not be blocked by any other parking space.
  - (4) Parking space dimensions: Each parking space shall have a standard width of at least nine feet. For all other parking spaces, including perpendicular parking, a standard depth of at least 18 feet shall be required. For parallel

parking, a sta depth of at least 22 feet s requ red. Hand cap access be park ng spaces sha meet the d mens on a requ rements of ADA, as regu ated by the State of Maryland. n park ng areas of 50 or more spaces, up to 20% of the tota park ng spaces requ red may be des gned and des gnated for compact cars. Park ng spaces for compact cars sha have a d mens on of at east e ght feet by 16 feet, be grouped n spec fic areas and marked accord ng y.

- (5) Park ng a s e requ rements: Each a s e prov d ng access to sta s for two way traffic sha be at east 22 feet n w dth, except a w dth of 20 feet may be a owed for areas of ong term emp oyee park ng. For a s es prov d ng access for one way traffic on y, the fo ow ng m n mum a s e w dths sha app y:

Angle of Parking (degrees)	Minimum Aisle Width (feet)
Parallel	12
30	12
45	14
60	18
90	20

### § 122-6 Number of spaces required.

[Amended 11/16/2015 by Ord. No. 974]

The app cant for any bu d ng perm t or use and occupancy perm t sha demonstrate that off street park ng spaces are prov ded as fo ows:

- A. Res dent a use n des gnated area. n the area here nafter des gnated, new construct on of res dent a comp exes or deve opments cons st ng of more than three dwe ng un ts sha prov de three park ng spaces per dwe ng un t. The park ng space requ rement sha app y to a res dent a un ts w th n the des gnated area w thout regard to the nature of such un ts, .e., apartment comp exes, condom n um comp exes, townhome comp exes, detached s ng e fam y homes, etc. The des gnated area subject to th s subsect on s as fo ows:

- (1) Throughout the mun c pa boundar es of the C ty.

- B. Except for those uses as set forth n Subsect on A, the app cant for any bu d ng perm t or use and occupancy perm t sha demonstrate that off street park ng spaces are prov ded as set forth n Tab e .<sup>[1]</sup> n the case of any bu d ng, structure or prem ses, the use of wh ch s not spec fic y ment oned there n, the prov s ons for a use wh ch s ment oned and s most s m ar sha app y.

[1] *Editor's Note: Table I is included as an attachment to this chapter.*

### § 122-7 Board of Appeals.

Any owner of property upon wh ch a bu d ng or structure s ocated or any app cant for a bu d ng or use perm t who des res to appea a dec s on made pursuant hereto, who requests a var ance from the terms hereof or who requests an nterpretat on of the terms hereof may fle an approp rate app cat on w th the Board of Appea s of Havre de Grace n accordance w th the terms of Art c e III, Board of Appea s, of Chapter 25, Boards, Comm ttees and Comm ss ons, conta ned n th s Code.

### § 122-8 Violations and penalties.

Any person conv cted of comm tt ng any un awfu act as prov ded n th s chapter sha be gu ty of a m sdemeanor. f any un awfu act s cont nu ng, then each day dur ng wh ch such v o at on cont nues sha be cons dered a separate offense. n add t on to any cr m na pena ty wh ch may be m posed, a the prov s ons of th s chapter may be enforced by pet t on for n junct on fle d on beha f of the Mayor and C ty Council of Havre de Grace.

**TABLE I**

Use or Use Category	Spaces Required for Basic Measuring Unit	Additional Requirements
One , two or three fam y dwe ng	2 per fam y un t	§ 122-6 may app y f n the des gnated area
Church or temp e, aud tor um or p ace of assembly	1 per 4 seats or bench spaces n ma n aud tor um on y	
Co ege or h gh schoo	1 per 5 seats n ma n aud tor um or 1 per 8 c assroom seats, wh chever s greater	
Nursery, k ndergarten, e ementary schoo or m dd e schoo	1 per 10 seats n ma n assemb y room or 1 per 10 c assroom seats, wh chever s greater	
Country club	1 per 400 square feet of floor area	
Golf course	5 per hole	
Pub c brary, museum, art ga ery or commun ty center	10 spaces p us 1 add t on a space for each 300 square feet n excess of 1,000 square	

**TABLE I**

<b>Use or Use Category</b>	<b>Spaces Required for Basic Measuring Unit</b>	<b>Additional Requirements</b>
Multiperfamily dwelling, more than three dwelling units	2 per family unit feet	§ 122.6 may apply if in the designated area
Private clubs, fraternal societies, lodges without sleeping rooms	1 per 3 permitted occupants	
Auditorium, theater, gymnasium, stadium, arena or convention hall	1 per 3 seats or seating spaces	
Bowling alley	5 per lane	
Swimming pool	1 per 100 square feet of actual swimming pool area	
Amusement place, dance hall, skating rink and auditorium or exhibition hall, without fixed seats	1 per 100 square feet of floor area	Does not apply to accessory use
General service or repair establishment, printing, publishing, printing, heating, broadcasting station	1 per employee on premises plus 1 space per 200 square feet	Auditorium for broadcasting station requires space as above
Manufacturing or industrial establishment, research or testing laboratory, creamery, bottling plant, wholesale warehouse or similar establishment	1 per 2 employees on maximum working shift	Plus space for storage of trucks or other vehicles used in connection with business/industry
Physician's office or medical clinic	1 per 200 square feet of total space including basement and attached garage	
Dentist's office or dental clinic	1 per 200 square feet of total space including basement and attached garage	
Nursing home, convalescent home or similar institution	1 per 4 patient beds	
Motel, motor hotel, motor lodge or hotel	1 per sleeping room or suite plus 1 additional space for employee	
Hotel and conference center	1 per sleeping room in hotel plus 1 per 200 square feet of floor space in conference center	
Rooming, boarding or lodging house	1 per 2 sleeping rooms	
Hospital	1.5 per patient beds (includes staff parking)	
Office or office building, post office or studio	1 per 300 square feet of floor space	3 spaces minimum
Funeral home	1 per 50 square feet of floor area excluding storage and work area	30 spaces minimum
Restaurant or other establishment for consumption of food or beverages on the premises	1 per 100 square feet of floor area	3 spaces minimum
Retail store, personal service establishment or bank	1 per 200 square feet of retail floor area	
Furniture or appliance store, machinery, equipment, automobile and boat sales and service	1 per 300 square feet of floor area	2 spaces minimum; automobile sales and service, 10 minimum

ZONING  
205 Attachment 1  
City of Havre de Grace

**TABLE I**  
[Amended 5-4-2009 by Ord. No. 904; 7-16-2018 by Ord. No. 1007]

Permitted Uses (Residential)	Lot Type	Minimum Lot Area	Maximum Lot Coverage (percent)	Minimum Lot Width (feet)	Minimum Front Yard Setback (feet)	Minimum Side Yard (feet)	Minimum Rear Yard (feet)	Maximum Bldg. Height (feet)
Single family, detached								
R	A	15,000 sq. ft.	40	100	25	15	40	40
R 1	B	10,000 sq. ft.	40	75	15	10	40	40
R 2, RO, RB	C	5,000 sq. ft.	40	50	15	5	25	40
Lane frontage RO, RB	CC	2,700 sq. ft.	50	30	15	5	25	40
Duplexes								
Over/under R 2, RO, RB	AA	6,000 sq. ft.	50	50	15	5	25	40
Side by side R 2	BB	8,000 sq. ft.	40	80	15	5	25	40
Side by side RO, RB	AA	6,000 sq. ft.	50	50	15	5	25	40
Semidetached								
R 2	DD	4,000 sq. ft.	40	40	15	6	25	40
RO, RB	EE	3,000 sq. ft.	50	25	15	6	25	40
Townhouses								
R 2, RO, RB	GG	1,920 sq. ft.	60	24	15	none <sup>3</sup>	25	40
Conditional uses (residential) <sup>1</sup>								
Single family, detached								
R	B	10,000 sq. ft.	40	75	15	10	40	40
R 1, R 2, RO, RB	D	5,000 sq. ft.	50	25	none	none	25	60 <sup>2</sup>
Duplexes								
Over/under R 2, RO, RB	DD	4,000 sq. ft.	40	40	15	5	25	40
Side by side R 2	AA	6,000 sq. ft.	50	50	15	5	25	40
Side by side RO, RB	HH	5,000 sq. ft.	50	50	none	none	25	60 <sup>2</sup>
Semidetached								
R 2	EE	3,000 sq. ft.	50	25	15	6	25	40
RO, RB	JJ	2,500 sq. ft.	50	25	none	none	25	60 <sup>2</sup>

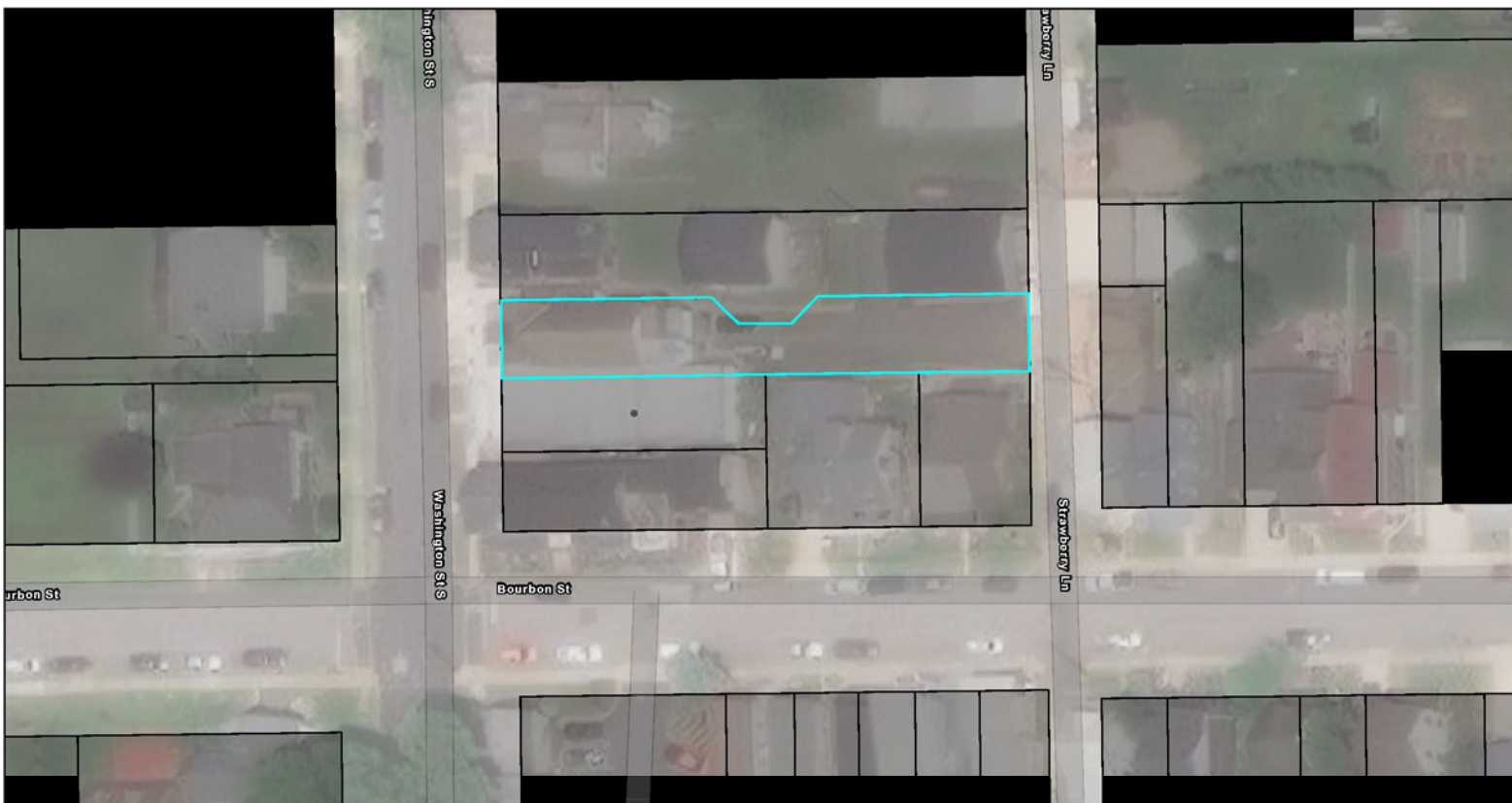
HAVRE DE GRACE

TABLE I  
(cont'd)

Conditional Uses (Residential) <sup>1</sup> (continued)	Lot Type	Minimum Lot Area	Maximum Lot Coverage (percent)	Minimum Lot Width (feet)	Minimum Front Yard Setback (feet)	Minimum Side Yard (feet)	Minimum Rear Yard (feet)	Maximum Bldg. Height (feet)
Townhouses R 2, RO, RB	E	1,440 sq. ft.	60	18	10	none <sup>3</sup>	25	60 <sup>2</sup>
Multifamily R 2, RO, RB	F	10,000 sq. ft.	50	100	15	15	40	80 <sup>2</sup>
Rooming house R 2, RO, RB	FF	10,000 sq. ft.	50	100	15	15	40	40
Hotel, motel Permitted C; conditional RB	F	10,000 sq. ft.	50	100	15	15	40	80 <sup>2</sup>
Churches Permitted R, R 1, R 2, RO, RB	G	40,000 sq. ft.	60	100	15	15	40	100
Permitted C, conditional R 1, R 2, RO, RB	H	6,000 sq. ft.	80	60	none	none	none	100
Community facilities	I	3,000 sq. ft.	none	25	15	15	15	60
Clubs	J	10,000 sq. ft.	60	100	none	none	15	60
Schools	K	15,000 sq. ft.	50	100	15	15	15	60
Utility structures	L	none	50	none	15	5	5	60
Parking facilities	M			40				60
Offices, retail stores, childcare facilities, banks, personal service shops, funeral establishments, restaurants, animal care facilities, theaters								
Permitted	N	1,200 sq. ft.	none	none	none	none	none	60
Conditional	O	400 sq. ft.	none	none	none	none	none	60



# 123 Washington

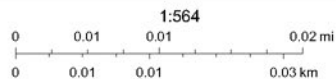


May 25, 2023

Cadastral

Land Use Designations

TOWN

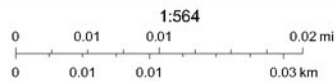


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# 127 Washington

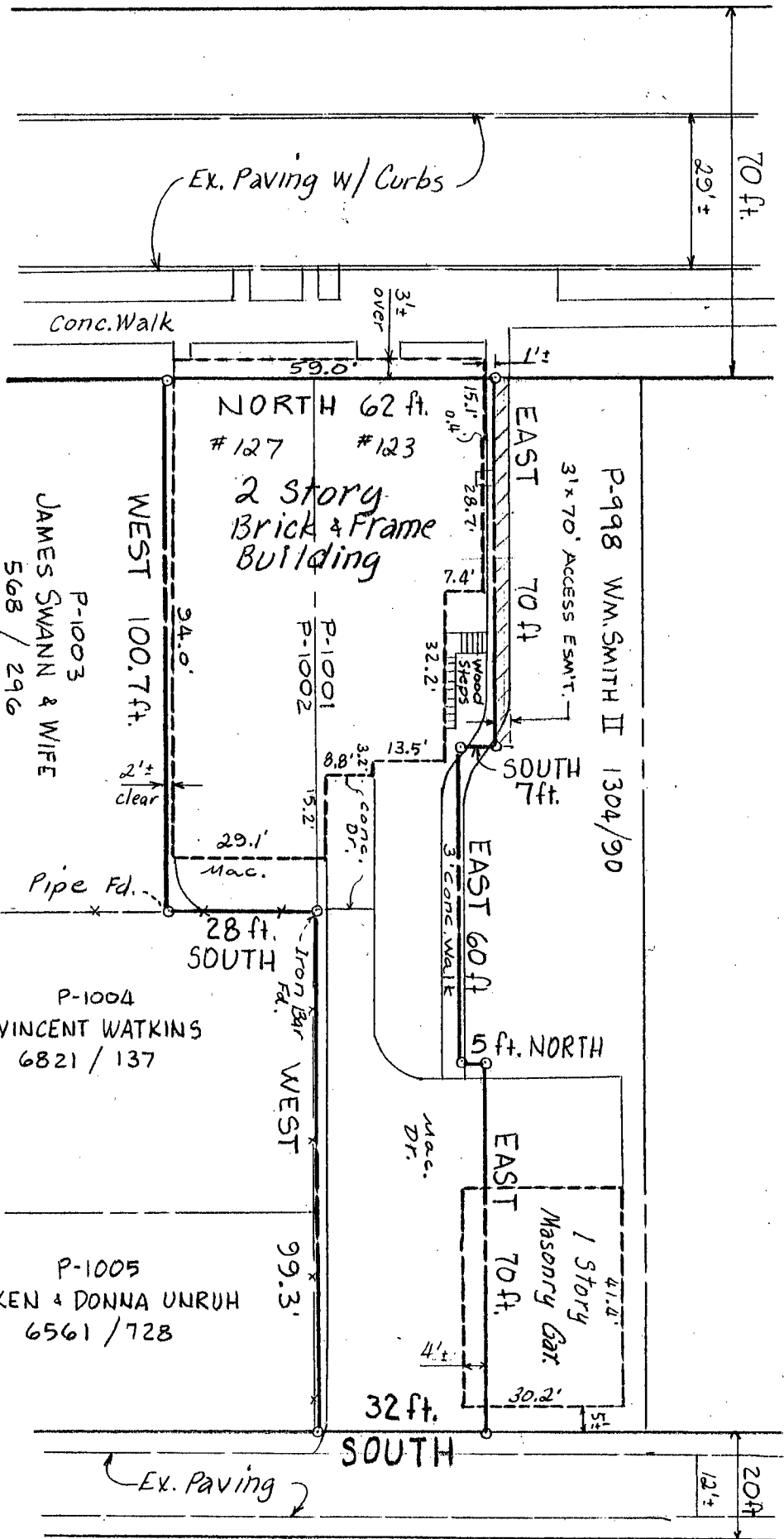


May 25, 2023  
Cadastral  
Land Use Designations  
TOWN



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S. WASHINGTON ST.



**WOLFE**  
ASSOCIATES, Inc.

LAND SURVEYING • PLANNING • DESIGN

10 W. Pennsylvania Avenue  
Bel Air, Maryland 21014

BEL AIR BALTIMORE  
410-838-0888 410-879-3966  
FAX 410-838-4543

12-07-06

**FLOOD CERTIFICATION**

The lot shown hereon is outside the 500 year flood plain as shown on FIRM Map Community Panel No. 24025C0212D.

The significant buildings, structures and other improvements shown hereon are in their approximate relationship to the apparent property lines reflected in the deed. Accuracy of measurements shown to the apparent property lines is plus or minus one foot unless otherwise noted.

The plat is of benefit to a consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or re-financing.

The plat is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements.

The plat does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or securing financing or refinancing.

**LOCATION DRAWING**

#123 & #127 S. Washington St.  
**MITCHELL FUNERAL HOME**

HOME

Deeds: 1304 / 95, 1132 / 629, 1441 / 601

City of Havre de Grace

6th Elec. Dist. Harford Co., Md.

TAX MAP 601 PARCELS 1001 & 1002

Scale 1" = 30'

Date 12-07-2006  
File L-075-06

A LICENSEE WAS IN RESPONSIBLE CHARGE OVER THE PREPARATION OF THIS BOUNDARY SURVEY AND THE SURVEYING WORK REFLECTED IN IT, IN COMPLIANCE WITH REQUIREMENTS SET FORTH IN COMAR REGULATION 09.13.06.12  
 THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT.

SCALE: 1"=20'  
 DATE: 06/21/2023

123 S. WASHINGTON STREET AREA: 6240 SQ.FT.  
 127 S. WASHINGTON STREET AREA: 2820 SQ.FT.

123 S. WASHINGTON STREET: DISTRICT 06 ACCOUNT NO. 028055  
 127 S. WASHINGTON STREET: DISTRICT 06 ACCOUNT NO. 036279

SOURCE OF TITLE: JJR 7233/4  
 BEARING REFERENCE SYSTEM: JJR 123/51  
 DRAWING NO. 2023-1500

IPF DENOTES IRON PIPE FOUND  
 CPS DENOTES CAPPED PIN SET  
 DHS DENOTES DRILL HOLE SET IN CONCRETE

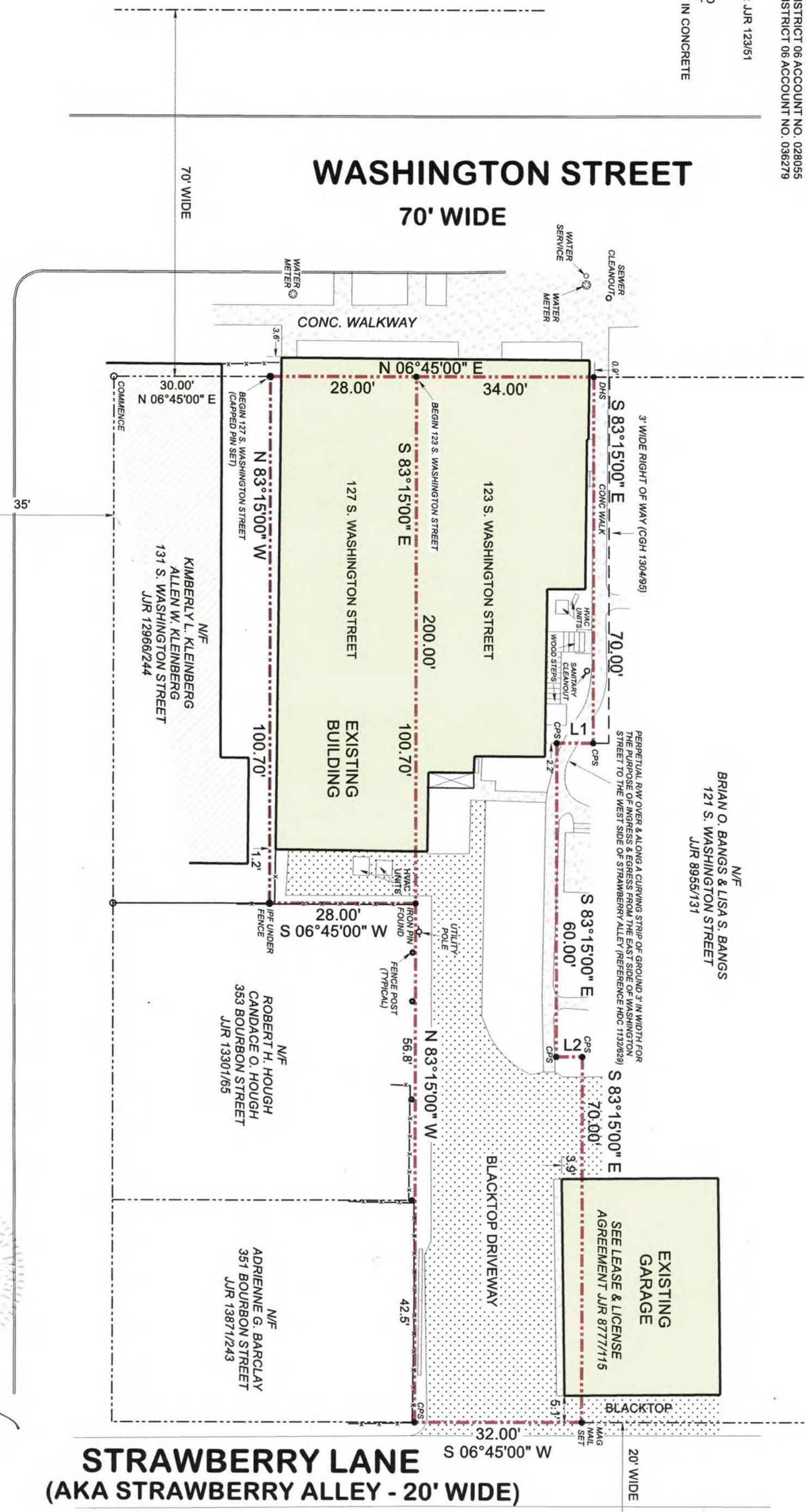


**BOUNDARY SURVEY PLAN**  
 PREPARED FOR  
 NICHOLAS NICEFORO AND ANNA NICEFORO  
 123 & 127 SOUTH WASHINGTON STREET  
 PART OF LOT 205 AND PART OF LOT 214  
 SQUARE 265, HOPPERS MAP OF CITY OF HAVRE DE GRACE  
 SIXTH ELECTION DISTRICT, HARFORD COUNTY, MARYLAND

**BOUNDARY SURVEY PLAN**  
 PREPARED FOR  
 NICHOLAS NICEFORO AND ANNA NICEFORO  
 123 & 127 SOUTH WASHINGTON STREET  
 PART OF LOT 205 AND PART OF LOT 214  
 SQUARE 265, HOPPERS MAP OF CITY OF HAVRE DE GRACE  
 SIXTH ELECTION DISTRICT, HARFORD COUNTY, MARYLAND

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 PREPARED FOR  
 NICHOLAS NICEFORO AND ANNA NICEFORO  
 123 & 127 SOUTH WASHINGTON STREET  
 PART OF LOT 205 AND PART OF LOT 214  
 SQUARE 265, HOPPERS MAP OF CITY OF HAVRE DE GRACE  
 SIXTH ELECTION DISTRICT, HARFORD COUNTY, MARYLAND

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 PART OF LOT 205 AND PART OF LOT 214  
 SQUARE 265, HOPPERS MAP OF CITY OF HAVRE DE GRACE  
 SIXTH ELECTION DISTRICT, HARFORD COUNTY, MARYLAND



LINE	BEARING	HORIZ DIST
L1	S6°45'00"W	7.00'
L2	N6°44'07"E	5.00'

N/F  
 BRIAN O. BANGS & LISA S. BANGS  
 121 S. WASHINGTON STREET  
 JJR 8955/731

N/F  
 ROBERT H. HOUGH  
 CANDACE O. HOUGH  
 353 BOURBON STREET  
 JJR 13301/65

N/F  
 ADRIENNE G. BARCLAY  
 351 BOURBON STREET  
 JJR 13871/243

N/F  
 KIMBERLY L. KLEINBERG  
 ALLEN W. KLEINBERG  
 131 S. WASHINGTON STREET  
 JJR 12966/244



**JILL MYERS**  
 LAND SURVEY CORP  
 JILL MYERS, PROFESSIONAL LAND SURVEYOR  
 MARYLAND REGISTRATION NO. 21816 (EXP. 12/14/2023)  
 DELAWARE LICENSE NO. SB-0000774  
 304 WOODLAWN AVENUE, NEWARK, DE 19711  
 302-273-5703, MYERSLANDSURVEY@GMAIL.COM



# City of Havre de Grace

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

410- 939-1800

July 26, 2023

## **DEPARTMENT OF PLANNING STAFF REPORT**

**BOARD OF APPEALS**      **Case No. 530**

**PERMIT NO.**                      2023-0245

**PROJECT:**                              Funeral Establishment at 556 Lewis Street

**APPLICANT/OWNER:**              Lisa Scott-Coleman  
552 Lewis Street  
Havre de Grace, Maryland 21078

**ATTORNEY:**                             Walter Roman, Jr.  
303 Foxfire Place, Suite G  
Cockeysville, Maryland 21030

**LOCATION:**                                552 and 556 Lewis Street  
Three parcels (map attached)  
Tax Map: 602 / Parcels: 1540, 1541 & 1542

**AREA:**                                      0.138 acres total (3,000 sq. ft.; 3,000 sq. ft.; 6,000 sq. ft, respectively)

**ZONING:**                                  RO/Residential Office

**DATE FILED:**                             March 23, 2023

**HEARING DATE:**                        August 3, 2023 – Board of Appeals

---

### **APPLICANT'S REQUEST:**

The Applicant is requesting zoning approval for expansion of an existing, non-conforming use of a Funeral Establishment in the RO/Residential Office zoning district that requires approval by the Board of Appeals. Since the existing Funeral Home is not permitted within the RO zoning district, it is considered a “nonconforming use” permitted per Chapter 205(3)(A)(4). Also, the Applicant is seeking a Variance for the Funeral Home operations per Chapter 122, Parking, Off-Street, of the City Code. A “Shared Parking Agreement” is how the funeral services propose to provide parking, as they currently do not have the space for onsite parking within their lots.

**LAND USE - EXISTING:**

The property on the corner of Lewis Street and South Freedom Lane. The existing two-story house on 556 Lewis Street is currently vacant. The adjacent building on 552 Lewis Street currently serves as the existing Funeral Home. Attached to this report is a 2023 Aerial Photographs (Attachment 1 & 12).

**ZONING:**

The subject property is zoned RO/Residential Office as shown on the enclosed copy of the zoning map (Attachment 2). The zoning in the immediately surrounding area is RB/Residential Business to the Northwest corner of the subject property and R1/Residential to the Southwest corner of the subject property. (Attachment 2)

**PROPOSED USE:**

The Applicant is proposing to expand the Funeral Home operations at their current location. The existing two-story house on 556 Lewis Street is a permitted use within the Residential Office zoning district and will serve as an office for administrative functions as allowed §205-23(H). The project is aimed at adding a 665 square foot multipurpose/storage area to the funeral home that will support the chapel and administrative areas of the business. The existing chapel will also be expanded from 32 seats to 40 seats. The new structure will have a new entrance, sitting area, and completely reimagined business center. The current Funeral Establishment is a nonconforming use. However, the proposal is for “modifications of nonconforming uses to other nonconforming uses and modifications”, which is permitted under §205-(3)(A)(4) with Board of Appeals approval. Attached to this report is a statement of work, office conversion plan, site plan, and license agreement (Included as Attachments 3 & 4, 5 & 6, 7-10, and 11).

**REVIEW OF APPLICABLE CODE SECTIONS:**

Several sections are applicable to the applicants property and are as follows: §205-3(A)(4) and (5) discusses the expansion of nonconforming uses; Section §25-17(B) provides the findings requirements for special exceptions, and §25-17(C) provides the requirements for variances under the City Code. Also, of-street parking requirements are listed under Chapter 122 of the City Code. The Department of Planning has reviewed said sections and offers the responses found below.

The current funeral services are spread across two of the three existing lots on the Lewis Street parcels. Lot consolidation will be required. Also, with consolidation, the modifications of nonconforming structure shall be permitted with Board of Appeal approval. The proposed modification would exceed the 25% gross floor area allowed without Board of Appeal approval per §205-3(A)(5).

The zoning code does not provide direction on what should be considered when the Board of Appeals examines the expansion of non-conforming uses. The analysis for Special Exceptions/Conditional Uses is comprehensive. We will use the findings required under Section 25-17(B) of the City Code to examine the effect the expansion will have on City resources and the surrounding community.

## **FINDINGS**

**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 article;***

Special exception analysis is not required for examining the expansion of non-conforming uses. However, it is helpful in examining the impact on the neighborhood.

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

The applicant will be renovating the existing two-story house to serve as an office and administrative space for the Funeral Establishment operations which is consistent with the Residential Office zoning district of permissible uses per §205-23(H) of the City’s Code.

The applicant will also be expanding the Funeral Establishment with a new 665 square foot multipurpose/storage area and adding eight seats to the existing chapel. New renovations will include a new front entrance, lobby, and restrooms. The proposal is for “modifications of nonconforming uses to other nonconforming uses”, which are permitted as a continuing use under §205-3(A)(4) with Boards of Appeal approval.

- (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 Funeral Establishment and administrative services are an existing use at this location. The applicant’s proposed expansion will provide additional services for funerals, but the size and frequency should not differ. There will be no other objectional nuisances if this expansion is approved.

- (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 existing Funeral Establishment is a nonconforming use within the Residential Office zoning district. The expansion will not create additional impacts, except with the potential of off-street parking. The Applicant is requesting a variance from the off-street parking requirements in Chapter 122. They are able to provide all necessary parking, but need to utilize eight spaces from the Colored School Museum to the rear of the property.

**(5) *Will be consistent with the Comprehensive Plan or other planning guides or capital programs for the physical development of the district;***

The City’s 2010 Comprehensive plan recognizes the need to support the growth of economic development, and retention and expansion of existing businesses as outlined in Chapter 12 Economic Development.

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

The proposed use and expansion will not adversely affect residents, visitors, or workers in the area beyond what is currently occurring with standard Funeral Establishment services and operations.

**(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 properties are currently served by water and sewer, and will utilize existing infrastructure. In addition, the existing parking lot located at 555 Alliance Street is underutilized and can provide the Applicant in meeting her parking needs without creating additional impervious parking areas.

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

Not applicable for the subject property.

**(9) *Will consider the preservation of cultural and historic landmarks.***

The existing Funeral Establishment structure is a historically significant. The existing structure will now be expanded by the proposed new multipurpose/storage area addition. The new addition will be in harmony with the existing architecture. As stated by the applicant “Statement of work: The job would consist of fully renovating the existing 1,500 square foot house, that will feature new windows and paint to match the new building and the garage. Also, adding a scenic walkway and (3) parking spaces adjacent to the historic Havre de Grace colored school.”

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

The applicant has demonstrated that there is a need for the expansion of the Funeral Home operations and stated “the project is aimed at adding much needed space to the funeral home operation to comfortably service our customer base.” Also, “we plan on adding a 1,000+ square foot multipurpose/(storage) area that will support the chapel and administrative areas of the business.”



**FINDINGS:**

For the expansion of the funeral home and the office conversion, the

Below is an analysis of the Variance findings as listed in §25-17(C) of the City Code:

**The Board of Appeals shall not grant a request for a variance unless the Board finds:**

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

Without razing the existing structures on the property, there is nowhere to safely add more parking spaces. Lots 1540 and 1541 are only 25 foot wide, which is narrow even in comparison to other properties in the City.

- 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,***

Granting this variance will allow for providing additional services on the subject's property. It is necessary to avoid practical difficulties on the small lots and would create a hardship. The Applicant is able to adhere to the City Code if allowed to utilize the adjacent property for parking.

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

As mentioned in finding number one above, literal enforcement of the ordinance would make the properties non-developable and strict adherence to the code would cause unnecessary hardship.

- 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 of the lot.***

Granting this variance would allow for the continuing use of the Funeral Establishment and allow the Applicant to provide her customers additional services. There is a mix of residential and businesses in the surrounding neighborhoods which will benefit from the "Shared Parking Agreement" that would mitigate on street parking. This type of variance will not do substantial injury to the public health, safety and general welfare of the community beyond current business operations. The minimum relief would be allowing the shared parking agreement with the conditions listed below.

**RECOMMENDATION & SUGGESTED CONDITIONS:**

The Department of Planning recommends **APPROVAL** of the modification of an existing non-conforming use of a Funeral Establishment expansion in the RO/Residential Office District located at 552 and 556 Lewis Street. The Department also recommends **APPROVAL** of the Variance request, subject to the following conditions:

1. The applicant shall consolidate the three lots prior to receiving a building permit. A note with the variance approval and Board of Appeals Case Number must be included on the recorded lot consolidation and deed.
2. The applicant shall repair or replace existing fencing around the property, and make sure all properties are in compliance with Chapter 31 of the City Code.
3. The applicant shall restrict usage of the two-story single family house to administrative/office business as allowed within the RO zoning district per §205-23 and §205-25.C.
4. The applicant will construct a driveway where physically possible with the expansion plans on Parcel 1540.
5. Since the existing structure on 552 Lewis Street is historically significant, and the existing structure at 556 Lewis Street was traditionally a house, the Department of Planning believes it is important that any new development blends in the fabric of the surrounding community. Property owners shall consult with the City’s Historic Preservation Commission on all future designs and provide proposed designs for review and comment prior to receiving a building permit.
6. Supplemental parking shall be allowed per a “shared parking agreement” between The Havre de Grace Colored School Museum and Cultural Center parking lot located on 555 Alliance Street and 556 Lewis Street Funeral. At any time the “shared parking agreement” ceases to exist, the use must stop without a new, approved (by the Director of Planning) shared parking agreement or other accommodation for eight parking spaces.
7. Provide a safe path with a gate for pedestrians to move between 555 Alliance Street to the funeral home properties.
8. Submit detailed plans indicating the location of landscaping, fencing and other outdoor improvements. The plans do not need to be signed and sealed if the Applicant does not have to seek Site Plan approval.
9. No future nonconforming uses or structures can be expanded or authorized.
10. The Applicant shall obtain all applicable permits and inspections for the building renovations.
11. All applicable fees must be paid prior to the issuance of a Use & Occupancy Permit.

*Timothy Bourcier*

07/26/2023

Tim Bourcier

Date

Director

Department of Planning

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

**Attachment 1 – 2023 Aerial Photograph**

**2023 Aerial -556 Lewis Street**



7/18/2023, 9:56:24 AM

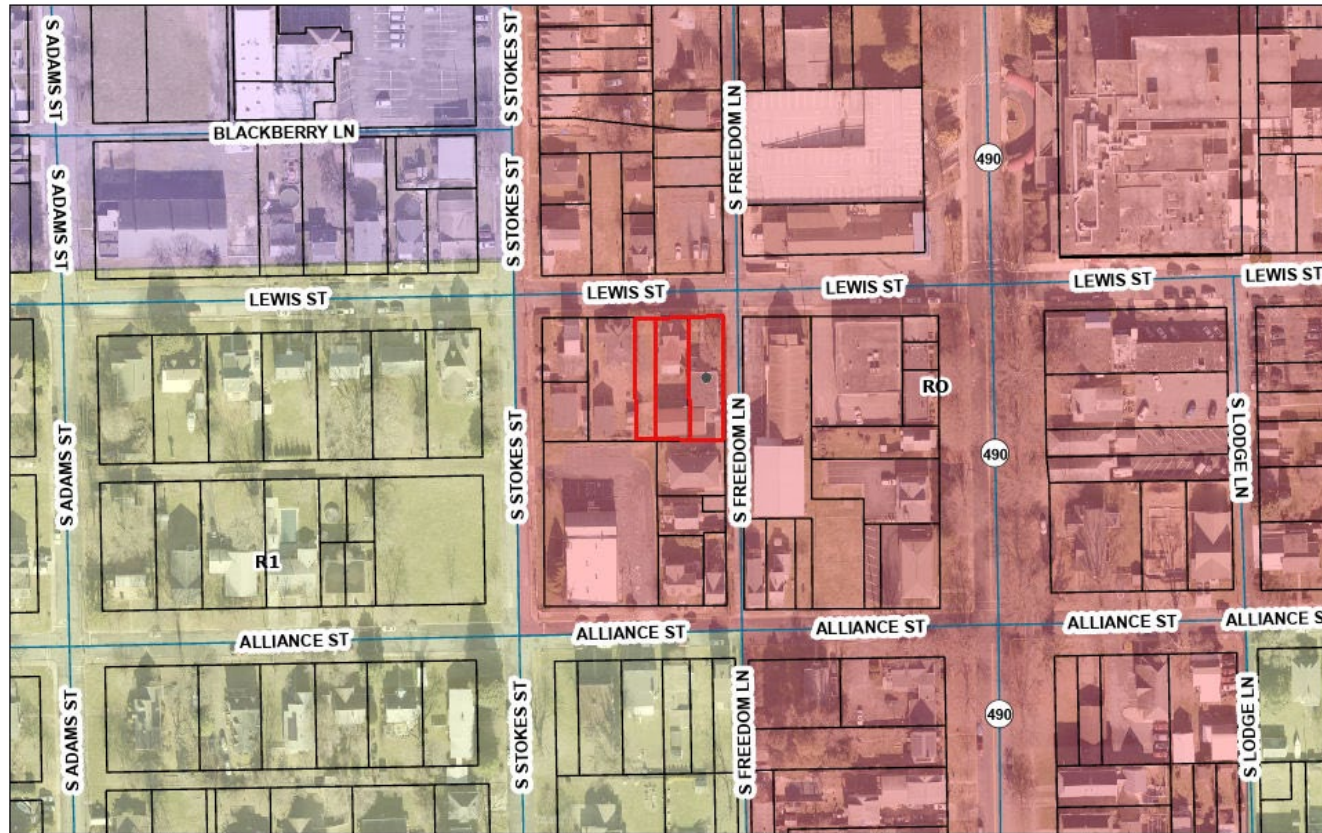
Centerline Harford County Boundary  
Cadastral

1:1,128  
0 0.01 0.01 0.02 mi  
0 0.01 0.02 0.04 km  
Cecil County, Harford County Government, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA

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

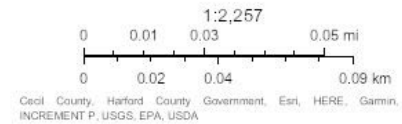
Attachment 2 – 2023 Zoning District Map

Zoning Map -556 Lewis Street



7/18/2023, 10:03:47 AM

- Centerline
- Cadastral
- Harford County Boundary
- Havre de Grace Zoning
- R1
- RB
- RO



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

Department of Planning  
BOA Staff Report  
556 Lewis Street  
Funeral Expansion – Continuing Existing Use §205-3.A(4)

**Attachment 3 & 4: Statement of Work:**



### Rough Order Estimate

556 Lewis St. Harve De Grace MD. 21078

2/15/23

Description	Unit	Cost
<b>New Multipurpose Structure</b>		
The multipurpose space will be built off the main funeral home connecting both the current funeral home and the outside garage. This will be the new front entrance which includes a lobby and restrooms. It should be programmed to be used as an additional chapel, meeting room or dining area	1382 SF	\$310,950
<b>Renovated House</b>		
The two-level house will be the new business center for the funeral home operation. The layout will have office area, show room area, TV/video conferencing space. Also, a small kitchen area and 1 ½ restrooms. The basement will be finished to provide additional storage space. All the entrance ways will be expanded with double doors to ensure functionality. The main entrance will be relocated in the back of the house which is currently the patio	1563 SF	\$296,340
<b>Garage Area</b>		
The current garage area will be upgraded to a double door entry, new lighting, and epoxy flooring. The outside structure should be painted to match the new facility and the existing funeral home.		\$29,900
<b>Existing Funeral Home</b>		
The existing funeral home is a historic structure, that will now be connected by the proposed new multipurpose addition. The current entrance way will be moved. The current ADA access ramp will be extended to service the new multipurpose area.		\$67,500
<b>Rough-Order Estimate</b>		\$704,690

#### IMEC Group, LLC

6470 Dobbin Road, Suite B | Columbia, Maryland 28562

Tel: 1.443.583.7890 | Fax 1.443.458.7743

[www.imecgrouppllc.com](http://www.imecgrouppllc.com)

556 Lewis Street

**Statement of work:**

The project goal is to add square footage to the overall campus of the funeral home. The job would consist of fully renovating the existing 1500 sqft house, that will feature new windows and paint to match the new building and the garage. Also adding a scenic walkway and (3) parking spaces in the area adjacent to the historic Havre de Grace colored school.

**New multipurpose structure:**

The multipurpose space will be built off the main funeral home connecting both the current funeral home and the outside garage. This will be the new front entrance which includes a lobby and restrooms. It should be programmed to be used as an additional chapel, meeting room or dining area.

**Renovated house:**

The two-level house will be the new business center for the funeral home operation. The layout will have office area, show room area, TV/video conferencing space. Also, a small kitchen area and 1 ½ restrooms. The basement will be finished to provide additional storage space. All the entrance ways will be expanded with double doors to ensure functionality. The main entrance will be relocated in the back of the house which is currently the patio.

**Garage area:**

The current garage area will be upgraded to a double door entry, new lighting, and epoxy flooring. The outside structure should be painted to match the new facility and the existing funeral home.

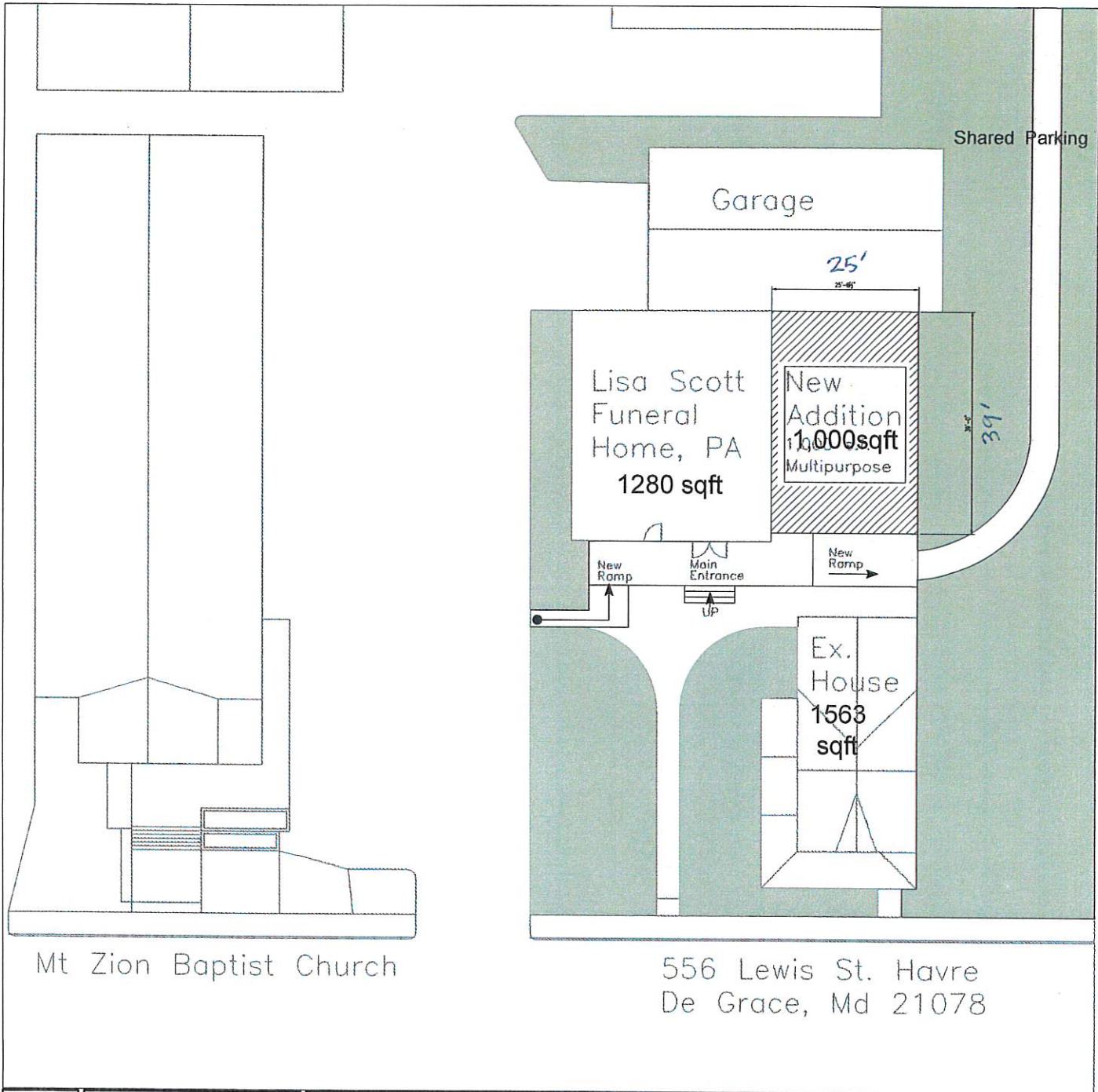
**Existing funeral home:**

The existing funeral home is a historic structure, that will now be connected by the proposed new multipurpose addition. The current entrance way will be moved. The current ADA access ramp will be extended to service the new multipurpose area.

Department of Planning  
BOA Staff Report  
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**Attachment 5 & 6: 2023 Office Conversion:**





## Campus 2- additional Details

(Exhibit 2)

- Outdoor protective canopy between the new structure and the renovated house.



### Relevant information:

- A portion of the new 1,000+ square foot addition will benefit 10% of the funeral home clients with additional space to comfortably conduct their final services. The major objective of the new structure is to increase the efficiency and flexibility of the operation.
- The new space will have a few shared parking spaces in partnership with the Havre De Grace colored school complete with an easement for easy access to both facilities.
- We anticipate less than 2% increase in the amount of traffic in the neighborhood as the core business generally serves and supports clients outside of the funeral home.

RELIABLE QUALITY TECHNICIANS LLC  
ARCHITECTURAL DRAFTING SERVICE  
Rockville MD, 20853

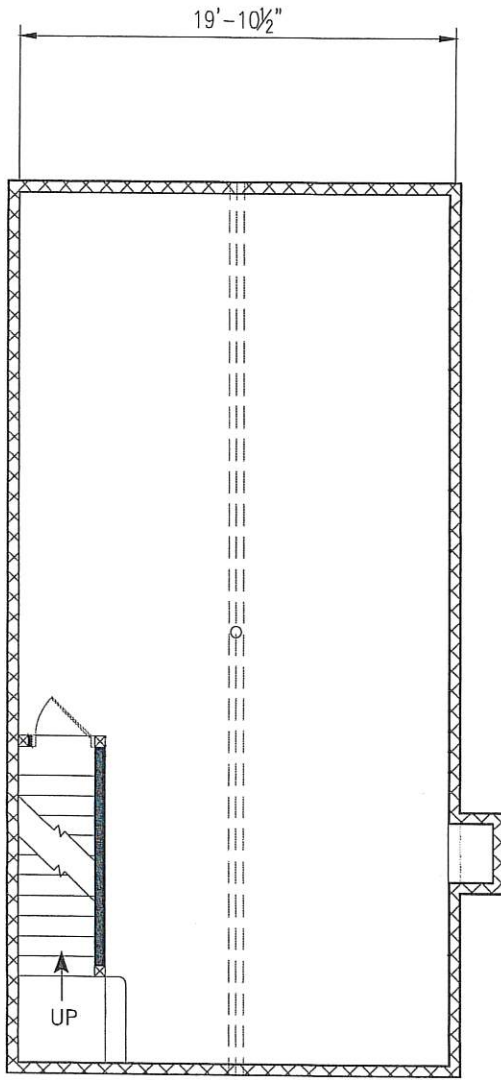
PROJECT: 556 Lewis St Havre De Grace, MD 21078  
DRAWING TITLE: New Addition Site plan

ISSUE DATE: 01/12/2023  
REVISION DATE:  
SCALE: Not to Scale

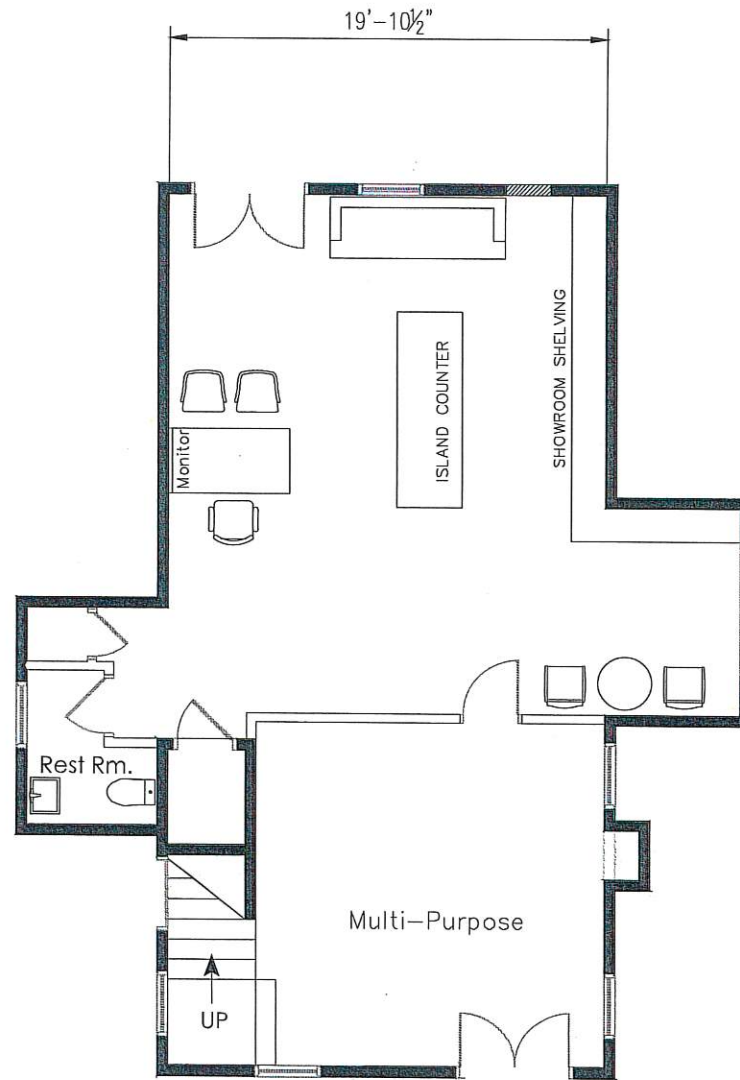
SHEET NUMBER

SK1

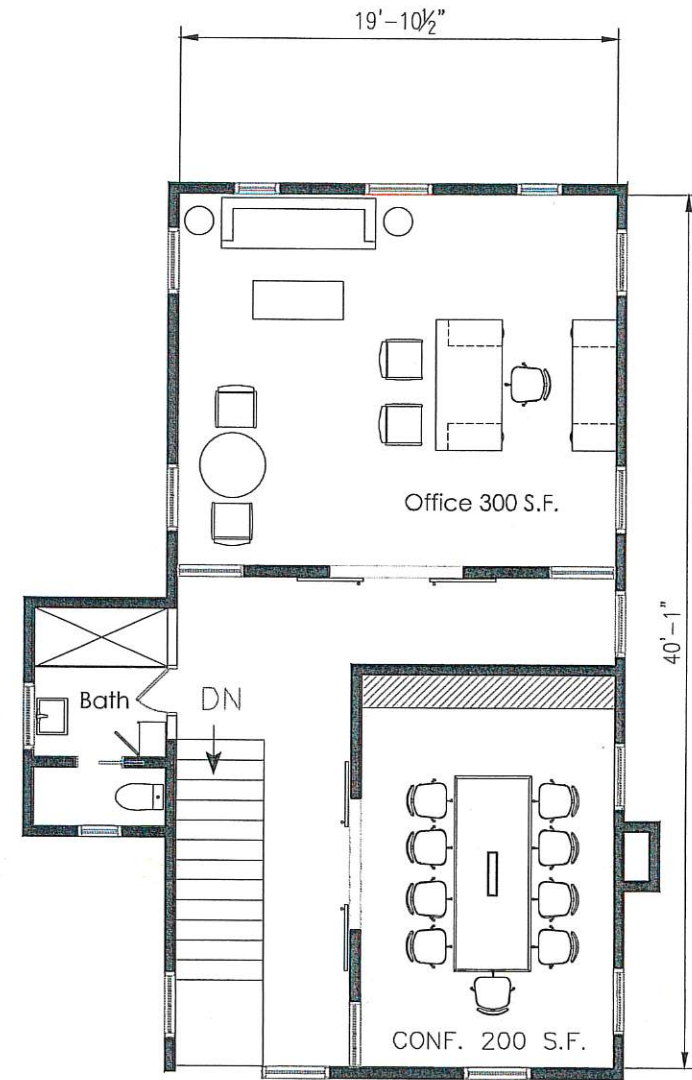
# DWELLING STRUCTURE CONVERTED TO BUSINESS OFFICE



Basement  
796 sq. ft.



First floor  
919 sq. ft.



Second floor  
661 Sq. ft.

**RELIABLE QUALITY TECHNICIANS LLC**  
ARCHITECTURAL DRAFTING SERVICE  
Rockville MD, 20853

PROJECT: 556 Lewis St Havre De Grace, MD 21078  
DRAWING TITLE: New Addition Site plan

ISSUE DATE: 12/12/2023  
REVISION DATE:  
SCALE: Not to Scale

SHEET NUMBER

SK2

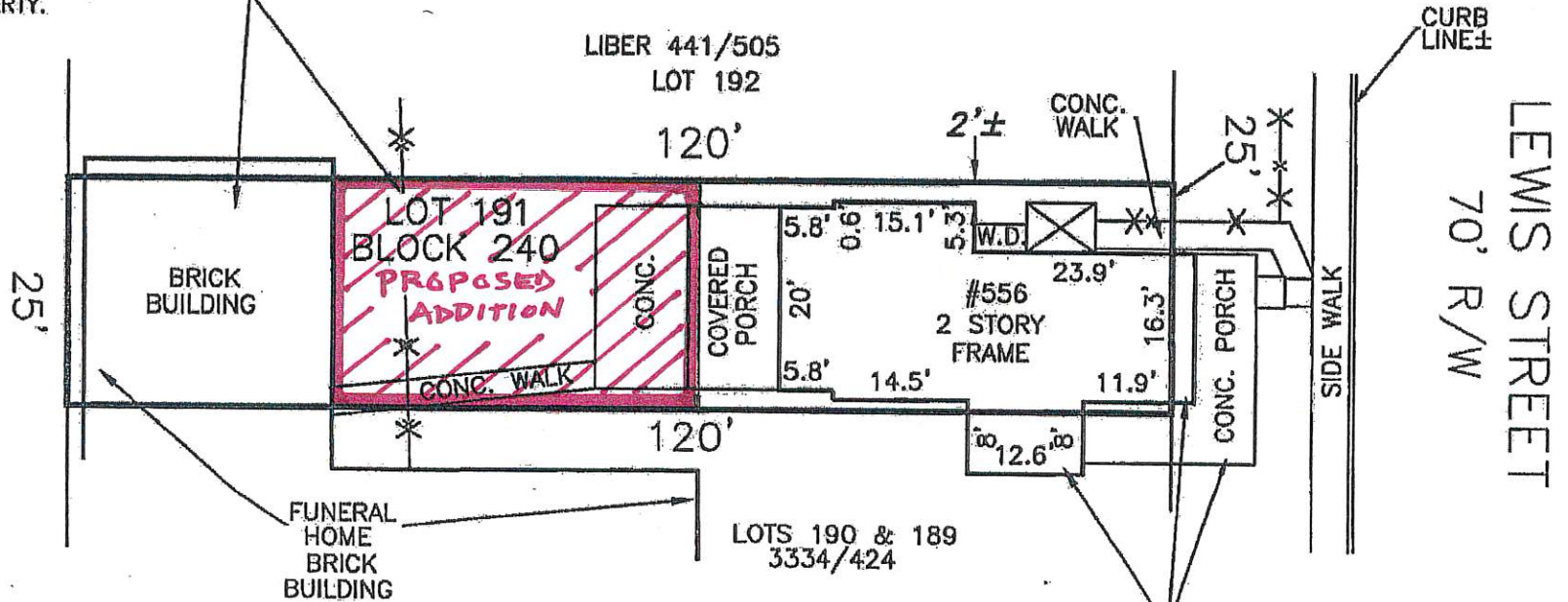
Department of Planning  
BOA Staff Report  
556 Lewis Street  
Funeral Expansion – Continuing Existing Use §205-3.A(4)

**Attachment 7 through 10 – 2023 Site Plan**

**NOTES:**

- 1) B.R.L. information, if shown, was obtained from existing record plat or local agencies and is not guaranteed by NTT, Inc.
- 2) Building line and/or Flood Zone information is subject to the interpretation of the originator.
- 3) NTT, Inc. does not certify to unshown or unrecorded encroachments or overlaps.
- 4) Property markers NOT found, or guaranteed by this location.
- 5) Setback distance accuracy: 3'±

NOTE: BRICK BUILDING AND FENCE APPEAR TO ENCROACH INTO THE SUBJECT PROPERTY.



552 Lewis St.  
owned by Lisa Scott

NOTE: HOUSE AND CONC. PORCH APPEAR TO LIE OFF THE SUBJECT PROPERTY INTO LOT 190 AND THE ROAD RIGHT OF WAY.

Subject property is shown in Zone X on the FIRM Map of Harford County, Maryland on Community Panel Number 24025C 0212 D, effective JANUARY 7, 2000

NOTE: NO PROPERTY CONTROL FOUND. ROADS HELD FOR POSSESSION.



This is to certify that I have surveyed the property shown hereon, being known as #556 LEWIS STREET A.K.A. LOT 191 BLOCK 240 "HOPPER'S MAP" P.B. 2/79 and recorded among the land records of Harford County, Maryland in LIBER 1145, folio 640 for the purpose of locating the improvements thereon.



J. Carl Hudgins PLS #96  
Expiration Date: 3/11/12

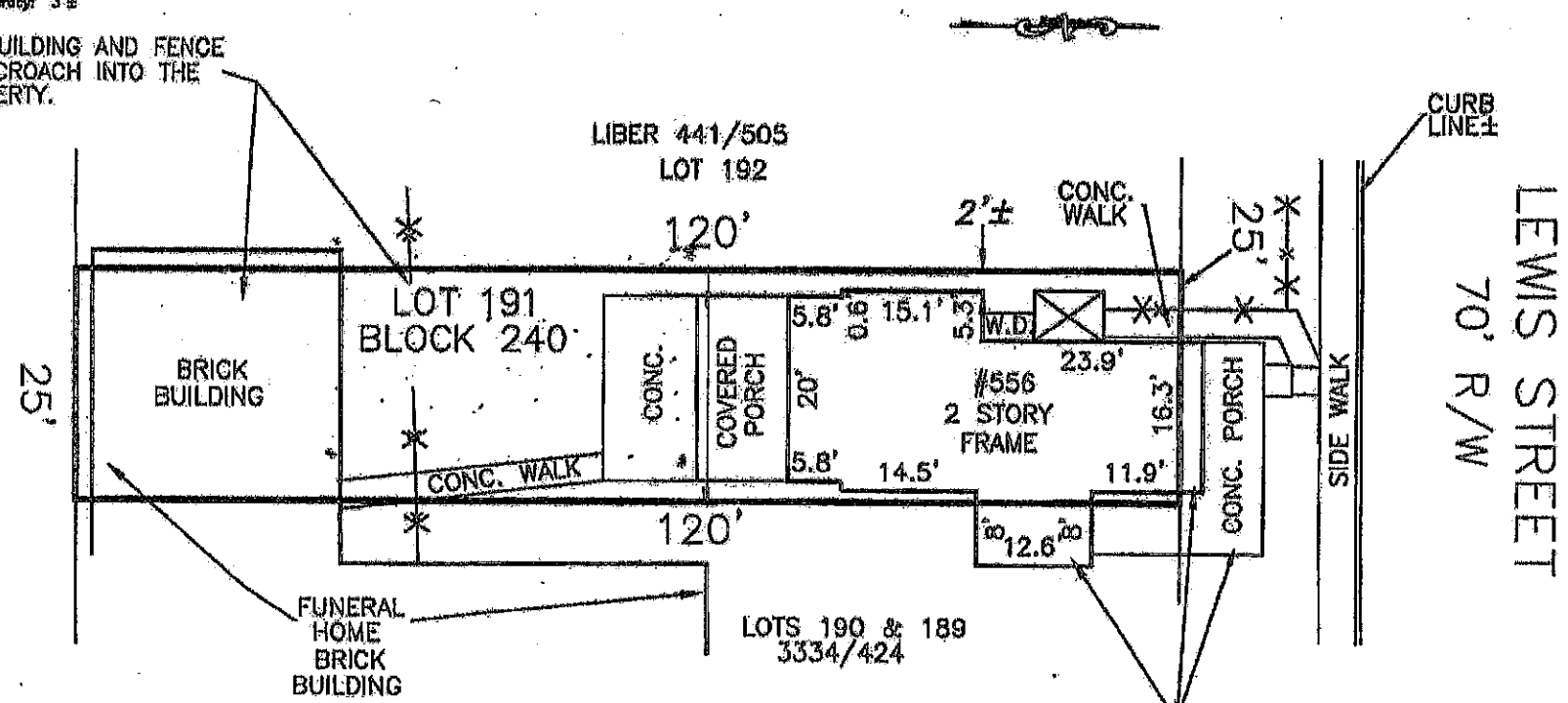
**LOCATION DRAWING**  
556 LEWIS STREET  
6th ELECTION DISTRICT  
HARFORD COUNTY, MARYLAND

NTT Associates, Inc. Scale: 1"= 20'  
16205 Old Frederick Rd. Date: 1/15/12  
Mt. Airy, Maryland 21771  
Phone: (410)442-2031 Field By: DBM  
Fax: (410)442-1315 Drawn By: DBM  
Website: www.nttsurveyors.com Drawing # IT12-3301

\* This plat is of benefit to the consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing, or refinancing purposes.  
\* This plat is not to be relied upon for the establishment of location of fences, garages, buildings, or other existing or future structures.  
\* This plat does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or for securing financing or refinancing.

- NOTES:**
- 1) B.R.L. information, if shown, was obtained from existing record plat or local agencies and is not guaranteed by NTT, Inc.
  - 2) Building line and/or Flood Zone information is subject to the interpretation of the originator.
  - 3) NTT, Inc. does not certify to unknown or unrecorded encroachments or overlaps.
  - 4) Property markers NOT found, or guaranteed by this location.
  - 5) Setback distance accuracy: 3"

NOTE: BRICK BUILDING AND FENCE APPEAR TO ENGROACH INTO THE SUBJECT PROPERTY.



552 Lewis St.  
owned by Lisa Scott

NOTE: HOUSE AND CONC. PORCH APPEAR TO LIE OFF THE SUBJECT PROPERTY INTO LOT 190 AND THE ROAD RIGHT OF WAY.

Subject property is shown in Zone X on the FIRM Map of Harford County, Maryland on Community Panel Number 24025C 0212 D, effective JANUARY 7, 2000

NOTE: NO PROPERTY CONTROL FOUND. ROADS HELD FOR POSSESSION.



This is to certify that I have surveyed the property shown hereon, being known as #556 LEWIS STREET A.K.A. LOT 191 BLOCK 240 "HOPPER'S MAP" P.B. 2/79 and recorded among the land records of Harford County, Maryland in LIBER 1145, folio 640 for the purpose of locating the improvements thereon.



**LOCATION DRAWING**  
556 LEWIS STREET  
6th ELECTION DISTRICT  
HARFORD COUNTY, MARYLAND

- \* This plat is of benefit to the consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing, or refinancing purposes.
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J. Carl Huggins PLS #96  
Expiration Date: 3/11/12

NTT Associates, Inc.  
16205 Old Frederick Rd.  
Mt. Airy, Maryland 21771  
Phone: (410)442-2031  
Fax: (410)442-1315  
Website: www.nttsurveyors.com

Scale: 1" = 20'  
Date: 1/15/12  
Field By: DBM  
Drawn By: DBM  
Drawing # IT12-3301

Lewis St

552

S Stokes St

S Freedom Ln

Havre  
de Grace  
Colored  
School  
Museum  
& Cultural  
Center

Alliance St

Lewis St

S Stokes St

S Freedom Ln

Havre  
de Grace  
Colored  
School  
Museum  
& Cultural  
Center

Alliance St



Department of Planning  
BOA Staff Report  
556 Lewis Street  
Funeral Expansion – Continuing Existing Use §205-3.A(4)

**Attachment 11 – 2023 “Shared Parking Agreement”**





THE HAVRE DE GRACE COLORED SCHOOL  
MUSEUM AND CULTURAL CENTER, INC.



April 4, 2022

**Officers:**

Patricia Cole  
*President*

Carol Bruce  
*Vice President*

Brittany Powell  
*Secretary*

June Conley  
*Treasurer*

**Board Members:**

Iris Barnes

Turshandah Cole

Sheryl Coleman

Emil Cromwell

Janice Grant

Bobby Parker

Lenora Robinson

Thurl Snell

Lisa Scott Funeral Home, P.A.  
552 Lewis Street  
Havre de Grace, MD 21078

Dear Ms. Scott-Coleman:

The Havre de Grace Colored School Museum and Cultural Center's (HCSMCC) Board of Directors approved the use of the parking area as stipulated in your March 25, 2022 request.

We look forward to future endeavors and hope that you will continue to support us in our commitment to preserve the Havre de Grace Colored School.

Sincerely,

Patricia D. Cole  
President, Board of Directors  
Havre de Grace Colored School,  
Museum and Cultural Center, Inc.  
443-939-0366 (business)  
703-398-6133 (personal)



THE  
HAVRE de GRACE  
COLORED SCHOOL

Museum and Cultural Center, Inc.

Department of Planning  
BOA Staff Report  
556 Lewis Street  
Funeral Expansion – Continuing Existing Use §205-3.A(4)

**Attachment 12 – July 2023 Site Photos**

556 LEWIS STREET: FACING SOUTHWEST



552-556 LEWIS STREET: FACING SOUTH



552-556 LEWIS STREET: FACING SOUTH: PROPOSED ADMINISTRATIVE OFFICE BUILDING



SOUTH FREEDOM LANE: FACING NORTH WEST-REAR GARAGE



556 LEWIS STREET FACING SOUTHEAST-PROPOSED PROJECT  
EXPANSION LOCATION



555 ALLIANCE STREET (HDG COLORED SCHOOL) FACING NORTH  
TOWARDS 556 LEWIS STREET-PROPOSED PEDESTRIAN CORRIDOR





555 ALLIANCE STREET (HDG Colored School) FACING NORTHEAST-  
8 PARKING SPACES-AGREEMENT



Attorney/Representative \_\_\_\_\_

17 \_\_\_\_\_

Mailing Address \_\_\_\_\_

EMAIL Address \_\_\_\_\_

**Land Description**

Address and Location of Property 556 Lewis Street, Havre de Grace, Maryland 21078

Subdivision \_\_\_\_\_ Lot Number 191

Acreage/Lot Size 3,000 sqft Zoning 06 Tax ID # 008658

Tax Map No. 0602 Grid No. \_\_\_\_\_ Parcel 1541

List ALL structures on property and current use: Two story house that is vacant. AND  
EXISTING FUNERAL HOME BUILDING

Estimated time required to present case: 15 min.

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**

The project is aimed at adding much needed space to the funeral home operation to comfortably service our customer base.

We plan on adding a 1,000+ sqft multipurpose area that will support the chapel and administrative areas of the business.

The new structure will have a new entrance, sitting area and completely reimagined business center.

**Justification**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*\*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.

Risa Scott-Coleman 2/22/23 Thomas B. Gray 2/22/23  
Signature of Owner Date Witness Date

\_\_\_\_\_  
Signature of Co-Applicant Date Witness Date

\_\_\_\_\_  
Signature of Attorney/Representative Date Witness Date

\_\_\_\_\_  
Director of Planning Date Zoning Staff Date