



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

September 7th, 2023

6:30 PM

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

- a. **BoA No.** 536
Location: 2000 Level Road
Owner/Applicant: Peter & Mary Ianniello
Permit No: 2024-0070
Parcel No.: 06-003133
Description:

To hear a request by the property owner for a Conditional Use approval within the Residential Business/RB zoning district to allow for multifamily dwellings. The proposed use as a multifamily dwelling per [§205-27E](#) is currently listed as a Conditional Use within the RB zoning district. The applicant will need to show the project meets the findings under Chapter [§25-17 \(B\)](#).

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.



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August 28, 2023

DEPARTMENT OF PLANNING STAFF REPORT

BOARD OF APPEALS **Case No. 536**

PERMIT NO. 2024-0077

PROJECT: Residential Development at 2000 Level Road

APPLICANT/OWNER: Owner
Peter & Mary Ianniello
2000 Level Road
Havre de Grace, Maryland 21078

ATTORNEY: Bradley R. Stover, Esquire
124 North Main Street
Bel Air, Maryland 21014

LOCATION: 2000 Level Road (known as Mt. Felix)
Tax Map: 44 / Parcels: 443

AREA: 13.96 Acres

ZONING: RB/Residential Business

DATE FILED: August 21, 2023

HEARING DATE: September 7, 2023 – Board of Appeals

APPLICANT'S REQUEST:

The Applicant is requesting Conditional Use approval for “multifamily dwellings” per Section 205-27 of the City Code.

LAND USE - EXISTING:

The property is located south of Level Road, adjacent to the recently approved Sion Hill Estates residential development, at the Mt. Felix Winery. The land is currently being used for agricultural purposes, but was slated for residential development per Annexation Resolution 277. Attached to this report is a Concept 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 property is also surrounded by properties in the RB/Residential Business zoning district.

PROPOSED USE:

The Applicant is proposing to develop a mix of condominiums and townhouses at the subject property. Condominiums are considered “Multifamily dwelling” units, which are allowed as a Conditional Use under §205-27(E).

SINGLE CONCEPT PLAN

The subject property was annexed under Annexation Resolution 277 (AR277) with several other surrounding properties. One requirement of AR277 was the requirement that all owners agree on a “single concept plan” (SCP). The City and the respective owners agreed to the terms of Resolution 2020-16 (Attachment 5). No conditions from the Board of Appeals can conflict with the 13 SCP conditions.

DEVELOPMENT PROCESS

Each property owner listed under AR277 is required to go through the City’s development process. Board of Appeals review of this project is not an endorsement or approval of the concept plan which has been provided. The Board of Appeals is only determining whether this location is appropriate for multifamily dwellings, per the findings listed under Section 25-17(B) of the City. Code.

REVIEW OF APPLICABLE CODE SECTIONS:

“Dwelling, multifamily” is defined under Section 205-13, “Definitions”, and applies to the proposed development. Section 25-17(B) of the City Code is applicable to this request concerning conditional use approval. The Department of Planning has reviewed and analyzed the required findings 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 proposed development is currently only in concept form and will need to go to the Planning Commission for approval. There may be issues with meeting the traffic and water infrastructure requirements under Chapter 2 – Adequate Public Facilities Ordinance. The Applicant will need to comply with all of the City’s planning, development and infrastructure requirements.

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 property and surrounding area are mostly being used for agricultural purposes. Sion Hill Estates is located to the south of the subject property and is in the early development stages. AR277 and Resolution 2020-16 provided for the development of the subject property and surrounding properties as part of the SCP. The development plans will need to be reviewed by the Planning Commission to ensure there is no harm to the surrounding properties. However, allowing multifamily dwellings as a conditional use should not be a detriment.

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 Planning Commission will need to review and approve of official development plans, but multifamily dwellings are consistent with the planned development of the area.

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

The Mt. Felix property was incorrectly recognized as part of the MET in the 2010 Comprehensive Plan. The property was annexed in 2014 and the land uses were negotiated with the Mayor and Council as part of the 2020 SCP. Since the property was not properly recognized in the currently adopted plan, there is no consistency possible. Moreover, real changes have been legislated since the last Comprehensive Plan adoption. The 2023 Comprehensive Plan (in progress) shows this area as being developed as medium density residential. The concept plan shows 16 units per acre for townhouses, and 22 units per acre for condominiums, which is in line with medium density residential.

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

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

Per Chapter 2 – Adequate Public Facilities Ordinance (APFO) of the City Code, development cannot occur without adequate public facilities and services being provided. The Planning Commission cannot hear the Applicant’s preliminary plan and subdivision application until there is an agreement on how the APFO requirements can be met. Upon meeting the APFO requirements, the Planning Commission will still need to review the plans to ensure they meet the City’s development requirements. The Applicant has shown interest in a cursory review of the development plans by the Planning Commission to better shape the development prior to an official submittal.

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

The Applicant will need to submit Forest Conservation plans, wetlands delineations and other environmentally-related plans for review prior to receiving approval from the Planning Commission. The planned development is adjacent to the winery also owned by the Applicant. They are planning to create a space for interactions between residents and the winery. A five-acre park will also be dedicated to the City as part of the “Legacies” proposed development, which residents of the subject property will also have access.

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

The Department of Planning staff report for the SCP recommended that architectural elements of historic properties at the Mt. Felix winery be incorporated into any new development. This recommendation will be provided to the Planning Commission for their consideration. There is no planned destruction or removal of historic landmarks otherwise.

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

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

RECOMMENDATION & SUGGESTED CONDITIONS:

The Department of Planning recommends **APPROVAL** of the Conditional Use request for Multifamily Dwellings at 2000 Level Road. Since the Applicant will need to meet the requirements of the City's APF Ordinance, and receive approval from the Planning Commission on other City development requirements, no additional conditions are being recommended at this time. This approval is only for examining the appropriateness of multifamily dwellings at this location and not for the approval of any development. The Department of Planning believes the Applicant's request meets the findings requirements under Chapter 25-17(B). Further Planning Commission and staff review of the actual development will be subsequently required.

Timothy Bourcier

9/3/2023

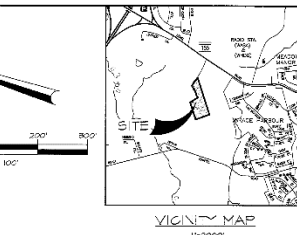
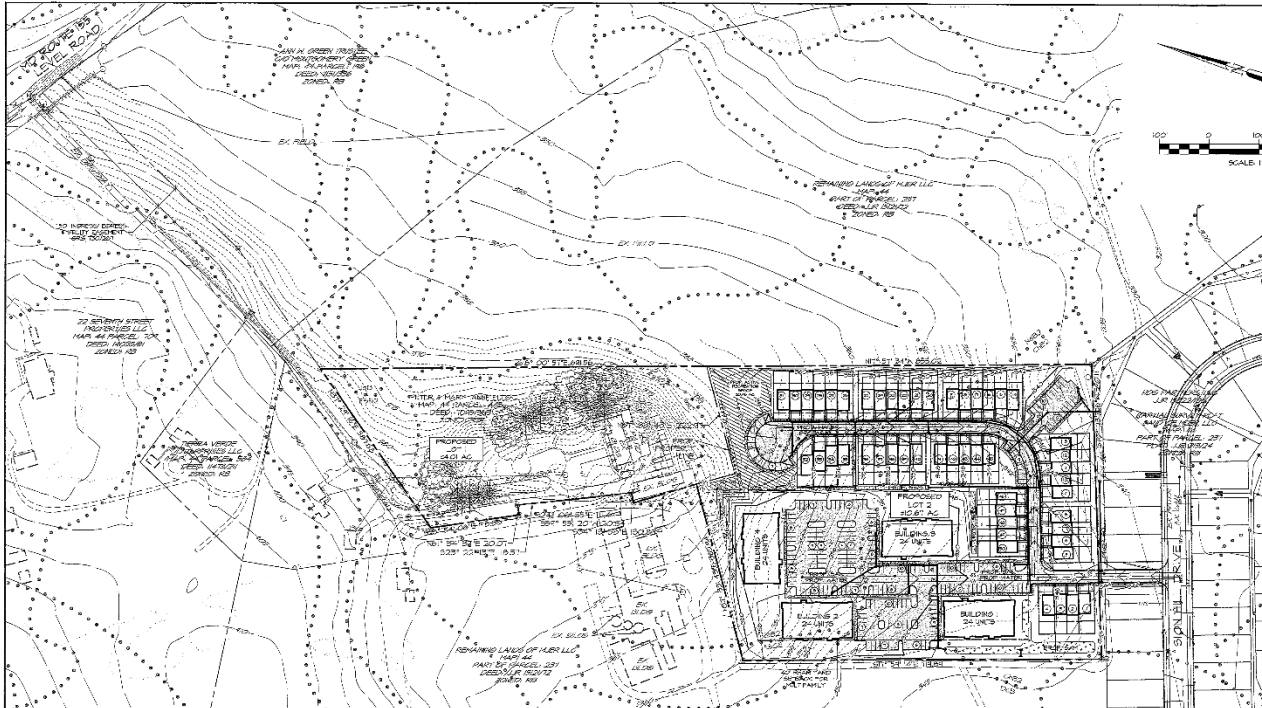
Tim Bourcier

Date

Director

Department of Planning

cc: Marisa Willis, CFM, Planner
Eric Lawrence, Associate Planner
Colleen Critzer, Permits Clerk
Board of Appeals Members
Bradley Stover, Esquire - Attorney



LEGEND

- SIDE OF HIGHWAY
- PROPERTY LINE
- EX EASEMENT
- EX CONDUIT
- EX SEWER
- EX EDGE OF PAVING
- EX CONCRETE LINES
- EX SANITARY LINES
- EX WATER LINES
- EX STORM DRAIN LINES
- SOIL LINES
- PROP CONDUIT
- PROP STORM DRAIN LINES
- PROP DETECTOR
- PROP EASEMENT
- EX BUILDING
- PROP BUILDING
- PROP SANITARY LINE
- PROP WATER LINE
- PROP TONHOUSE LOT AREA
- PROP PAVING
- PROP SIDEWALK
- PROP DRIVE AREA
- PROP ACTIVE RECREATION SPACE
- PROP TONHOUSE LOT
- PROP PARKING SPACE
- PROP DRIVEWAY
- EX FIRE HYDRANT
- PROP FIRE HYDRANT
- EX SAN
- PROP SAN
- EX WATER VALVE
- PROP WATER VALVE

DEVELOPMENT SUMMARY

- PROPERTY ADDRESS: 2000 LEVEL ROAD, HARVEY DE BRIDGE, MD 20716
- OWNERS: PETER & MARY ANNIELLO, 2000 LEVEL ROAD, HARVEY DE BRIDGE, MD 20716
- TAKE UP: 06-C0833, 44, 22, 44B, 107/1618
- EXIST'G ACRES: 4.460 ACRES
 PROPOSED SUBDIVISION: 127
 TONHOUSE GROSS LAND AREA: 14.01 ACRES
 MULTIFAMILY GROSS LAND AREA: 14.11 ACRES
- USE: EXIST'G: VINEYARD, PROP'D: VINEYARD, CONDORNIUS, 4 TONHOUSES
- WATER SERVICE: PUBLIC, SEWER SERVICE: PUBLIC
- ZONING: RB (RESIDENTIAL BUSINESS)
- PROVISIONS FOR PERMITTED USE TONHOUSES (1205-268):
 MIN. LOT AREA: 1200 SQ FT
 MAX. LOT COVERAGE: 20%
 MIN. FRONT YARD SETBACK: 25'
 MIN. SIDE YARD SETBACK: 15'
 MIN. REAR YARD SETBACK: 25'
 MAX. BUILDING HEIGHT: 40'

OPEN SPACE (1200-1736):
 REQUIRED OPEN SPACE: 20% OF GROSS LAND AREA = 16.26 AC +/- 20% = 3.25 AC
 PROVIDED OPEN SPACE: 1.48 ACRES (2 RW)
 REQUIRED ACTIVE RECREATION USE: 25% OF OPEN SPACE = 8.10 AC X 25% = 2.03 AC
 PROVIDED ACTIVE RECREATION USE: 12.48 ACRES (2 RW)

1. PROVISIONS FOR COND'IONAL MULTIFAMILY DENSITIES (200-275):
 MIN. LOT AREA: 10000 SQ FT
 MAX. LOT COVERAGE: 50%
 MIN. LOT HEIGHT: 10 FT
 MIN. FRONT YARD SETBACK: 30'
 MIN. SIDE YARD SETBACK: 10'
 MIN. REAR YARD SETBACK: 10'
 MAX. BUILDING HEIGHT: 40'

DENSITY:
 MAXIMUM MULTIFAMILY DENSITY: NONE
 PROVIDED MULTIFAMILY DENSITY: 16 UNITS (22 UNITS PER ACRE)

10. PARKING REQUIREMENTS:
 REQUIRED FOR TONHOUSES: 3 SPACES PER UNIT + 50 UNITS X 3 SPACES + 50 SPACES
 REQUIRED FOR MULTIFAMILY: 2 SPACES PER UNIT + 16 UNITS X 3 SPACES + 208 SPACES
 TOTAL REQUIRED PARKING: 136 PARKING SPACES
 PROVIDED FOR TONHOUSES: 200 SPACES (2 SPACES PER UNIT + 2 DRIVEWAY SPACE PER UNIT)
 PROVIDED FOR MULTIFAMILY: 208 PARKING SPACES
 TOTAL PROVIDED PARKING: 408 PARKING SPACES

SOIL CHART

SYMBOL	UNIT NAME	HYDRO	Kc-VALUE	HYDRO LOGIC GROUP
C1B2	CHILLUM HILL LOAM, 2-5% SLOPES	-	48	C
D1E	DELANCO S LT LOAM, 3-5% SLOPES	-	31	C
E2C2	ELANORO LOAM, 2-5% SLOPES	-	31	B
E4C3	ELANORO LOAM, 3-5% SLOPES	-	31	B
J1D	JOPPA GRAVELLY SANDY LOAM, 2-5% SLOPES	-	26	A
M2D	MAGNATAS AND JOPPA SCL, 3-5% SLOPES	-	26	B

- GENERAL NOTES**
- THERE IS NO 100 YEAR FLOODPLAIN LOCATED ON THE PROPERTY AS DESCRIBED BY FEMA FIRM MAP PANEL NO. 240225020E DATED 04/20/06.
 - SOIL BOUNDARY AND INFORMATION FROM SOIL SURVEY OF HARRIS COUNTY, TEXAS, INC.
 - BOUNDARY FIELD SURVEYED BY FREDERICK HARD ASSOCIATES IN DECEMBER 2022.
 - BOUNDARY FIELD SURVEYED BY FREDERICK HARD ASSOCIATES IN DECEMBER 2022 AND JANUARY 2023.
 - THE PROPERTY IS NOT WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
 - NO WETLANDS ON THIS SITE PER THE NATIONAL WETLAND INVENTORY.
 - THE FINAL LOCATION FOR FIRE HYDRANTS, VALVES, WATER LINES, SEWER LINES, PUMP STATIONS, ETC. SHALL BE DETERMINED DURING FINAL ENGINEERING.
 - SOILS AND/OR MANAGEMENT SHALL BE DETERMINED IN ACCORDANCE WITH THE APPLICABLE SOIL DESIGN MANUAL.

BOARD OF APPEALS REQUEST
 BOARD OF APPEALS APPROVAL IS REQUESTED FOR A VARIATION, EXCEPTION OF A CONDITIONAL USE TO ALLOW FOR MULTIFAMILY DENSITIES WITHIN THE RB ZONING DISTRICT.

ARCHITECTS: FREDERICK HARD ASSOCIATES, INC. 402.977.2887
 PLANNERS: FREDERICK HARD ASSOCIATES, INC. 402.977.2887
 ENGINEERS: FREDERICK HARD ASSOCIATES, INC. 402.977.2887

FHA
 FREDERICK HARD ASSOCIATES, INC.
 10000 WOODBRIDGE BLVD, SUITE 100
 GREENBELT, MD 20814

OWNER/DEVELOPER:
 PETER ANNIELLO
 2000 LEVEL ROAD
 HARVEY DE BRIDGE, MD 20716
 ATTN: PETER ANNIELLO
 PHONE: 410-987-2887

BOARD OF APPEALS
 SITE PLAN
 MOUNT FELIX
 SUBDIVISION




CITY OF HARVEY DE BRIDGE, MD
 2024 ELECTION DISTRICT

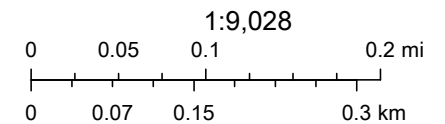
DATE: 08/16/2023
 TIME: 11:30
 DRAWN BY: TMM
 CHECKED BY: TMM
 SCALE: 1" = 100'
 SHEET NO.: 1
 TOTAL SHEETS: 1
 PROJECT NO.: 2111187.30

2023 Aerial-Mount Felix (Ianniello)



8/21/2023, 3:54:40 PM

-  Centerline
-  Cadastral
-  Harford County Boundary

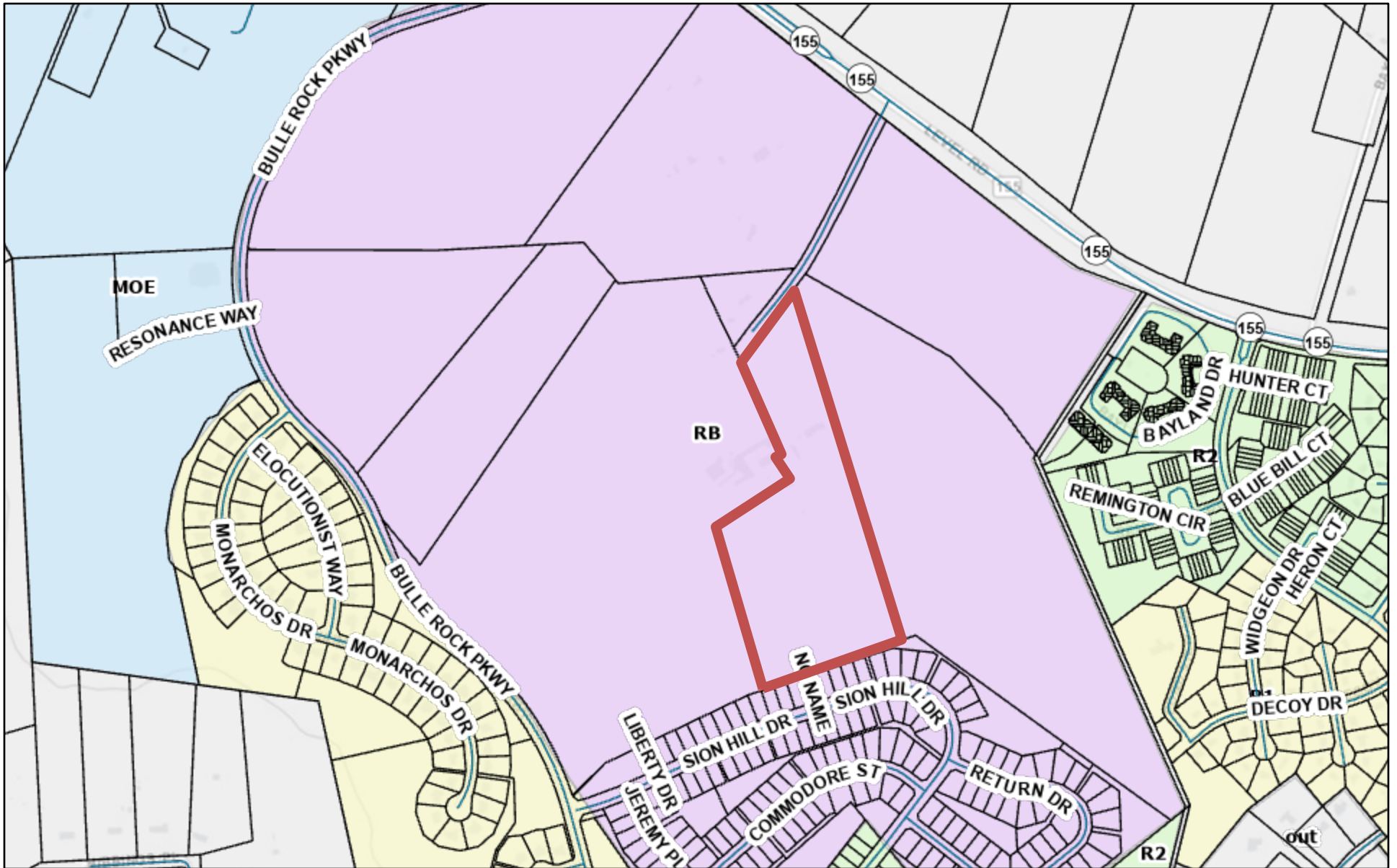


Cecil County, Harford County Government, Esri, HERE, Garmin, INCREMENT P, Intermap, USGS, METI/NASA, EPA, USDA



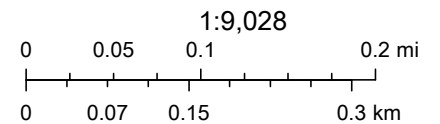


2023 Zoning-Mount Felix (Ianniello)



8/21/2023, 3:56:48 PM

- | | | |
|-------------------------|-----|----|
| Centerline | MOE | R2 |
| Harford County Boundary | R1 | RB |
| Cadastral | out | |



Cecil County, Harford County Government, Esri, HERE, Garmin, GeoTechnologies, Inc., Intermap, USGS, EPA, Esri, HERE

Subdivision 0000 Lot Number N/A
Acreage/Lot Size 13.96 AC Zoning RB Tax ID # 06-003133
Tax Map No. 44 Grid No. 2D Parcel 443

List ALL structures on property and current use: Existing house, vineyard, building for vineyard operations, and associated storage structures are currently on site.

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: N/A

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

Request

Board of Appeals approval is requested for a special exception of a conditional use to allow multifamily dwellings/ condos within the RB zoning district.

Justification

To provide a mixture of housing type to the Havre de Grace community.