



City of Havre de Grace

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

410- 939-1800

January 4th, 2024

DEPARTMENT OF PLANNING STAFF REPORT

BOARD OF APPEALS **Case No. 541**

PERMIT NO. **2024-0269**

PROJECT: Lot Specification Adjustment – Conditional Use

OWNER: Ms. Deborah Tate
Mr. Andrew Tate
Ms. Margaret Lampson
107 Sturbridge Lane
Chapel Hill, North Carolina 27516

CO- APPLICANT: Bob Ward Development LLC.
2700 Philadelphia Road
Edgewood, Maryland 21040

ATTORNEY: Bradley R. Stover
124 North Main Street
Bel Air, Maryland 210104

LOCATION: 1535 Pulaski Highway (West Bound)
Tax Map: 0052 / Parcels 0054 / Lot: N/A

AREA: 23.40 +/- Acres Total

ZONING: R1-Residential Zoning District

DATE FILED: December 20, 2023

HEARING DATE: January 04, 2024 – Board of Appeals

APPLICANT'S REQUEST:

The Applicant is requesting a conditional use approval under [§205-18\(A\)](#) to allow for single-family dwellings to meet Lot Specification [D-Table I](#) (minimum lot size 5,000 square feet) in the R-1/Residential zoning district.

LAND USE - EXISTING:

The subject property (parcel 0054) is about 23.40+/- acres in area with two (2) existing Forest Stands (FS-A & FS-B) located to the east and west side. The subject property is bounded to the north and west side by the Bulle Rock ‘Saratoga’ subdivision parcel ‘O’ along Dark Star Circle and Peace Chance Drive. Bounded to the northeast side by the “Woods of Bayview” within Bayview Estates along Whitney Court and by the CSX rail line right-of-way to the southeast. To the south side of the subject property is a vacant lot along Peace Chance Drive that is undeveloped and currently contains an existing stormwater management pond for the Bulle Rock Subdivision.

An access road currently exists but a formal road is proposed along the vacant lot (behind Peace Chance) with access via Pulaski Highway through Greenway Farms via Mohegan Drive and across the vacant lot behind Peace Chance Drive stormwater management basin. Attached to this report is a 2023 aerial photograph of the subject property and preliminary site plan (Attachment 1 and 2).

There are two identified Forest Stands which contain specimen trees located on the site (Attachment 2) with relatively steep slopes (15% to 25%) to the east adjacent to the perennial stream along Bayview Estates-Whitney Court. The subject property is not located in any floodplain, floodway or Chesapeake Bay Critical Area.

ZONING:

The subject property is zoned [R1/Residential zoning district](#) as shown on the attached copy of the 2023 Zoning Map (Attachment 3). The zoning in the immediately surrounding area is R/Residential and R-2/Residential 2. Adjacent to the subject property to the west (Bulle Rock Estates) is R/Residential zoning and to the east (Bayview Estates) is R2/Residential-2 zoning. To the east of the subject property across the CSX right-of-way is CI/Commercial Industrial zoning designated by Harford County along Pulaski Highway, which is similar to the City’s C/Commercial district zoning.

PROPOSED USE:

The Applicant is proposing to develop the Subject Property as a thirty-seven (37) lot single family residential development by proposing to change the lot size from Lot Specification B (minimum lot size of 10,000 square feet) to Lot Specification D (minimum lot size of 5,000 square feet) for single family dwellings. This will increase the number of lots from 29 (As proposed in the Annexation Resolution 2022-07) to 37 lots (Attachment 2). This will include one existing (lot 34) single-family dwelling. The proposed homes will be similar to the adjacent Bulle Rock subdivision.

REVIEW OF APPLICABLE CODE SECTIONS:

Section 25-15(B) states conditional uses as provided in Chapter 205 Zoning of the City Code are referenced as Special Exceptions. Section 25-17 provides the required findings for Special Exceptions and is the applicable section for this request. The Department of Planning has reviewed these City Code sections and offers the responses below:

Section 25-17(B)

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

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

Section 205-18(A) allows “single-family detached dwellings meeting Lot Specification D” as a conditional use within the R1 zoning district and 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 preliminary form and will need to go to the Planning Commission for review and approval. There may be impacts with 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 prior to receiving approval by the Planning Commission. The proposed dwellings will meet the requirements in the R1 zoning district for single-family dwellings on Lot Type D if this request is approved by the Board of Appeals.

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 conditional use should not have a detrimental impact on the immediate adjacent lots nor Bulle Rock, Greenway Farms, and Bayview Estates neighborhoods as a whole. The development plans will need to be reviewed and approved by the Planning Commission to ensure there is no detrimental to the use of the surrounding properties. However, allowing Lot Type D 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 proposed use as a residential development located adjacent to the Bulle Rock, Greenway Farms, and Bayview Estates residential subdivisions should have no negative impact on the neighboring residential properties. The proposed homes will be similar in lot type to the adjacent subdivision density. The applicant will be providing adequate off-street parking spaces as required per chapter 122 of the City code within the proposed driveways and attached garages. The Planning Commission will need to review and approve of official development plans, but Lot Type D is allowed as a conditional use in the R1 zoning district.

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

Since the last comprehensive plan in 2010 the City has grown considerably and there outlines a need for providing housing within Priority Funding Areas and near existing transportation

corridors. The subject property has been annexed in 2022 as R-1/ Residential zoning. The 2023 Comprehensive Plan (in progress) Municipal Growth Element page 6 shows this area as being developed as medium density (40 Lots) residential. The 2022 Annexation Resolution 291, line item 4, future proposed uses states “29 residential lots”. The applicant is currently proposing 37 residential lots which is in line with medium density residential and the surrounding residential subdivisions.

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

The proposed use will not adversely affect 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. Upon meeting the APFO requirements, the Planning Commission will still need to review the plans to ensure they meet the City’s development requirements.

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, Stormwater Management Plans, and other environmentally related plans for review by Department of Planning staff and applicable reviewing agencies prior to official Planning Commission review and approval. The Applicant has taken steps to preserve sixty (60) specimen trees although seven (7) specimen trees will be impacted; however, all seven (7) impacted specimen trees are either dead or in the process of dying. There are no known significant habitats for threatened or endangered species on-site using the Harford County WebGIS sensitive areas mapper.

The applicant is proposing several potential alternatives for recreation and open space located within and throughout the subject property that will be reviewed by Department of Planning staff prior to official review and approval by the Planning Commission.

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

The Applicant has taken steps to preserve the existing historical single-family dwelling located on the Subject property (Lot 34) with improvements reviewed by the Historic Preservation Commission. There will be no impacts on other cultural or historic landmarks.

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 Lot Specification ‘D’ in the R-1/ Residential zoning district without any specific conditions beyond what is required under the City Code, Building Code and other ordinances and regulations. Since the Applicant will need to meet the requirements of the City’s Subdivision, 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 “Lot Type D” for single-family residential 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.

<i>Eric V. Lawrence</i>	01/04/2024
Eric V. Lawrence	Date
Associate City Planner	
Department of Planning	

- cc: Department of Planning Staff
Department of Public Works Staff
James Keefer, MRA
Jeff Matthai, MRA
Robert Holweck, Bobward
Bob Ward, Bobward
Bradley Stover, Esquire

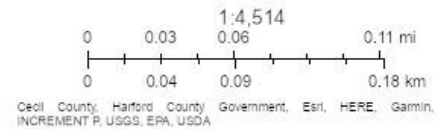
ATTACHMENT 1 – 2023 AERIAL

1535 Pulaski Highway - 2023 Aerial



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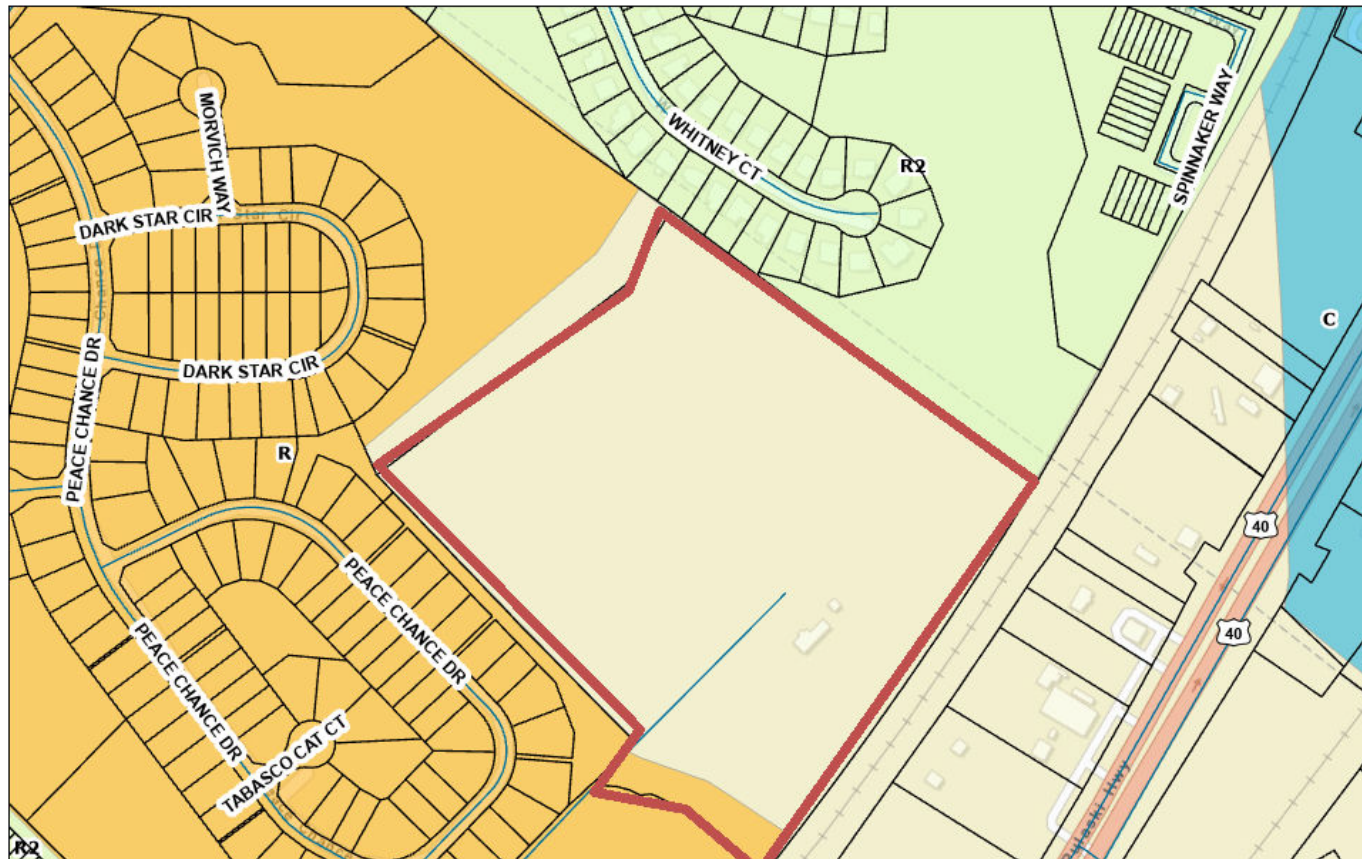
- Centerline
- Cadastral



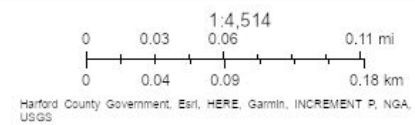
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ATTACHMENT 3 – 2023 ZONING

1535 Pulaski Highway - 2023 Zoning District



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ATTACHMENT 4 – CHAPTER 205 ZONING, TABLE I

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 ³	25	40
Conditional uses (residential) ¹								
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 ²
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 ²
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 ²