



# 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

June 6th, 2024

6:30 PM

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

- a. **BoA No.** 544  
**Location:** 513 Girard Street  
**Owner:** A&M Properties  
**Applicant:** Clark Turner - Trademark Homes  
**Permit No:** 2024-0436  
**Parcel No:** 1156 (5,075 Square Feet)  
**Zoning:** RO/Residential Office

**Description:**

2024-0436–Trademark Homes – 513 Girard Street. To hear a request by the Applicant of 513 Girard Street for a conditional use request within the [RO/Residential Office](#) zoning district to go from Lot Specification Type ‘C’ with 40% maximum lot coverage for a detached single-family dwelling to Lot Specification Type ‘D’ with 50% maximum lot coverage as shown on Table-I in the zoning code. The proposed use for Lot Specification Type ‘D’ is a conditional use under [§205-24\(B\)](#) within the RO zoning district. The applicant will need to show the request meets the findings under [§25-17\(B\)](#).

- b. Any comments from the general public regarding 513 Girard Street (3 minutes per speaker)
- c. Discussion of adopted and amended “Rules and Procedures” for the Board of Appeals per [§25-16\(H\)](#)

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



# City of Havre de Grace

---

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

410- 939-1800

May 24, 2024

## **DEPARTMENT OF PLANNING STAFF REPORT**

**BOARD OF APPEALS**      **Case No. 544**

**PERMIT NO.**                      **2024-0436**

**PROJECT:**                              Single Family Dwelling meeting Lot Specification Type 'D'

**OWNER/APPLICANT:**              A & M Properties  
201 Saint John Street  
Havre de Grace, Maryland 21078

**CO-APPLICANT:**                      Clark Turner, Trademark Homes  
200 Man O' War Place  
Havre de Grace, Maryland 21078

**LOCATION:**                              513 Girard Street  
Tax Map: 0602 / Parcels 1156 / formerly Lots 1 & 2 (now consolidated)

**AREA:**                                      0.11 acres total (5,135 square feet)

**ZONING:**                                      Residential Office (RO)

**DATE FILED:**                              May 16, 2024

**HEARING DATE:**                        June 6, 2024 – Board of Appeal

---

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

The Applicant is requesting approval of a Conditional Use for Lot Specification Type 'D' with 50% maximum lot coverage within the RO/Residential Office zoning district that requires review and approval by the Board of Appeals.

### **LAND USE - EXISTING:**

The Applicants property (Parcel 1156) is 5,135 square feet and located along Girard Street. The existing land use is residential including single-family detached dwellings with small local offices and small businesses. The consolidated lot is currently vacant because both former dwellings have been demolished for various reasons. Attached to this report is a Site Plan for the subject property and 2024 Aerial Photograph (see attachments 1 & 2, respectively).

---

Prior to the recent lot consolidation, there was a duplex on the east side, lot 2, formerly known as 509 - 511 Girard Street but due to a fire in 2013 was demolished. Also, in 2007 the adjacent lot on the west side, lot 1, formerly known as 513-515 Girard Street also had a Duplex. Since then, both dwellings have been demolished and lots recently consolidated to develop a detached single-family dwelling meeting current City code.

**ZONING:**

The subject property is zoned [RO/Residential Office zoning district](#) as shown on the attached copy of the 2024 Zoning Map (see attachment 3). The zoning surrounding the subject property is also RO/Residential Office. R2/Residential zoning starting from Freedom Lane. RB/Residential Business zoning district to the northeast and southwest. The subject property is an infill lot and will be within character of the surrounding community and residential zoning districts. Also, [per §205-9\(A\)\(1\)](#), the lot is located within the National Register Historic District and subject to additional setback requirements.

**PROPOSED USE:**

The Applicant is proposing to build a new detached single-family dwelling at 513 Girard Street with 46% lot coverage, which will exceed the 40% maximum lot coverage currently allowed per lot specification type 'C' (see attachment 4). After consolidating the two lots for a total lot area of 5,135 square feet the Applicant has stated they will utilize the increased lot coverage, per this request, to develop a livable dwelling on a constrained lot that is unique in shape and to meet City code. Lot specification type 'D' is allowed as a conditional use within the RO zoning district under [§205-24\(B\)](#) with Board of Appeal approval.

**REVIEW OF APPLICABLE CODE SECTIONS:**

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

**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;*

Lot Specification type 'D' is allowed as a Conditional Use (also referred to as a Special Exception under Chapter 25 Article IV) in the RO/Residential Office 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 develop the consolidated lot into a detached single-family dwelling meeting lot specification type 'D' standards for maximum lot coverage as stated in Table 1 of Chapter 205 Zoning of the City code (See attachment 4). However, the Department of Planning recommends maintaining lot specification type 'C' side setbacks and front setbacks to be consistent with the adjacent single-family dwelling located at 519 Girard Street within the National Register Historic District per [§205-9\(A\)\(1\)](#).

*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 Applicant has consolidated two existing lots along Girard Street that formerly contained duplexes to make the new lot developable for a proposed single-family dwelling meeting lot specification type 'D' for lot coverage. The proposed use is consistent with the surrounding residential neighborhoods and should not have a detrimental impact since the lots formerly contained two duplexes.

*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;*

Department of Planning believes that the proposed dwelling will have similar cohesive impact with the rest of the neighborhood architecturally and in relation to scale. The proposed dwelling meeting lot specification type 'D' for lot coverage will maintain lot specification type 'C' five (5') foot side yard setbacks and maximum front yard setback of ten (10') per [§205-9\(A\)\(1\)](#), therefore being consistent with the surrounding neighborhood and adjacent dwelling at 519 Girard Street despite the lot type change for increased lot coverage. However, the proposed dwelling will be required to provide three (3) off-street parking spaces on site per [§122-1](#) of the City code and meet the required parking space dimensions (18'x18') from the sidewalk edge so as to not obstruct pedestrian movement. This is greater than the ten (10') foot setback per [§205-9\(A\)\(1\)](#). The Applicant will meet this minimum requirement by providing two within the proposed 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 dwelling meeting lot specification type 'D' 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 2024 draft Comprehensive Plan - Housing Chapter, to provide infill housing within existing residential lots where City water and sewer services pre-exist. The Applicants' proposal is also consistent with the States vision for Smart and Sustainable Growth in urban areas.

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

The proposed dwelling meeting lot specification type 'D' should not adversely affect the health, safety, security, morals or general welfare of residents, visitors or workers in the area as the proposed dwelling on lot specification type 'D' is for personal residential use which is consistent with the existing neighborhood pertaining to setbacks and off-street parking will be provided on the subject property per City code.

*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 will be served by current public water/sewer, schools, fire and police protection services. However, the existing sidewalk along 513 Girard Street is in overall poor condition and needs to be replaced to meet acceptable ADA and City performance standards for safety, accessibility and connectivity per [§205-11\(H\)\(4\)](#) of the City code (see attachment 5). Also, the existing utility pole is within the proposed driveway sight triangle of the subjects' property and should be relocated per [§205-11\(H\)\(2\)](#) of the City code (see attachment 6).

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

The proposed dwelling meeting lot specification type 'D' is not within any floodplain, Chesapeake Bay Critical Area or environmental sensitive features per Maryland's Environmental Resource and Land Information Network ([MERLIN](#)) mapper. There will be no increased adverse environmental impact caused by the proposed dwelling as stormwater management will be contained on the subject property. The proposed building lot coverage is approximately 46% and the maximum allowed lot coverage is 50% per lot specification type 'D'. Recreation and open space are not considerations for this request as this exist within the larger context of "old town" Havre de Grace.

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

Not applicable for this application since this is new construction on a vacant infill lot.

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

As previously mentioned, the former two lots historically contained duplexes and the Applicant has expressed a need for detached dwellings within the City, especially in the old town area downtown on larger lots. Lot specification type 'D' is a Conditional Use allowed by right in the RO zoning district, subject to approval by the Board, but the relaxed lot coverage requirements are needed for the home they are looking to build.

**RECOMMENDATION & SUGGESTED CONDITIONS:**

The Department of Planning has examined the appropriateness of the Applicants' request and recommends **APPROVAL** of the Conditional Use for Lot Specification Type 'D' at 513 Girard Street within the RO/ Residential Office zoning district, subject to the following conditions:

1. Capital Cost Recovery fees in the amount of \$23,500 for the proposed Single Family Dwelling meeting lot specification type 'D' must be paid to the City as stated in §196 of the City code.
2. The proposed Single Family Dwelling meeting lot specification type 'D' shall maintain a minimum 5-foot side yard setback and a front yard setback to be consistent with the existing character of the neighborhood, specifically the adjacent dwelling located at 519 Girard Street and to meet driveway design standards per §122-5 of the City code.
3. The adjacent sidewalk fronting 513 Girard Street within the City right-of-way shall be replaced by the owner/developer due to its damaged, deteriorated and overall poor condition so as to be brought up to ADA accessibility and City performance standards per §205-11(H)(4). The sidewalk shall remain in good condition, without substantial damage, that may adversely impact walkability in terms of accessibility, safety and connectivity during construction. Where accidental damage of the adjacent sidewalk occurs during construction, the owner shall replace the damaged sidewalk to the satisfaction of the Department of Planning.

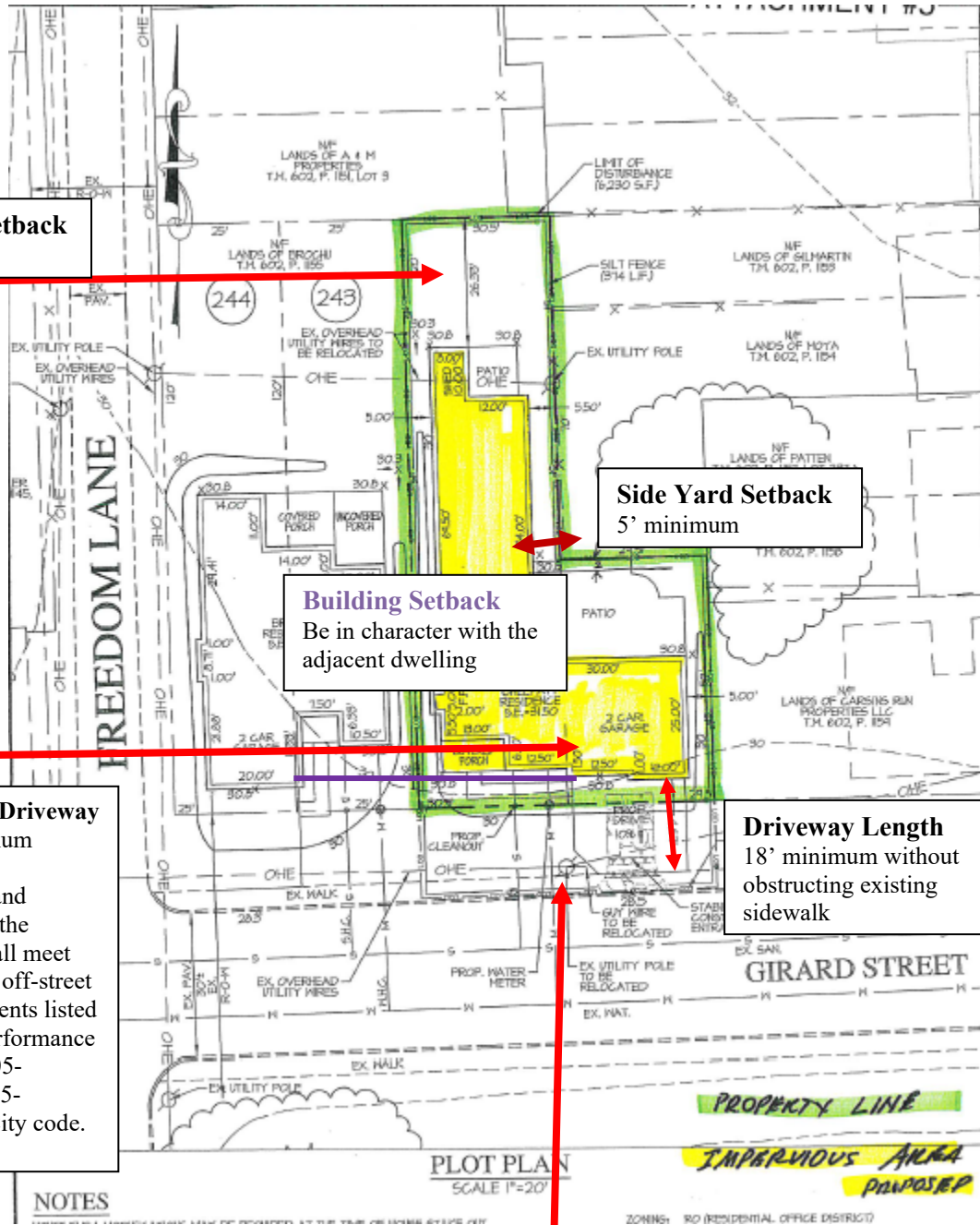
**RECOMMENDATIONS:**

1. The Department of Planning recommends planting at least one (1) street tree, a minimum of 2.5" caliper, along Girard Street in front of subjects' property to improve the urban tree canopy.
2. The Department of Planning recommends relocating the existing overhead utility pole along Girard Street between 513 & 519 property lines on the west side of subject property for safety.

<i>Eric V. Lawrence</i>	05.29.24
Eric V. Lawrence, MLA & MUDP	Date
Associate City Planner	
Department of Planning	

cc: Clark Turner, Trademark Homes  
Department of Planning Staff  
Board of Appeal Members

**ATTACHMENT 1 – SITE PLAN**



**Rear Yard Setback**  
25' minimum

**Side Yard Setback**  
5' minimum

**Building Setback**  
Be in character with the adjacent dwelling

**Proposed 2 Car Driveway**  
18' by 18' minimum

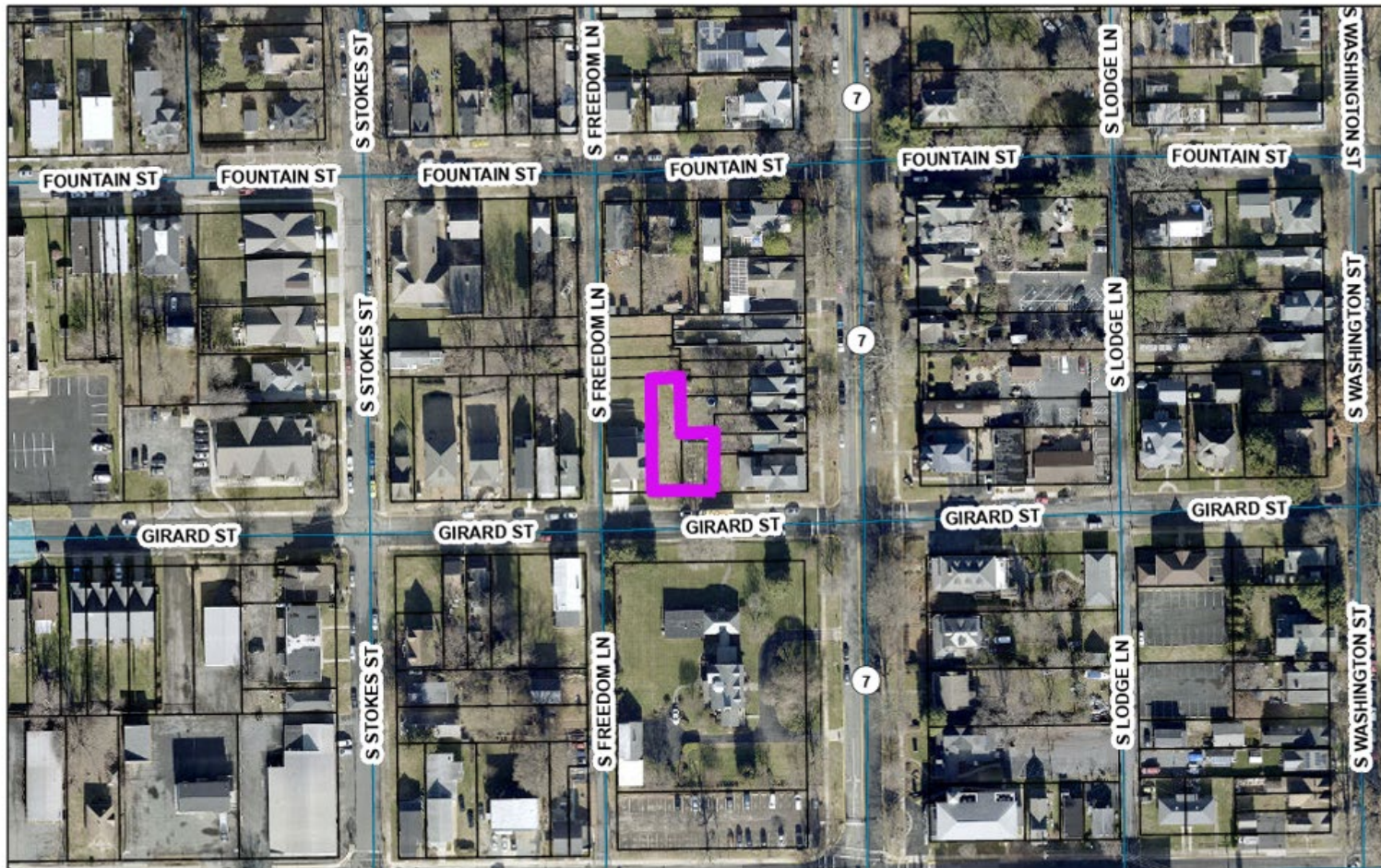
The dimensions and ingress/egress of the parking space shall meet the single-family off-street parking requirements listed in §122-5 and performance standards per §205-11(H)(2) and §155-15(D)(5) of the City code.

**Driveway Length**  
18' minimum without obstructing existing sidewalk

**Existing Utility Pole**  
To be relocated

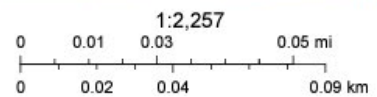
ATTACHMENT 2 – 2024 AERIAL

2024 Aerial - 513 Girard Street



5/17/2024, 1:55:52 PM

- Centerline
- Harford County Boundary
- 100 Year Flood Zone
- AE

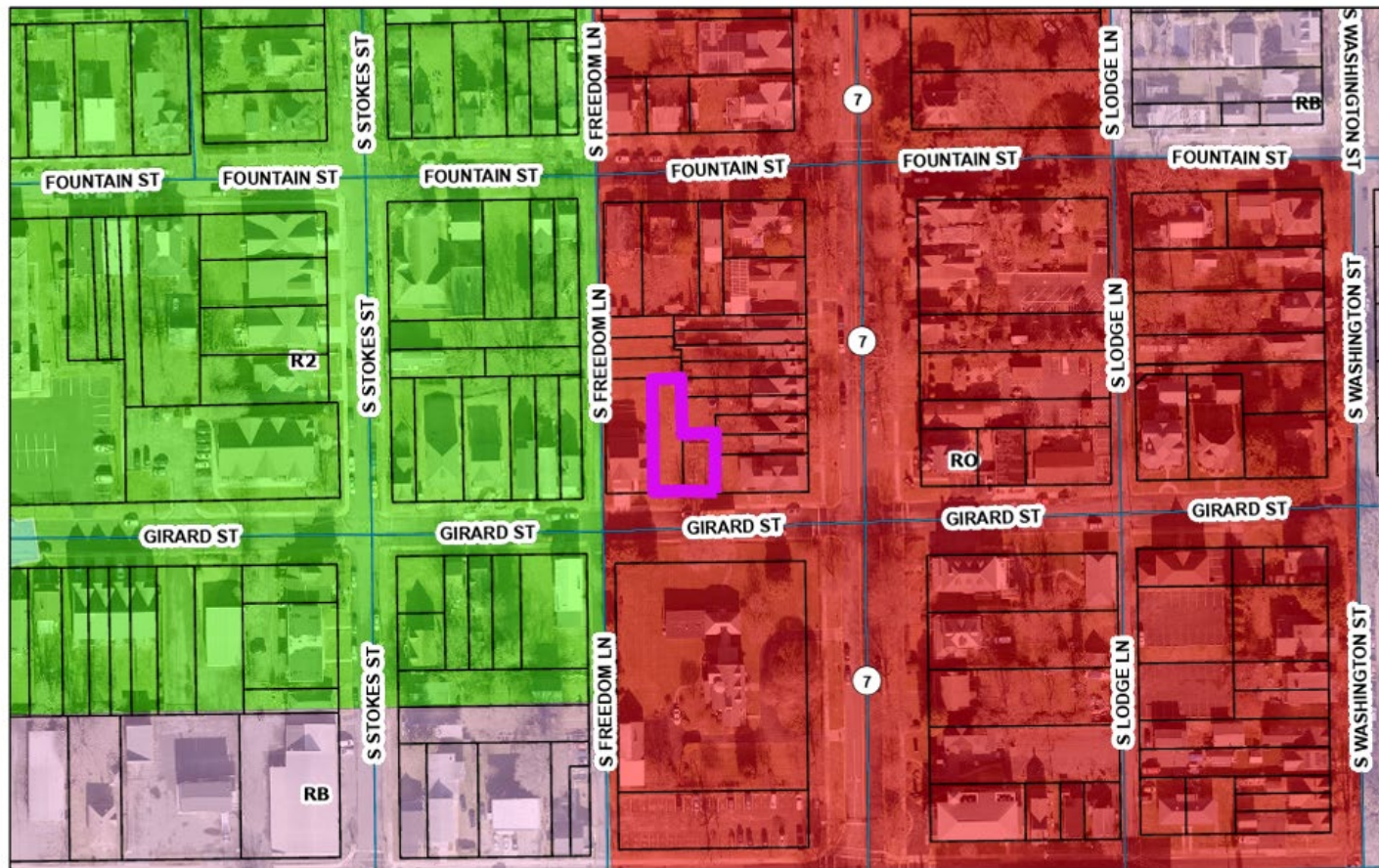


Cecil County, Harford County Government, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA



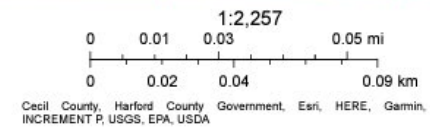
**ATTACHMENT 3 – ZONING MAP**

**2024 Zoning Map- RO/Residential Office**



5/17/2024, 1:53:01 PM

- Centerline
- Harford County Boundary
- Cadastral
- R2
- RB
- RO
- AE
- 100 Year Flood Zone



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

### ATTACHMENT 4 – LOT TYPE SPECIFICATION TABLE

#### 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
FROM: 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
TO: 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>

**ATTACHMENT 5 – SITE PHOTOS - SIDEWALK**

**Sidewalk:**  
Overall poor condition



**Sidewalk:**  
Heaving away from curb and sinking

*Photo taken 05/20/24, facing East*



*Photo taken 05/20/24, facing East*

**Sidewalk:**  
Re-connect back into recently replaced sidewalk at 519 Girard Street to improve overall condition and accessibility

**ATTACHMENT 6: SITE PHOTOS**

**Utility Pole:**

Relocate pole between the adjacent property lines within the City ROW.



**Front of House**

**Front of Garage**

*Photo taken 05/20/24, facing North*