

STANDARD APPLICATION
Harford County
Board of Appeals
 Bel Air, Maryland 21014

JUN 1 2007

Case No. 5605
 Date Filed 5/29/07
 Hearing Date _____
 Receipt _____
 Fee \$450.00

Shaded Areas for Office Use Only

Type of Application

Administrative Decision/Interpretation
 Special Exception
 Use Variance
 Change/Extension of Non-Conforming Use
 Minor Area Variance
 Area Variance
 Variance from Requirements of the Code
 Zoning Map/Drafting Correction

Nature of Request and Section(s) of Code

CASE 5605 MAP 36 TYPE Variance ELECTION DISTRICT 02
 LOCATION 3600 Level Village Road, Havre de Grace 21078
 BY Hopewell United Methodist Church, 3602 Level Village Road
 Appealed because a variance pursuant to Sec. 267-35(B) Table III of the Harford
 County Code to permit an addition to maintain a minimum front yard setback of 68'
 (80' required) in the RR District, requires approval by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Owner (please print or type)

Name Hopewell United Methodist Church Phone Number 410-734-6873

Address 3602 Level Village Road Havre de Grace MD 21078
Street Number Street City State Zip Code

Co-Applicant _____ Phone Number _____

Address _____
Street Number Street City State Zip Code

Contract Purchaser _____ Phone Number _____

Address _____
Street Number Street City State Zip Code

Attorney/Representative J. Robert Tibbs, Jr. Phone Number 410-734-6873

Address 3545 Old Level Road Havre de Grace MD 21078
Street Number Street City State Zip Code

Land Description

Address and Location of Property 3600 LEVEL VILLAGE RD
HAVRE DE GRACE, MD 21078

Subdivision NA Lot Number N/A

Acreage/Lot Size 5 ACRES Election District 2ND Zoning ~~AG~~ RR

Tax Map No. 36 Grid No. 4D Parcel 79 Water/Sewer: Private Public

List ALL structures on property and current use: CHURCH & PARSONAGE

Estimated time required to present case: 30 min

If this Appeal is in reference to a Building Permit, state number N/A

Would approval of this petition violate the covenants and restrictions for your property? N/A

Is this property located within the County's Chesapeake Bay Critical Area? Yes No

If so, what is the Critical Area Land Use designations: _____

Is this request the result of a zoning enforcement investigation? Yes No

Is this request within one (1) mile of any incorporated town limits? Yes No

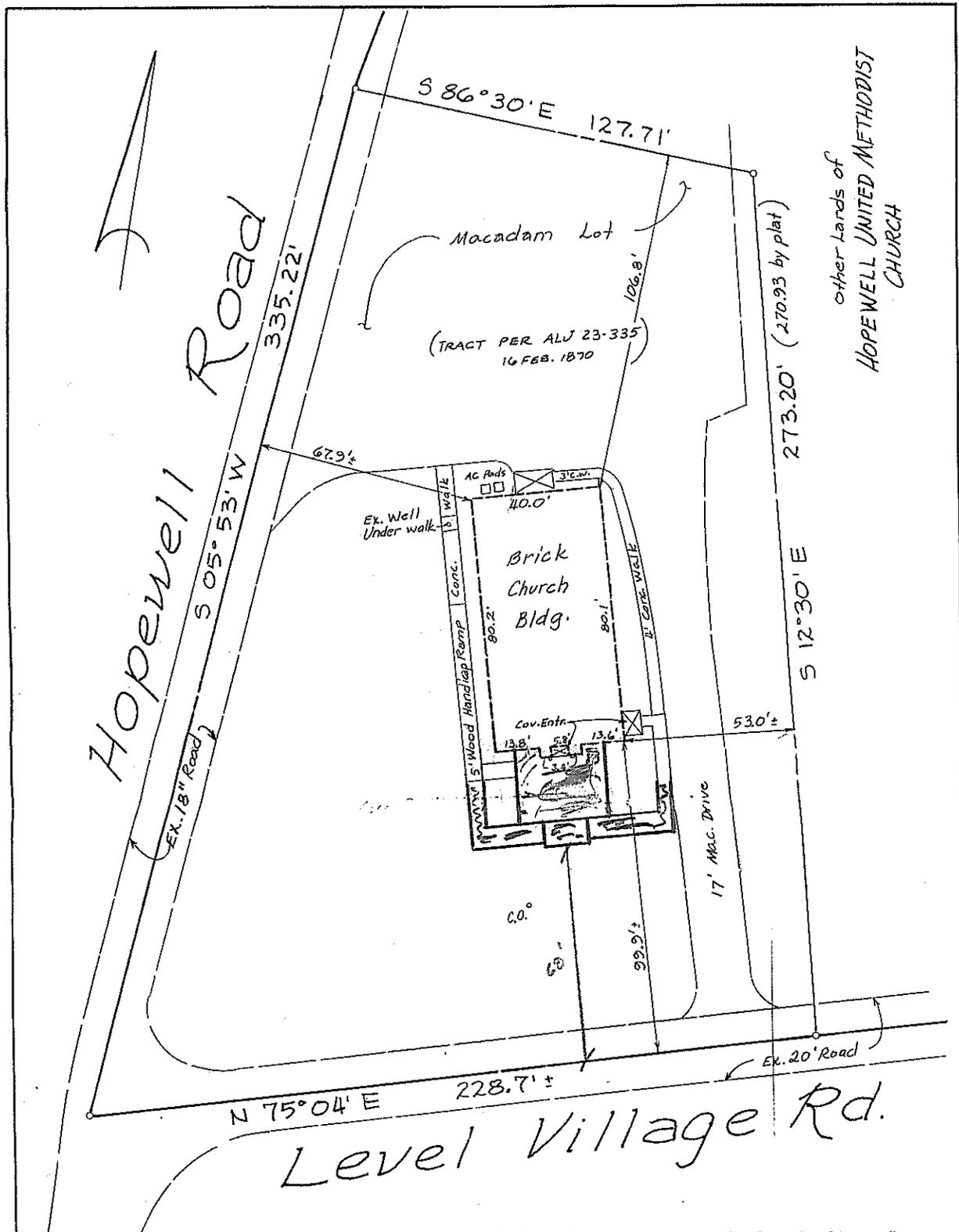
Request

ENCROACH INTO FRONT YARD SETBACK 11' FOR AN ADDITION
TO ALLOW CHURCH TO BE HANDYCAP ACCESSIBLE
AND LARGER GATHERING SPACE

Justification

MAKE CHURCH HANDYCAP ACCESSIBLE FOR
ALL PEOPLE WANTING TO ATTEND CHURCH
THE CHURCH IS A NON CONFORMING BUILDING AND
NEEDS AN EXEMPTION NO MATTER WHAT. THE CHURCH WAS CONFORM
WHEN BUILT IN 1961

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)



other lands of
HOPEWELL UNITED METHODIST
CHURCH

NOTE: The outline shown hereon was taken from Plat of Hopewell Methodist Church, prepared by Jerry Nolan, Dated Mar. 18, 1961



LAND SURVEYING - PLANNING - DESIGN
10 West Pennsylvania Avenue
Bel Air, Maryland 21014
410-833-3888
Bel Air



4-66-000

SITE PLAN
Hopewell United Methodist Church
Deed GRG 586 / 38
Located Northeasterly Intersection of
HOPEWELL and LEVEL VILLAGE ROADS
2nd Election District
Scale: 1" = 30'
Harford County, Maryland
Date: April 6, 2006

FILE: 040-06

3602 LEVEL VILLAGE RD

DAVID R. CRAIG
HARFORD COUNTY EXECUTIVE

LORRAINE COSTELLO
DIRECTOR OF ADMINISTRATION



C. PETE GUTWALD
DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

May 8, 2007

STAFF REPORT

BOARD OF APPEALS CASE NO. 5605

APPLICANT/OWNER: Hopewell United Methodist Church
3602 Level Village Road, Havre de Grace, Maryland 21078

REPRESENTATIVE: J. Robert Tibbs, Jr.
3545 Old Level Road, Havre de Grace, Maryland 21078

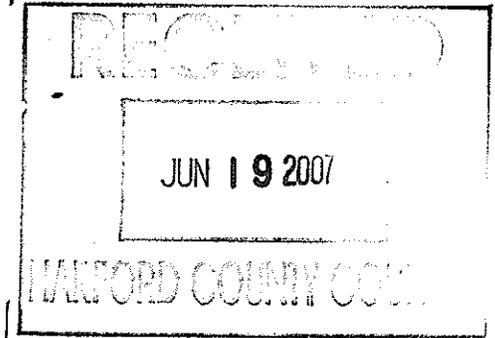
LOCATION: 3602 Level Village Road
Tax Map: 36 / Grid: 4D / Parcel: 79
Election District: Second (3)

ACREAGE: 5.0 acres

ZONING: RR/Rural Residential

DATE FILED: May 29, 2007

HEARING DATE: July 11, 2007



APPLICANT'S REQUEST and JUSTIFICATION:

Request:

“Encroach into front yard setback 11-feet for an addition to allow church to be handicap accessible and larger gathering space.”

∞ Preserving Harford's past; promoting Harford's future ∞

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Hopewell United Methodist Church

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Justification:

“Make church handicap accessible for all people wanting to attend church. The church is a non-conforming building and needs an exemption no matter what. The church was conforming when built in 1961.”

CODE REQUIREMENTS:

The Applicants are requesting a variance pursuant to Section 267-35.B Table III of the Harford County Code to permit an addition to a Church to encroach the required 80-foot front yard setback (68-feet proposed) in the RR/Rural Residential District.

Enclosed with the report is a copy of Section 267-35.B, Table III of the Harford County Code (Attachment 1).

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The Applicants property is located on the northeast corner of Level Village Road and Hopewell Road. A location map and the Applicant’s site plan are enclosed with the report (Attachment 2 and 3).

The subject property is located outside of the Development Envelope. The predominant land use designation in this area of the County is Agricultural. The Natural Features Map reflects Stream Systems, Agricultural Preservation Districts and Easements, and Rural Legacy Areas. The subject property is designated as Agricultural which is defined by the 2004 Land Use Plan as:

Agricultural – Areas where agriculture is the primary land use, but where development rights are available. Residential development is possible at a density of 1.0 dwelling units for every 10 acres. Commercial uses within this area are intended to serve the agricultural industry or residents of the area while maintaining the character of the surrounding countryside.

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 4 and 5).

Land Use – Existing:

The existing land uses generally conform to the intent of the Master Plan. The area surrounding the subject property is predominately active farmland. Residential uses include single family dwellings. The Level Volunteer Fire Company is located approximately 1,300-feet east of the subject property.

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The topography of this area ranges from rolling to steep especially near the stream valleys. The subject property is gently sloping from north to south. Enclosed with the report are copies of the aerial photograph and topography map (Attachments 6 and 7).

The subject property is irregularly shaped, consists of two parcels, and contains approximately 5.0 acres. The subject property is bordered to the north and east by single-family residential lots. There are also single-family residential lots located across from the subject property on the south side of Level Village Road. There is a large parcel on the west side of Hopewell Road that is actively farmed. The subject property is improved with a church, parsonage, accessory structures and parking. The church was originally constructed around 1961. Enclosed with the report are site photographs (Attachment 8).

Zoning:

The zoning classifications in the area are generally consistent with the 2004 Master Plan as well as the existing land uses. Residential zoning is RR/Rural Residential. There are several parcels zoned B2/Community Business District around the intersection of Old Level Road and Level Village Road. The subject property is zoned RR/Rural Residential District as shown on the enclosed copy of the zoning map (Attachment 9).

SUMMARY:

The Applicants are requesting a variance pursuant to Section 267-35.B Table III of the Harford County Code to permit an addition to a Church to encroach the required 80-foot front yard setback (68-feet proposed) in the RR/Rural Residential District.

The front yard setback for institutional uses in the RR/Rural Residential District is 50-feet. Since the subject property has frontage on two County Roads without established right-of-way lines, the setback is measured as 30-feet from the centerline of the road plus the required setback for the district. Therefore, the front yard setback for the Church is 80-feet from the centerline of the road.

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the applicant must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

The Department finds that the subject property is unique. The main entrance to the Church is located on the Level Village Road side of the building. Due to the orientation of the seating, aisles, and pulpit within the Church, the addition could not be located on any other side of the building without significant renovation to the interior of the building. Also, the location of the driveway and parking area preclude the expansion to the north and south side of the building.

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The addition will provide additional space for the growing congregation and make the Church more accessible to those with disabilities. The requested variance will not adversely impact the adjacent properties or the intent of the Code.

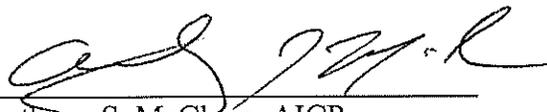
RECOMMENDATION and or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends that the requested variance be approved subject to the following conditions:

1. The Applicants shall obtain all necessary permits and inspections.
2. The Applicants shall submit a landscaping plan to the Department of Planning and Zoning for review and approval.



Shane P. Gimm, AICP
Chief, Site Plan and Building Permits
Review Section



Anthony S. McClune, AICP
Deputy Director, Planning and Zoning

SPG/ASM/jf