



City of Havre de Grace

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DEPARTMENT OF PLANNING STAFF REPORT Board of Appeals – November 6, 2025

BOA Case No. 556
Project: Conditional Use – Gas Station
Applicant: Eric McLauchlin, PKLAW / Sion Partners, LLC
Location: Intersection of Bulle Rock Parkway and Level Rd– westside (south bound)
Tax Map: 0044 / Parcel: 0210 / Lot:
Area: 33.32 Acres
Zoning: RB / Residential Business

Green Property



10/27/2025, 9:23:08 AM

Centerline
Cadastral
Harford County Boundary

1:4,514
0 0.03 0.06 0.11 mi
0 0.04 0.09 0.18 km
Cecil County, Harford County Government, Esri, HERE, Garmin,
INCREMENT P, USGS, EPA, USGS

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

I. Background Information

Site Description

The Subject Property is 33.32 acres in total area and is vacant and semi-forested lot with no existing buildings nor structures. It is bounded on the north and west two sides by major roads, specifically Level Road and Bulle Rock Parkway respectively. The land to the south consists of the recently approved Legacies residential subdivision which is separated from the subject property by natural resource areas. The land and the parcels adjacent to it are presently unimproved

II. Applicant's Request:

The Applicant is requesting approval of a conditional use for a 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, within parcel 0210, per §205-27M of the Zoning Code.

III. Analysis

Environmental Features

With respect to environmental features, there are no known areas of significant habitat for rare, threatened or endangered species on site. The parcel is not located in the Chesapeake Bay Critical Area. All streams and non-tidal wetlands located on the parcel were verified on July 16, 2021 by the Army Corps of Engineers to be accurately delineated by a jurisdictional determination approval narrative. A Forest Stand Delineation has been approved on March 24, 2021 by the Department of Planning for the parcel, as is true for all properties owned by the owners of this applicant (the Green Family). This occurred in conjunction with the annexation of the Green Family's properties into the City in accordance with Annexation Resolution AR-277.

Prior to building permits or grading permit issuance a Final Forest Conservation Plan review and approval will need to be submitted and approved by the Department for the aforementioned Green Properties per City Code.

Zoning:

The Property is zoned RB/Residential Business and is intended to allow for compact urban residential areas with convenient public services and commercial uses that are compatible with nearby residential neighborhoods, as stated in §205-26 of the Zoning Code. "Gas Station" uses are permitted as a conditional use with Board of Appeals approval and defined under §205-13 "Definitions" and §205-27M of the Zoning Code, as long as they do not lie within the Chesapeake Bay at mean high tide critical area as shown on the Critical Area Map. The proposed use requires a conditional use/special exception under §25-17(B) of the City Code.

Comprehensive Plan:

Overall, the proposed use is consistent with the approved Single Concept Plan, AR277 and in the 2025 Comprehensive Plan, with respect to growth, development, public utilities, of which the proposed use would be served by public water and sewer and would comply with the City's adequate public Facilities Ordinance.

IV. Findings

The Department of Planning has reviewed said sections and offers the responses found below:

Section 25-17(B): Conditional Use – Gas Station

A 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;

Gas station use is permitted as a conditional use in the RB zoning district per §205-27M of the Zoning Code, subject to Board of Appeals review and approval.

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;

Any proposed gas station will meet or exceed all required setbacks, parking and similar requirements per setbacks in Table I, Lot Type 'Q' of the Zoning Code. Since the proposed use still needs Planning Commission review and approval, subsequent additional review by the Department of Planning, Public Works, and Planning Commission will be completed following the Boards decision.

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 Subject Property is bordered on two sides by major routes of transportation to and from the City. It is separated from neighboring residential uses by natural resource barriers. The proposed gas station uses are consistent with what a reasonably prudent person might consider to exist along what is, essentially, the corner of a commercial corridor. No gas station use at this location will be counter to the scope stated in §205-26A of the Zoning Code regarding access to convenient, public services intended to serve residential areas and commercial uses compatible with nearby residential neighborhoods. Gas station uses are compatible with and convenient to such neighborhoods.

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;

Any gas station use located in the proposed vicinity will be similar to such uses in similar locations. Its appearance and scale relative to other nearby improvements can be the subject of review and approval by the Planning Commission. Such review will require that this applicant comply with applicable Code provisions.

The Proposed use will need to provide the minimum off-street parking of, 1 space per 200 square feet of retail floor area, per §122-Off Street Parking, for a “Retail Store/Gas Station” use at the time of Planning Commission Site Plan review and approval.

As previously stated, the proposed use will be within the bulk requirements of Lot Type ‘Q’ per Table I. Since the proposed use will require further site plan review and approvals for consistency with applicable sections of the City Code in terms of intensity, character, proportion and conditions, this conditional use review is for the appropriateness of a gas station use on the Subject Property by the Board.

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 Comprehensive Plan describes a “Whole-City Plan” approach to land use that includes, among other things, building on strengths like interstate transportation and continuing buildout of annexed areas (p. 2-1); describing the coordinated development of the 155/I-95 interchange as “the most pressing issue from a planning standpoint...”; land use in this area that is intended to be a mix of commercial and mixed-residential uses to complement existing neighborhoods and serve travelers in the region (p. 2-3); referring to the region of the subject parcel as a “developing area”; and identifying this area in the Land Use Plan as the City’s “Gateway.” (p. 2-14). Gateway is intended to serve appropriately-sited neighborhood commercial uses as well as limited highway needs, and not to be residential in nature. (p. 2-17). The proposed use will incrementally assist in accomplishing goals consistent with the Comprehensive Plan.

The Single Concept Plan created as a condition of Annexation Resolution No. 277 provides the City and the Applicant with further planning guidance. It identifies a general distribution of land uses for the future development of properties shown on the Annexation Plan. This application is consistent with the Single Concept Plan and the Concept Plan Conditions identified thereon. The Single Concept plan specifically identifies the area, highlighted in yellow, in question as intended for “Business” and business uses and as future growth areas To Be Determined, highlighted in purple, as TBD.

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 the health, safety, security, morals or general welfare of residents, visitors or workers in the area and will, instead, accommodate the community as described in the Zoning Code. Any such use must be reviewed by all applicable agencies and comply with all applicable Codes, each of which is designed to protect the residents, visitors and workers in the City’s communities. Furthermore, the Applicant is required to seek Planning Commission Site Plan review and approval, prior to final approval and release of building permits.

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 project must confirm its compliance with the City's APF ordinance before it may seek site plan review and approval by the Planning Commission. The City should anticipate that the site would be developed consistent with the quality of the development of other parcels owned by the Green Family. Any such use would be served by public water, sewer, fire and police protection services. As noted above, each applicable agency would review a proposed site plan for compliance with each applicable Code provision. The Director of DPW will provide a memo to that affect when appropriate.

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

The Subject Property is not located within the Chesapeake Bay Critical Area or any flood plain. All streams and non-tidal wetlands were verified on July 16, 2021 by the Army Corps of Engineers to be accurately delineated. A forest stand delineation was already approved for the parcel in conjunction with the annexation of the Green Family's properties into the City.

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

The City has been mindful of a goal of protecting the viewshed of this planning area in its planning efforts. The Applicant notes that the viewshed that the Comprehensive Plan aspires to protect is the viewshed to the southeast of the site in question and would therefore be "behind" the area in question. It would not in any way impinge on the views from the "front" of locations like Sion Hill.

In addition, the site is bordered by an extremely large natural buffer in the form of a permanent preservation feature, which spans approximately 800 feet of the common boundary between the site in question and the Sion Hill property. That, in and of itself, is a preservation promise that has already been made by the Green Family. The Green Family has also committed to planting additional trees within the nearby MET easement area, further protecting the viewshed from the site in the direction of the Bay. In short, the Green Family has already evidenced an intent to respect the goals of the Comprehensive Plan and Master Plan where the protection of cultural and historic interests are concerned.

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

§25-16J of the City Code: *"The petitioner for a special exception, variance or administrative review shall have the burden of proof that shall include the burden of going forward with the evidence and the burden of persuasion on all issues of fact which are to be determined by the Board of Appeals."* The Applicant has stated there is a need for the proposed use and will be responsible for demonstrating to the satisfaction of the Board the need for a gas station at the Subject Property.

RECOMMENDATION

The Department of Planning has examined the appropriateness of the Applicants' request and per [§25-16E](#) of the City Code recommends **APPROVAL** for the **conditional use** requests for a **Gas Station** on the Subject Property located at the Intersection of Bulle Rock Parkway and Level Rd – westside (south bound) for the reasons found in the above analysis.

The Department of Planning offers no additional conditions per §25-16E of the City Code beyond which are already applicable to comply with any state law, ordinances or regulations of the City, or where necessary to protect adjacent properties, the general neighborhood and residents, workers and visitors therein.

§25-21: Appeals from Board Decisions:

Any party aggrieved by any decision of the Board of Appeals may within 30 days of the date of the Board's decision appeal the decision to the Circuit Court for Harford County and thereafter to the appellate courts of this state for further review. Appeals shall be subject to the provisions of the Maryland Rules of Procedure governing administrative appeals.

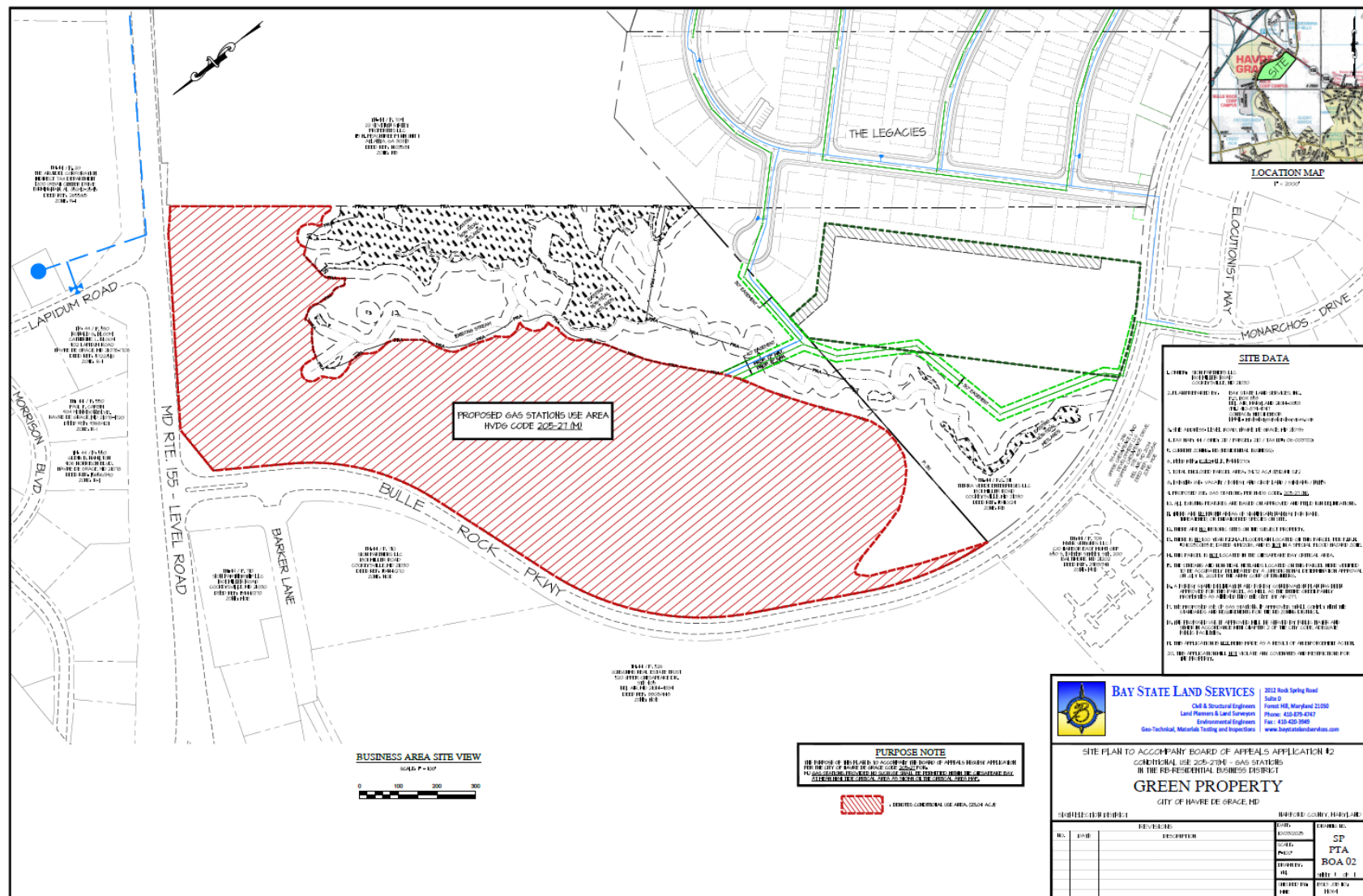
Regards,

Eric V. Lawrence, MLA & MUDP Date
City Planner / Project Manager
Department of Planning

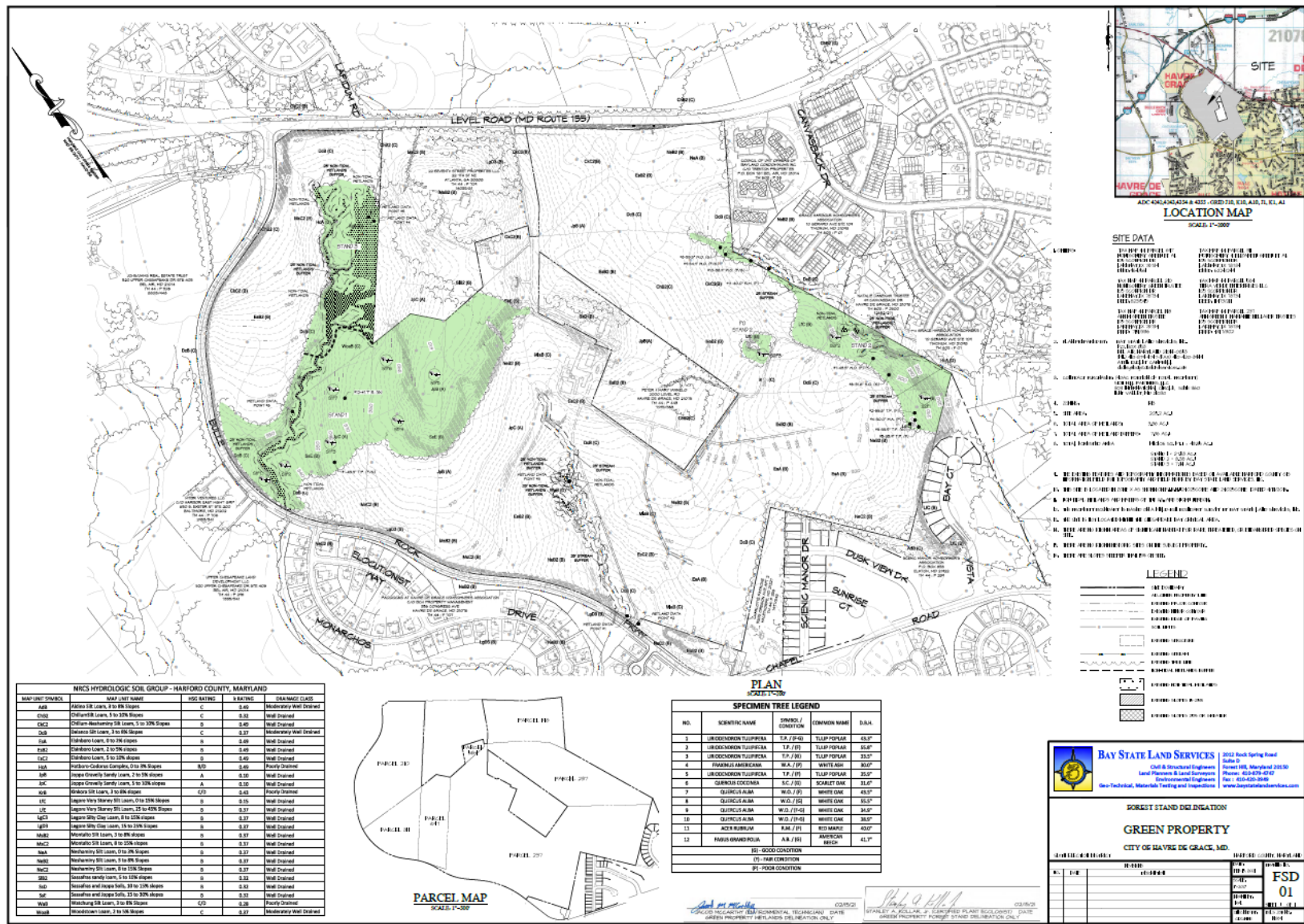
cc: Board of Appeals Members
 Department of Planning Staff
 Department of Public Works Staff
 City Administration Staff
 City Attorney

Eric McLauchlin, PKLaw
Jonathan Green, Property Owner
Don Sample, Property Owner
Mitch Ensor, BSLS

ATTACHMENT – SITE PLAN

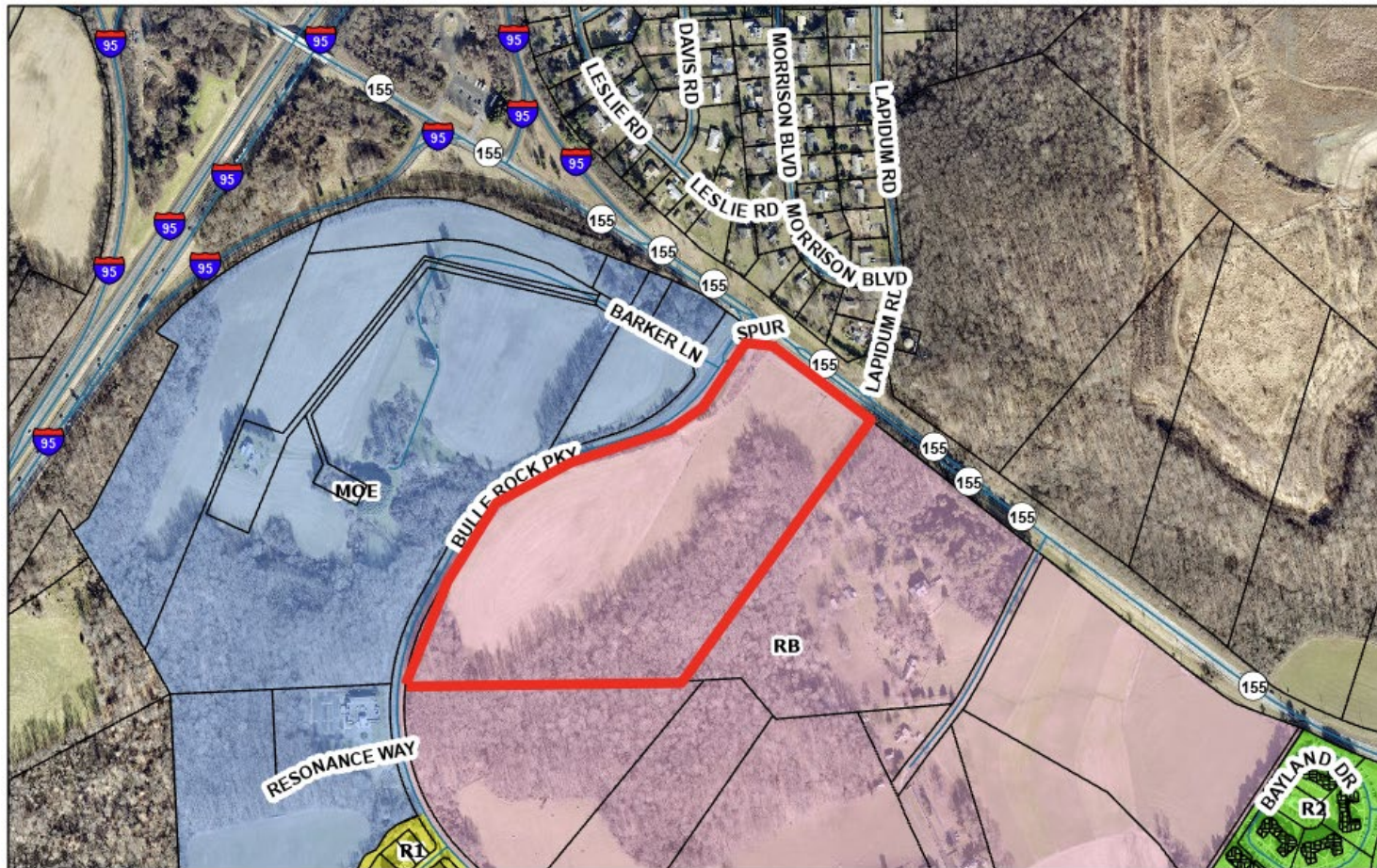


ATTACHMENT - ENVIRONMENTAL FEATURES

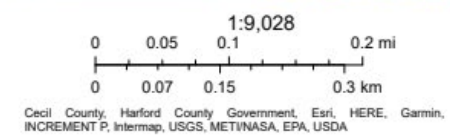


ATTACHMENT - ZONING

Green Property - Zoning



10/27/2025, 10:12:12 AM



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

ATTACHMENT – TABLE I – LOT SPECIFICATION TYPE DEVELOPMENT REQUIREMENTS

ZONING

TABLE I
(cont'd)

Conditional Uses (Residential) ¹ (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)
Hospitals	P	12,000 sq. ft.	60	100	15	15	30	100
Marinas, gas stations, wholesalers, storage towers, greenhouses, outside sales, laboratories, terminals	Q	10,000 sq. ft.	50	100	15	10	15	60
Conference center	R	10 acres	50	100	15	15	40	80
Hotel and conference center	S	10 acres	50	100	15	15	40	80
Golf course	T	50 acres	none	100	15	15	15	60
Agricultural retail	U	10 acres	none	100	15	15	15	40 ²
Agricultural services	V	10 acres	none	100	15	15	15	40 ²
Agriculture	W	50 acres	none	100	15	15	15	40 ²

NOTES:

- ¹ All require approval by the Board of Appeals.
- ² Yard setback requirements are increased by one foot for every two feet of building height in excess of 40 feet.
- ³ See general townhouse requirements section for distances between building blocks as contained in the text of this chapter.
- ⁴ See also additional provisions for Conditional Use townhouse projects section as contained in the text of this chapter.
- ⁵ The height limitation shall not apply to silos or water towers. In no event shall such silo or water tower exceed 80 feet from grade.
- ⁶ No yard setback required at abutting or common walls.

ATTACHMENT – CBCA

