



City of Havre de Grace

711 PENNINGTON AVENUE, HAVRE DE GRACE, MARYLAND 21078

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October 27, 2023

DEPARTMENT OF PLANNING STAFF REPORT

BOARD OF APPEALS **Case No. 537**

PERMIT NO. **2024-0015**

PROJECT: Accessory Dwelling Unit (ADU) / In-law suite

OWNER/APPLICANT: Sean & Melissa Connolly
1304 Darley Court
Bel Air, Maryland 21015

CO-APPLICANT: Bob Ward Trade Mark Homes
P.O. Box 814
Havre de Grace, Maryland 21078

LOCATION: 317 Sunny Halo Drive
Tax Map: 0044 / Parcels 0714 / Lot: 2526

AREA: .25 acres total (10,925+/- square feet)

ZONING: Residential (R)

DATE FILED: October 02, 2023

HEARING DATE: November 02, 2023 – Board of Appeals

APPLICANT'S REQUEST:

The Applicant is requesting approval of a Conditional Use for an Accessory Dwelling Unit (ADU) in the R/Residential zoning district that requires review and approval by the Board of Appeals.

LAND USE - EXISTING:

The Applicants property (lot 2526) is located along Sunny Halo Drive within parcel QA of the Bulle Rock Estates subdivision. The existing land use is currently being developed into single-family detached dwellings as part of the Bulle Rock Masterplan. Attached to this report is a site plan for the Connolly residence, 2023 aerial photograph, Connolly residence floor plan and Connolly residence architectural detail (Attachments 1-4, respectively).

ZONING:

The subject property is zoned [R/Residential Zoning District](#) as shown on the attached copy of the 2023 Zoning Map (Attachment 5). The zoning in the immediately surrounding area is also R/Residential. Some R2/Residential zoning exists nearby along Tidewater Drive to the east of the subject property within the Bay View Estates subdivision, but the subject property is properly buffered from adjacent residential zoning districts and is part of a gated community.

PROPOSED USE:

The Applicant is proposing to build a new single-family detached house that will include an attached Accessory Dwelling Unit aka in-law suite at 317 Sunny Halo Drive. The applicant has stated that they will utilize this ADU for immediate family members, not for short or long-term rental. An ADU is allowed as a conditional use within the R/Residential zoning district under [§205-15\(B\)](#) with Board of Appeal approval.

REVIEW OF APPLICABLE CODE SECTIONS:

Section [§205-9\(H\)](#) and [§25-17\(B\)](#) of the City code are applicable to this request. The Department of Planning has reviewed said section and offers the responses found below.

Section 205-9(H)

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

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

The Applicants have stated in their application that they will reside in one of the two dwelling units.

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

The proposed ADU will provide the required minimum one parking spot to on the subject property per City code 205-9H(2). Access to the parking spot will be provided inside the lot as by City code and discussed in the Conditional Use analysis below.

- (3) No separate address will be assigned to the Accessory Dwelling Unit.*

An address will not be assigned to the ADU by the City.

- (4) Attached ADUs cannot exceed 1,200 square feet.*

The proposed ADU is approximately 989 square feet (see attachment 3).

- (5) All ADUs must meet the height, lot and yard requirements of this chapter unless an existing accessory structure or existing part of the home is being converted to an ADU.*

The total proposed construction occupies 35% of the lot area, 40% is the maximum lot coverage allowed in the R/Residential zoning district. (see attachment 1)

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

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

Section 25-17(B)

Special Exceptions. A Special Exception (aka Conditional Use) may be granted when the Board of Appeals finds from the evidence of record that the proposed use:

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

An Accessory Dwelling Unit / “In-law suite” is allowed as a Conditional Use (also referred to as a Special Exception under chapter 25 Article IV) in the R/Residential 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 modify the proposed building to include an ADU with additional kitchen, sink, and bedroom with separate water and sewer connections.

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

The requested ADU should not have a detrimental impact on the neighborhood or Sunny Halo Drive as the proposed use is consistent with the surrounding residential neighborhood.

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;

Staff believes that the proposed ADU will have similar cohesive impact with the rest of the neighborhood architecturally and in relation to scale. The ADU will be required to provide one off-street parking space provided on site per §205-9.2(H) within the proposed two car driveway in addition to the 2-car garage.

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

The proposed ADU meets the Housing Vision and Goals set forth in chapter 12 of the City’s 2010 Comprehensive Plan. The proposed use is also consistent with the current draft of the Comprehensive

plan Housing chapter to provide ADU's within existing residential lots where City Water and sewer services pre-exist.

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

The requested ADU should not adversely affect the health, safety, security, morals or general welfare of residents, visitors or workers in the area as the proposed ADU is for personal residential use which is consistent with the existing neighborhood.

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, including the ADU, will be served by current public water, sewer, fire and police protection services.

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

The ADU is contained within the existing lot and not within any floodplain, Chesapeake Bay Critical Area or environmental sensitive features. There will be no increased environmental impact caused by the Accessory Dwelling Unit use and should not affect sensitive features. The building coverage is currently at 35% where the allowed maximum lot coverage is 40%. Recreation and open space are not considerations for this request as this exist within the larger context of Bulle Rock Estates.

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

Not applicable for this application.

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

The petitioner has expressed a need to enable “an in-law suite” for their mother in the form of an attached ADU. Accessory Dwelling Units are a Conditional Use subject to approval by the Board.

RECOMMENDATION & SUGGESTED CONDITIONS:

The Department of Planning recommends **APPROVAL** of the Conditional Use for an Accessory Dwelling Unit at 317 Sunny Halo Drive, subject to the following conditions:

1. Capital Cost Recovery fees in the amount of \$18,500 for the ADU must be paid to the City as stated in §196 of the City code.
2. The ADU shall provide at least one off street parking space on the applicant’s property per §205-9H(2) of the City code. The dimensions and ingress-egress of the parking space shall meet the single-family off-street parking requirements listed in Section 122-5 of the City code.
3. The Applicant shall obtain all applicable permits and inspections for the new single-family dwelling with attached ADU.
4. The Conditional Use approval for an ADU is limited to the Applicant and will expire upon sale or transfer of ownership of the property.
5. All applicable fees must be paid prior to the issuance of a Use & Occupancy Permit.

Eric V. Lawrence

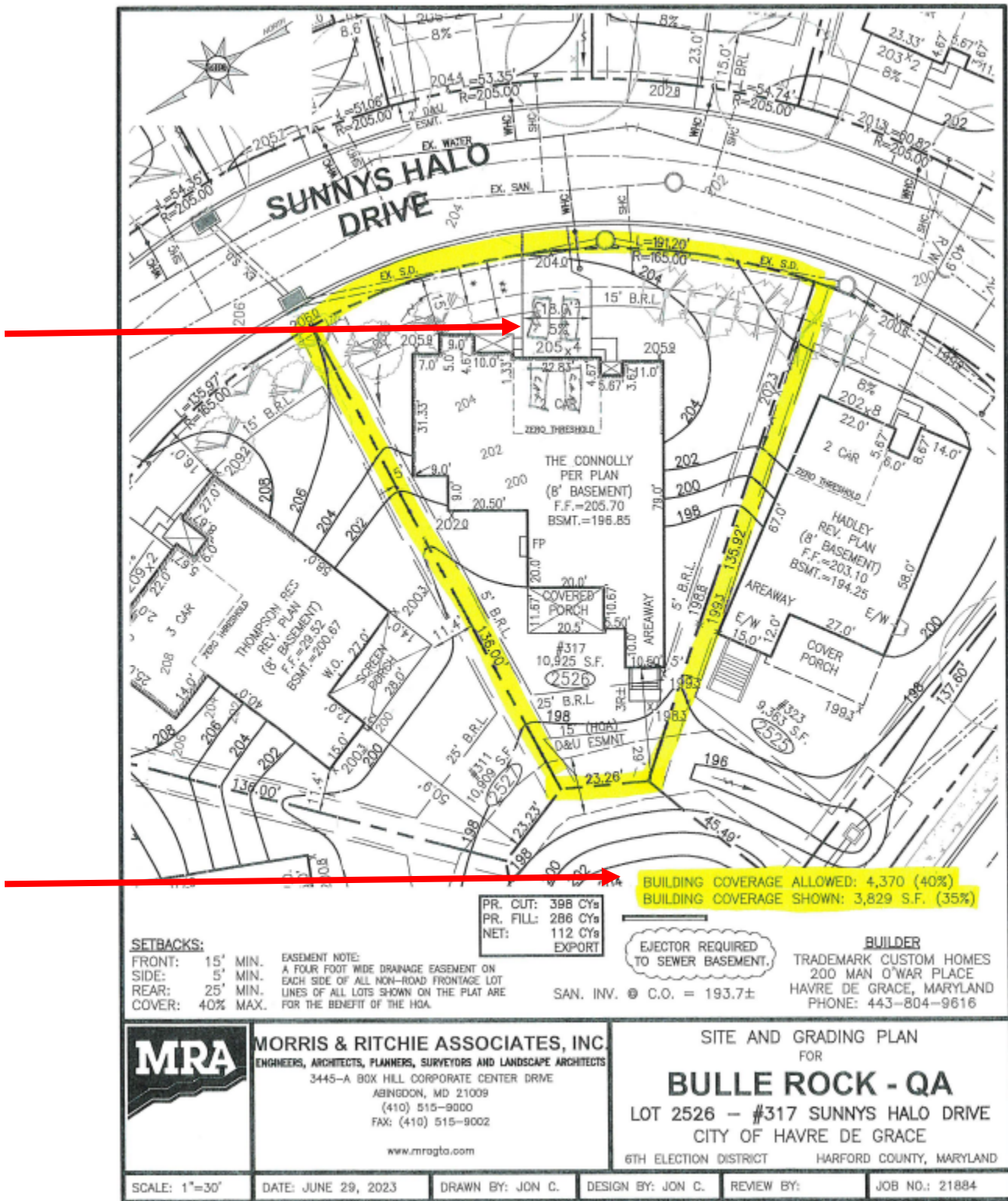
10/27/2023

Eric V. Lawrence
Associate City Planner
Department of Planning

Date

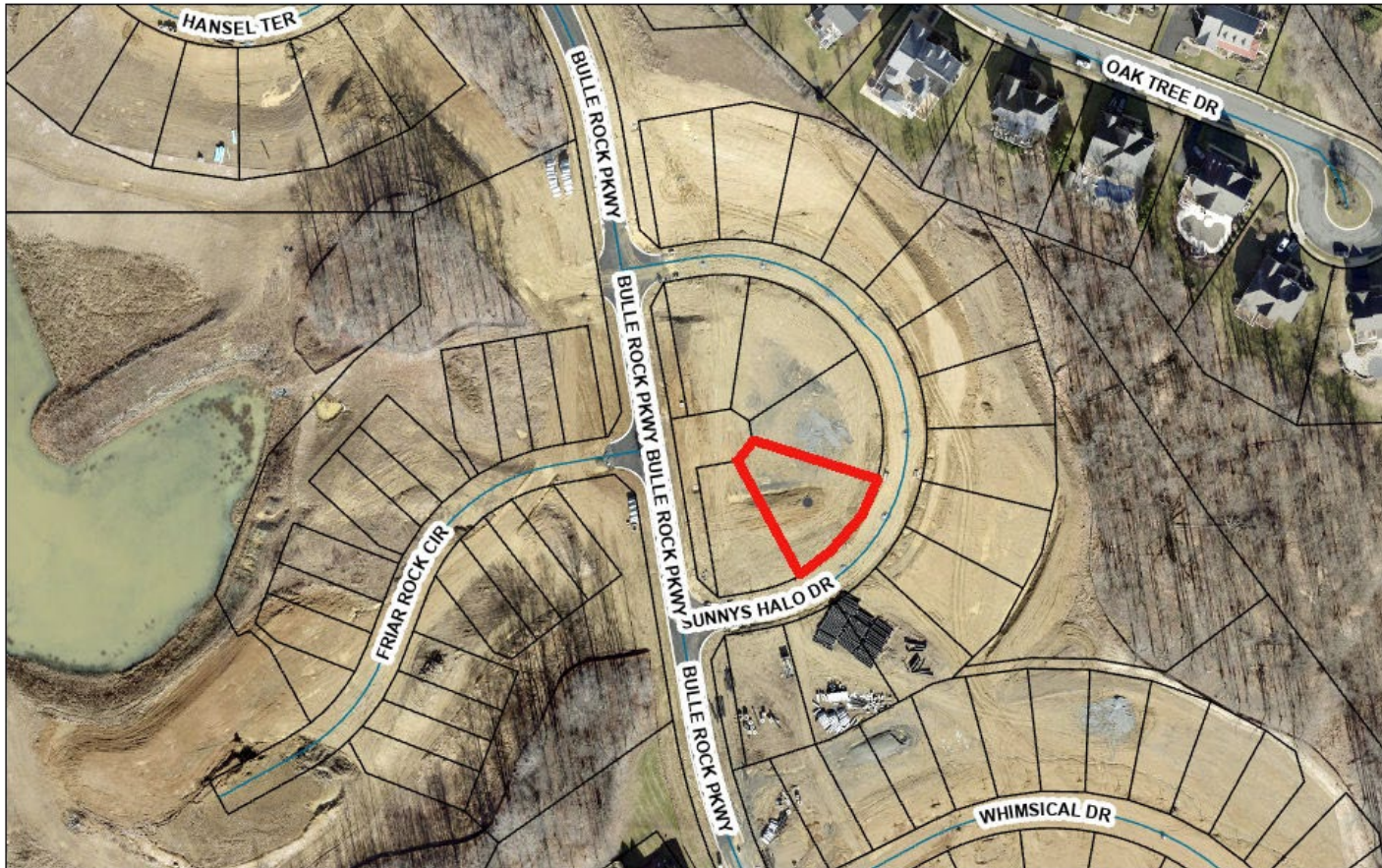
cc: Marisa Willis, CFM, Planner
Colleen Critzer, Permits Clerk
Tim Bourcier, Director of Planning

ATTACHMENT 1 – SITE PLAN



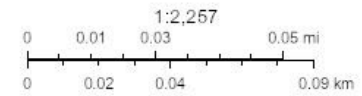
ATTACHMENT 2 – 2023 AERIAL

2023 Aerial - 317 Sunny Halo Drive



10/24/2023, 10:44:01 AM

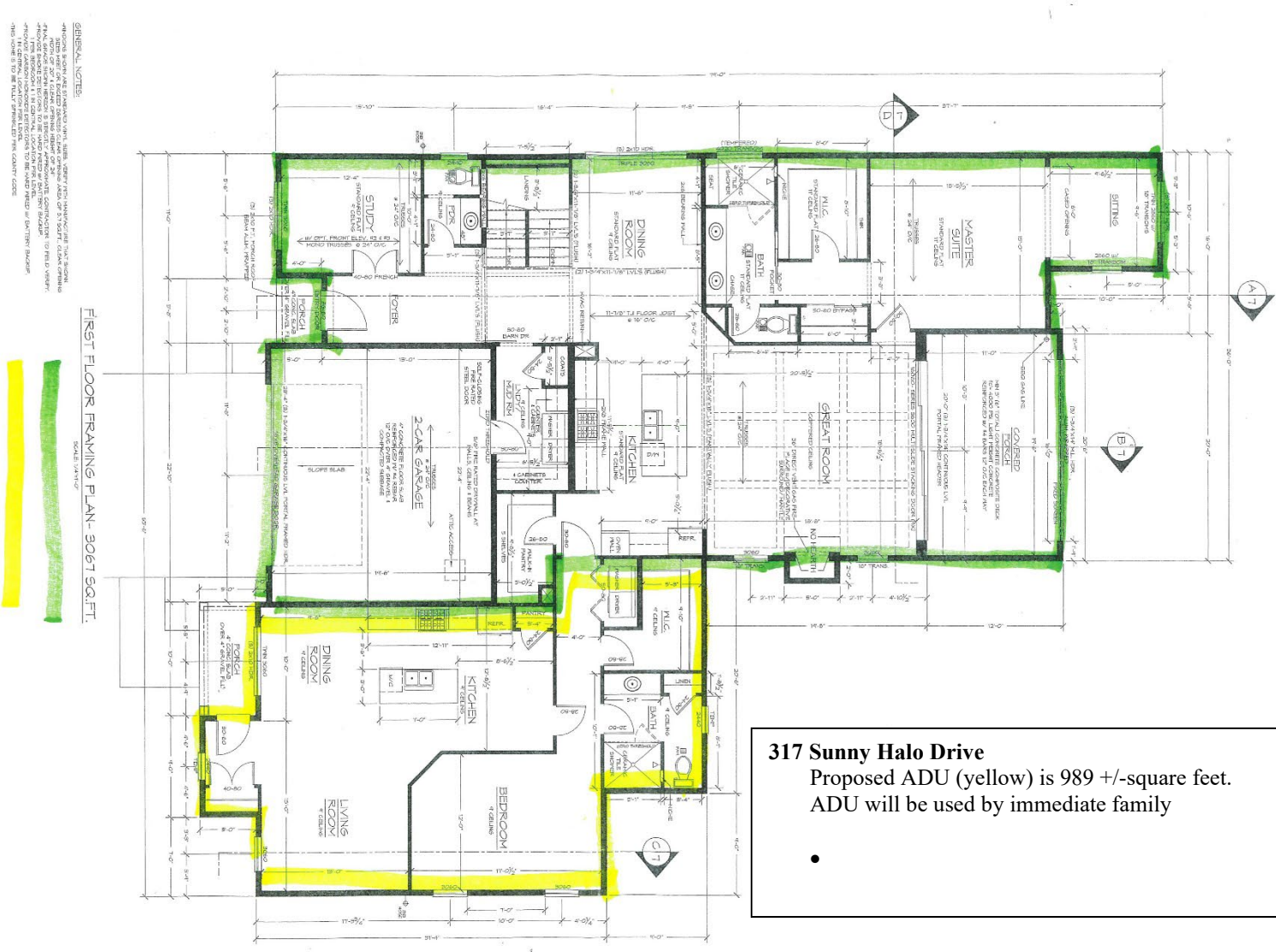
- Centerline
- Cadastral
- Harford County Boundary



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

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

ATTACHMENT 3 – FLOOR PLAN

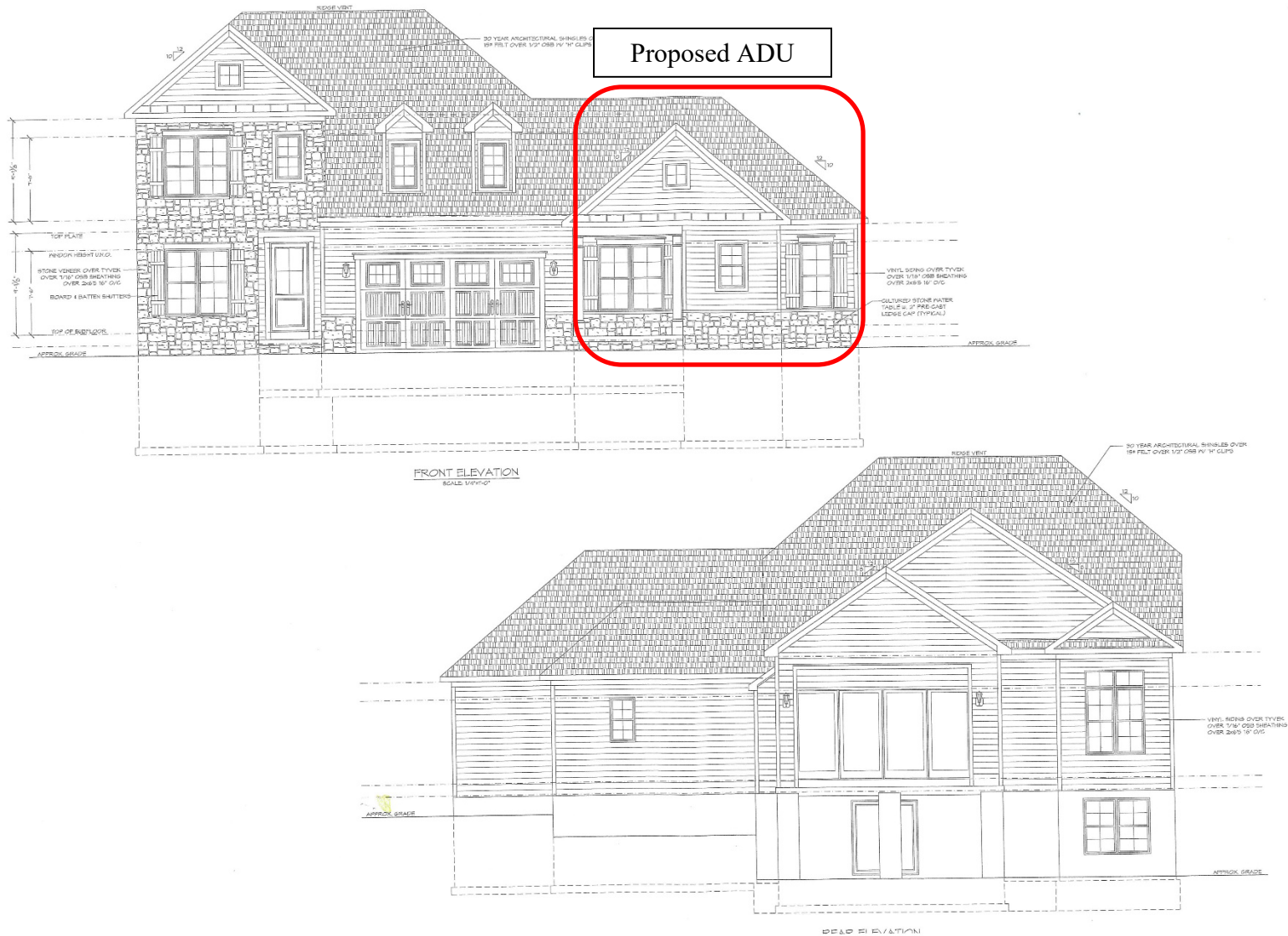


317 Sunny Halo Drive
 Proposed ADU (yellow) is 989 +/-square feet.
 ADU will be used by immediate family

DATE	DESCRIPTION
06/20/23	REVISED 7/17/2023
NO.	4 OF 10
GRI, CUSTOM HOME	
GRI, DESIGN	
NO. 300 100 100 100 100	

THE CONNOLLY RESIDENCE - THE RACHEL
TRADEMARK CUSTOM HOMES

ATTACHMENT 4 – ARCHITECTURAL DETAIL

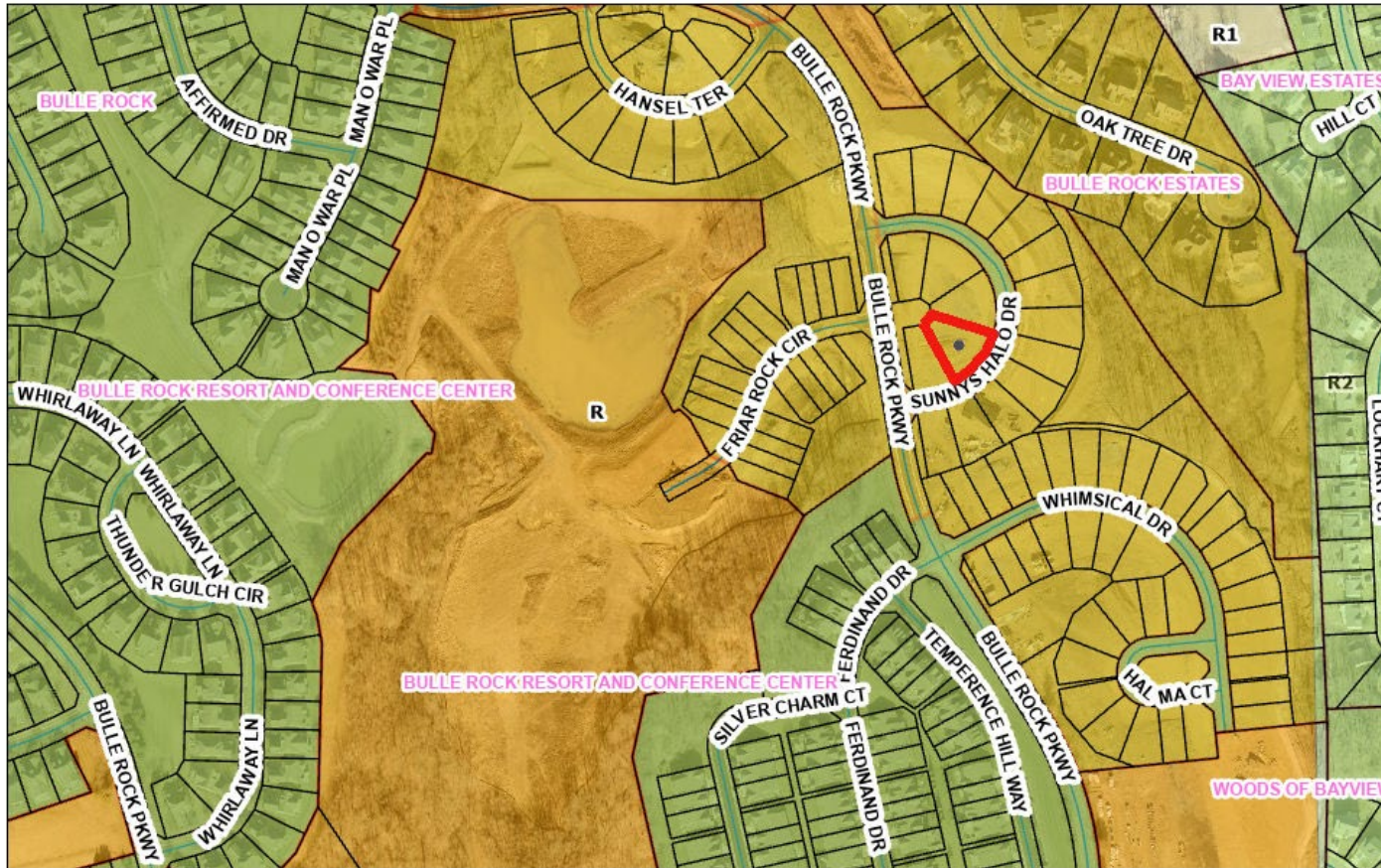


THE CONNOLLY RESIDENCE - THE RACHEL
 TRADEMARK CUSTOM HOMES

REVISED: 1/1/2023
 1/4" = 1'-0"
 01/12/2023
 NO. 1 of 10
 GEL CUSTOM HOME
 DESIGN CENTER, LLC
 1000 W. GREENWOOD AVE., SUITE 100
 ROCKVILLE, MD 20858
 PHONE: 410-553-5335

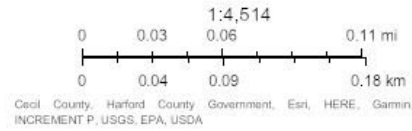
ATTACHMENT 5 – ZONING MAP

2023 Zoning Map - Residential (R)



10/24/2023, 10:03:03 AM

Residential	Harford County Boundary	Havre de Grace Zoning
Commercial	Cadastral	R
Centerline		R1



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