

**BOARD OF APPEALS CASE NO. 5043**

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**BEFORE THE**

**APPLICANTS: Deer Creek Friends  
Meeting House**

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**ZONING HEARING EXAMINER**

**REQUEST: Variance to enlarge a non-  
conforming use; 1212 Main Street,  
Darlington**

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**OF HARFORD COUNTY**

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**Hearing Advertised**

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**Aegis: 4/19/00 & 4/26/00**

**HEARING DATE: June 14, 2000**

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**Record: 4/21/00 & 4/28/00**

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**ZONING HEARING EXAMINER'S DECISION**

The Applicant, Deer Creek Friends Meeting House, is requesting approval for the enlargement of a non-conforming structure pursuant to Section 267-21 of the Harford County Code, as well as a variance from Section 267-21B of the Code, to allow the enlargement of the subject structure to exceed fifty (50%) percent of the gross square footage in use at the time the structure was built. The Applicant is proposing to increase the existing 2,130 square foot building by 1,400 square feet, 335 square feet larger than the maximum increase permitted under the Code. The non-conforming structure is located in an VR/Village Residential District.

The subject property is located at 1212 Main Street, Darlington in the Fifth Election District. The parcel is more specifically identified as Parcel No. 104, in Grid 4C, on Tax Map 20. The property contains approximately 4.344 acres, all of which is zoned VR. The subject structure is a house of worship which is over 200 years old.

Mark Stromdahl, a licensed architect with Edmeades & Stromdahl, 34 North Main Street, Bel Air, appeared and testified on behalf of the Applicant. Mr. Stromdahl was qualified and admitted as an expert in the fields of architecture and site planning. He was involved in the preparation of the Applicant's proposed site plan, marked and admitted as Applicant's Exhibit No. 2. Mr. Stromdahl testified that the subject property is a 4.3 acre parcel which is bisected by Darlington Road, MD Route 161, in the village of Darlington. Most of the uses surrounding the property are agricultural, with some residential areas as well. According to Mr. Stromdahl, the property has been the site of worship for Quakers for well over 200 years. A cemetery is also located on the site.

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**Mr. Stromdahl further testified that the subject building was constructed of stone in 1784, with a wood frame addition having been added in the 1960's. There is a shed on the site as well, which is also over 200 years old. The historic nature of the structures combined with the historic use as a Quaker Meeting House render the property unique. It was Mr. Stromdahl's testimony that the Friends Meeting needs an expanded area for Sunday School for the children and space for social activities to be conducted away from the area of worship. Currently, the noise from the children impacts the worship by the adults, which in the Quaker faith is supposed to be conducted in silence. The Meeting is proposing to build a 1400 square foot addition to the existing structure, which currently measures approximately 2,130 square feet.**

**Mr. Stromdahl also noted that the Historic Preservation Commission approved of the proposed addition, and a letter to that effect was marked and admitted as Applicant's Exhibit No. 4. It was important to the Commission, and to the Applicant, that the addition be harmonious with the existing structure. Accordingly, the proposal calls for a wood frame addition, with painted cedar siding, the design of which will blend with the historic nature of the original structure. The location for the addition was dictated by the unique characteristics of the site, and it was important for the addition to be located on the same side of the road as the original structure and the available parking. It was Mr. Stromdahl's testimony that the Applicant has no plans to expand the congregation beyond its current capacity and there would be no detrimental impact to adjoining properties or to the neighborhood as a whole. To the contrary, Mr. Stromdahl testified that the proposed addition would enhance the community by providing needed space in conformity with the existing use. It was also noted that the property is surrounded by a tree line which provides pleasant screening from neighboring parcels.**

**The Staff Report of the Department of Planning and Zoning, which was marked and admitted as Applicant's Exhibit No. 5, recommends approval of the Applicant's requests, noting that:**

**"The church is a permitted use within the VR/Village Residential District. However, the structure is non-conforming as to the setbacks. The addition will not increase the use of the site nor will it change the appearance of the structure from the road. The Historic Preservation Commission has reviewed the proposal and is supportive of the request. (Attachments 9, 10 and 11)..."**

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**...The Department finds that the property is unique. The existing church structure has been on the property for over 200 years and is non-conforming to the required setbacks. The proposed expansion is to the rear of the existing structure and will not impact traffic along MD Route 161. The proposed location of the addition is the only practical area and the addition will meet the rear yard setback requirements. The requested variance will not adversely impact the existing neighborhood or the intent of the Code.”**

**No witnesses appeared in opposition to the request.**

### **CONCLUSION:**

**The Applicant is seeking approval to enlarge the existing principal structure, a 200 year-old house of worship which is non-conforming to the setback requirements, in addition to requesting a variance to Section 267-21B of the Harford County Code to allow construction of an addition which exceeds the maximum allowable enlargement by 335 square feet. The Applicant is proposing to enlarge the existing 2,130 square foot structure by an additional 1,400 square feet.**

**Sections 267-21 and 267-21B of the Harford County Code provide as follows:**

**“The Board may authorize the extension or enlargement of a non-conforming use, with or without conditions, provided that:**

- B. The enlargement or extension does not exceed fifty percent (50%) of the gross square footage in use at the time of the creation of the non-conformity.”**

**In addition, Section 267-11A of the Code states that variances may be granted if:**

- (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Code would result in practical difficulty or unreasonable hardship.**
- (2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Code or the public interest.”**

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The uncontradicted evidence offered by way of testimony and supporting exhibits, including the Staff Report of the Department of Planning and Zoning and a letter on behalf of the Historic Preservation Commission, demonstrates that the circumstances relating to the subject property, in terms of its historic significance and the configuration of the lot and its improvements, are unique. The original structure is non-conforming with regard to the required setbacks because the zoning regulations were instituted long after the house of worship and its accompanying shed and cemetery were established on the site. It is clear from the evidence that denial of the Applicant's requests would cause practical difficulty in that there does not appear to be any alternative location on the site which would be suitable for the needed addition. The Applicant must preserve the integrity of the historic cemetery and the existing structures, while at the same time trying to meet the needs of its congregation in a safe, effective and respectful manner. The proposal offered by the Applicant meets these objectives. There was no evidence to suggest that approval of the requests would be detrimental to the adjoining properties or to the surrounding neighborhood; to the contrary, the proposed addition will enhance the quality and value of the site. Approval of the variance would not appear to impair the purpose of the Code in that there are no apparent negative impacts, nor would there be any impairment of the public interest.

Therefore, it is the recommendation of the Hearing Examiner that the Applicant's requests to allow an enlargement of the existing principal structure, specifically the construction of a 1,400 square foot addition as proposed on the Applicant's site plan, be approved, on the condition that the Applicant obtain all necessary permits and inspections.

Date AUGUST 9, 2000

Valerie H. Twanmoh  
Zoning Hearing Examiner