

CITY COUNCIL

READ FILE COVER SHEET

Subject: **Ordinance 1227 concerning Amending Chapter 25**

**Article IV Board of Appeals and
Article V Planning Commission**

(Public Hearing)

Date: **8/4/2026**

Notice: Any comments made after 5:00 p.m. on the Thursday before the Council Meeting will not be seen in the agenda packet.

Purpose:

☐

FYI

☒

Read and Comment as Needed

☒

Action Required by August 17, 2026

☐

In Confidential File Drawer

Approve:

Johnny Boker

☐ Yes

☐ No

☐ No Comment

Comment: _____

Casi Boyer

☐ Yes

☐ No

☐ No Comment

Comment: _____

Lizz Clarke

☐ Yes

☐ No

☐ No Comment

Comment: _____

Matthew Ellis

☐ Yes

☐ No

☐ No Comment

Comment: _____

David Glenn

☐ Yes

☐ No

☐ No Comment

Comment: _____

Vicki Jones

☐ Yes

☐ No

☐ No Comment

Comment: _____

Note: Legislative summary attached.



CITY OF HAYRE DE GRACE

OFFICE OF THE MAYOR

William T. Martin

MEMORANDUM

TO: The Honorable Council President Casi Boyer and
The Honorable Members of the City Council

FROM: Adam Rybczynski, Senior Aide to the Mayor

DATE: July 31, 2026

SUBJECT: Amendments to Chapter 25 Boards, Committees and Commissions –
Article IV Board of Appeals & Article V Planning Commission

1. Administrative and Legal Review

The attached ordinance was written by the Senior Aide to the Mayor and has been reviewed by the City Attorney for legal sufficiency.

2. Executive Summary

On behalf of Mayor Martin, the administration requests the introduction and passage of the attached ordinance to amend Articles IV (Board of Appeals) and V (Planning Commission) of City Code Chapter 25. Currently, the City bears the administrative and financial cost of processing certified and first-class mailings for applications before the Board of Appeals and Planning Commission. This amendment shifts these responsibilities directly to applicants seeking variances, special exceptions, administrative review, or other Planning Commission matters, while maintaining administrative oversight through verified certificates of service. This change will eliminate the use of taxpayer dollars to fund notification requirements for private land use matters or administrative review matters.

3. Existing City Code

Under the existing City Code, public hearing notifications for the Board of Appeals and Planning Commission must be sent via certified and first-class mail to all affected parties at least 15 days prior to a hearing. Because the City currently handles and funds these mailings, taxpayers effectively subsidize the public notice requirements for private land use and administrative review matters, creating an unnecessary financial burden on the public.

4. Proposed Changes to the City Code

Specific Amendments & Citations

A. Board of Appeals Public Hearing Notice (§ 25-16D)

- **Applicant Responsibility:** The applicant would now be responsible for mailing all required public hearing notices via certified mail (return receipt requested) and first-class U.S. Mail and bearing all associated costs.
- **City Oversight & Verification:** The Department of Planning will provide the notice template to the applicant. Prior to the hearing, the applicant must supply the Department with a formal certificate of service proving proper notification.

B. Planning Commission Notification Requirements (§ 25-25)

- **Applicant Responsibility:** Mirrors the Board of Appeals process by placing full responsibility and cost of certified and first-class mailings onto the applicant.
- **City Oversight & Verification:** The Department of Planning provides notice content to the applicant, who must submit a certificate of service prior to the public hearing.

CITY COUNCIL
OF
HAVRE DE GRACE, MARYLAND

ORDINANCE NO. 1227

Introduced by _____ Council Member Boker _____

**AN ORDINANCE BY THE MAYOR AND CITY COUNCIL OF
HAVRE DE GRACE, MARYLAND, ADOPTED PURSUANT TO THE
AUTHORITY OF ARTICLE XI-E OF THE MARYLAND
CONSTITUTION, THE LOCAL GOVERNMENT ARTICLE OF THE
ANNOTATED CODE OF MARYLAND, AND SECTIONS 33 AND 34
OF THE HAVRE DE GRACE CITY CHARTER TO AMEND
CHAPTER 25, ARTICLE IV BOARD OF APPEALS AND ARTICLE
V PLANNING COMMISSION**

On: August 3, 2026
at: 7:00 p.m.

Ordinance introduced, read first time, ordered posted and public hearing scheduled.

PUBLIC HEARING

A Public Hearing is scheduled for August 17, 2026 at 7:00 p.m.

EXPLANATION

Underlining indicates matter
added to existing law.

[Bold Brackets] indicate matter
deleted from existing law.

Amendments proposed prior to
final adoption will be noted on a
separate page with line
references or by handwritten
changes on the draft legislation.

32 **WHEREAS**, the Mayor and City Council of Havre de Grace find it necessary to update and clarify
33 the notification requirements for public hearings held before the Board of Appeals and the
34 Planning Commission; and
35

36 **WHEREAS**, the Mayor and City Council intend to provide the public with proper and consistent
37 notice regarding matters under consideration by these bodies; and
38

39 **WHEREAS**, the City currently bears the administrative and financial costs of processing certified
40 and first-class mailings for public hearing notifications regarding applications before the Board of
41 Appeals and the Planning Commission; and
42

43 **WHEREAS**, these costs are currently funded by taxpayer dollars for private land use and
44 administrative review matters; and
45

46 **WHEREAS**, the Administration proposes to shift the responsibility and costs for these notification
47 requirements directly to the applicants seeking variances, special exceptions, or Planning
48 Commission matters, while maintaining City administrative oversight; and
49

50 **WHEREAS**, this amendment will eliminate the use of taxpayer funds to subsidize private land
51 use and administrative review notification processes;
52

53 **NOW, THEREFORE**, it is determined, decided, and ordained by the City Council that the
54 amendments to Chapter 25, Article IV Board of Appeals and Article V Planning Commission of
55 the City Code are approved and adopted as follows:
56

57 **Article IV Board of Appeals**

58 **§ 25-16. General requirements and procedures.**

59 **A. Initiation of petitions.**

60 (1) Petitions filed for administrative review may be initiated by any person aggrieved by a
61 final order, requirement, decision or determination as set forth this section. Such petition
62 shall be filed within 30 days of the date of the action from which the appeal is filed. The
63 filing of a petition for administrative review shall stay all proceedings in furtherance of
64 the action appealed from unless such stay would cause immediate peril to life or property.
65 Such stay may be granted by the Board of Appeals or by the Circuit Court only for good
66 cause shown and through issuance of a restraining order after notice is given.

67 (2) Petitions for a special exception or a variance may be filed by any person, entity or
68 government agency with any financial, contractual or proprietary interest in the affected
69 property. Should petitions be filed by anyone other than the owner of the property, those
70 petitions must be filed with the owner's written consent.
71

72 **B.** A petition for special exception or variance shall be submitted to the Department of Planning
73 in writing on forms provided for this purpose and accompanied by a filing fee which shall be
74 established from time to time by the City Council. Petitions for administrative review shall be
75 submitted to the Director of Administration. A petition shall not be accepted for filing which

does not contain an appropriate application, filing fee and supporting material set forth in Subsection C below.

C. A petition for special exception, variance or administrative review shall be accompanied by the following materials and/or information and any other information as required by the Director of Administration, Planning or Public Works:

(1) Special exceptions.

- a. Plans and drawings that comply with applicable City Code chapters or as required by the Directors of Planning or Public Works.
- b. A statement explaining in detail how the special exception is to be operated, including hours of operation, number of anticipated employees, occupants and clientele, equipment involved and any special conditions or limitations which the petitioner proposes for adoption by the Board.
- c. List of additional interested parties.
- d. If the petitioner is not the owner of the property involved, the lease, rental agreement or contract to purchase by which the petitioner's legal right to prosecute the petition is established.
- e. All additional exhibits which the petitioner intends to introduce and/or the identification of exhibits intended to be introduced at the public hearing.
- f. A summary of what the petitioner expects to prove, including the names of petitioner's witnesses, summaries of the testimony of expert witnesses and the estimated time required for presentation of the petitioner's case. All expert reports shall be filed at least 15 days prior to the public hearing.
- g. A listing of the names and addresses of all persons required to receive notice pursuant to the requirements of this chapter. If an abutting or confronting property is a condominium, cooperative or is owned by a homeowners' association, then notice shall be given to the governing body and resident agent of the condominium, cooperative or homeowners' association.
- g. Required fee. (See Fee Schedule.)

(2) Variances. All required items contained in § 25-16C(1), above, are applicable to variance petitions unless the Director of Planning determines certain required items are not relevant or applicable.

(3) Administrative review.

- a. The action, document and all records upon which the appeal was filed or based.
- b. List of specific section or sections of the City Code relied upon or authorizing the review.
- c. Copies of additional exhibits or documents upon which the petitioner relies.
- d. Deposit for cost of official transcript of agency proceeding, if required, estimated on length of hearing. Balance to be paid by petitioner prior to scheduling of hearing date.
- e. List of parties.
 - [1] For administrative review of Planning Commission or Historic Preservation Commission decision, list of parties who participated in the proceeding.
 - [2] A listing of the names and addresses of all persons required to receive notice pursuant to this chapter. If an abutting or confronting property is a

condominium, cooperative or is owned by a homeowners' association, then notice shall be given to the governing body and resident agent of the condominium, cooperative or homeowners' association.

f. Required fee. (See Fee Schedule.)

D. A hearing for special exception, variance, or administrative review shall not be scheduled until the Director of Planning determines the application is complete and shall not be heard until all notice requirements have been met. Notice of a public hearing on any special exception, variance, or when applicable, administrative review, shall be given by certified mail **[(with return receipt)]** and by first class U.S. Mail to the petitioner, the owner of the property and all abutting and confronting property owners of the property under consideration at least 15 calendar days prior to the date of the public hearing. The applicant shall be responsible for mailing all required public hearing notices and shall bear all costs associated with such mailing. The Department of Planning shall provide to the applicant a copy of the notice required to be mailed. Prior to the public hearing, the applicant shall provide to the Department a certificate of service demonstrating notice was properly mailed to all required recipients along with a copy of each certified mail receipt for each notice which is required to be sent. Notice shall also be published on the City's webpage at least 15 calendar days prior to the date of the public hearing. In addition, notice of such hearing shall be posted by the Department of Planning with a sign provided by the Board of Appeals staff on the property under consideration:

(1) At minimum, the sign shall contain the following information:

- a. The type of petition pending;
- b. The petition or building permit number;
- c. The date, and place of the hearing; and
- d. A phone number to call for additional information.

(2) If the property has frontage on one or more improved streets, there shall be one sign posted by the Department of Planning for each 1,000 feet (or fraction) of frontage on each street. The sign(s) shall be posted on the property near the street right-of-way, so as to be visible from the improved portion of the street. When more than one sign is required to be posted along a street, the signs shall, where practicable, be evenly spaced along the street.

(3) If the property does not have frontage on an improved public street, then one sign shall be placed on the property. This sign shall be near the boundary of the property and visible from an adjoining property. Another sign shall be placed by the Department of Planning near to, and visible from, the improved portion of the nearest, most-traveled street. This sign shall indicate it is not on the subject property.

(4) The minimum size of each sign shall be as prescribed by the City Council.

(5) All signs posted shall be conspicuous and legible.

(6) The petitioner shall be responsible for reasonable maintenance of all signs. In the event a sign is removed, falls down, or otherwise is not on the property or in the right-of-way during the pendency of and until the date of the hearing, it shall be the responsibility of the petitioner to repost the sign.

(7) The Department shall file a written statement in the record acknowledging the posting was completed in accordance with the requirements of this article.

(8) The sign shall remain posted until the Board of Appeals has issued its written opinion.

E. The Department of Planning shall prepare a staff report that incorporates background information on the subject property, provides a recommendation for approval or denial, and incorporates recommended conditions as necessary. The report shall include an analysis of environmental features, zoning, consistency with the Comprehensive Plan, and existing and proposed land uses on the subject property and within the neighborhood. The report shall be forwarded to the Board and the petitioner at least five days prior to the hearing before the Board.

F. All petitions for special exceptions shall be referred to all applicable City, county and state agencies for review and comment as prescribed by the Director of Planning. Comments and recommendations shall be included in the Department of Planning's staff report that shall be provided to the Board of Appeals prior to the hearing date.

G. The Board shall hold a public hearing on all petitions for special exceptions, variances or administrative review with the exception of appeals alleging error by the Planning Commission or the Historic Preservation Commission, wherein administrative review shall be by oral argument or written statement based solely on the evidence submitted and received in the Commission proceedings. The Board's hearings shall be public, and any party may appear in person or by agent or attorney. The conduct of the hearing shall be conducted pursuant to the Board's Rules of Procedure. Hearings may be adjourned or continued from time to time at the Board's discretion, provided that the time and date of any such adjournment or continuance shall be agreed upon by the Board and announced at the initial hearing.

H. The Board shall have authority to adopt, and amend from time to time, Rules of Procedure to govern the conduct of its proceedings not otherwise provided in this article.

I. The Department of Planning shall maintain a record of the Board's proceedings, including all exhibits filed and accepted, minutes of its proceedings and decisions and transcripts or voice recordings of all testimony presented.

J. 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.

Article V Planning Commission

§ 25-25 Notification requirements.

A hearing for a matter before the Planning Commission shall not be scheduled until the Director of Planning determines the application is complete and shall not be heard until all notice requirements have been met. Notice of a public hearing on any Planning Commission matter shall be given by certified mail [(with return receipt)] and by first class U.S. Mail to the petitioner, the

owner of the property and all abutting and confronting property owners of the property under consideration at least 15 calendar days prior to the date of the public hearing. The applicant shall be responsible for mailing all required public hearing notices and shall bear all costs associated with such mailing. The Department of Planning shall provide to the applicant a copy of the notice required to be mailed. Prior to the public hearing, the applicant shall provide to the Department a certificate of service demonstrating notice was properly mailed to all required recipients along with a copy of each certified mail receipt for each notice which is required to be sent. Notice shall also be published on the City's webpage at least 15 calendar days prior to the date of the public hearing. In addition, notice of such hearing shall be posted by the Department of Planning with a sign provided by the Department of Planning staff on the property under consideration at least 15 calendar days prior to the date of the public hearing.

ADOPTED by the City Council of Havre de Grace, Maryland this ___ day of ____, 2026.

SIGNED by the Mayor and attested by the Director of Administration this ___ day of ____, 2026.

ATTEST:

MAYOR AND CITY COUNCIL
OF HAVRE DE GRACE

Christopher Ricci
Director of Administration

William T. Martin
Mayor

Introduced/First Reading: 8/3/2026

Public Hearing:

Second Reading/Adopted:

Effective Date: