

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

Case No. 6044  
Date Filed 12/4/15  
Hearing Date \_\_\_\_\_  
Receipt \_\_\_\_\_  
Fee \$450.00  
Type Var

**Information to be Submitted with Application**

1. A plot plan drawn to scale indicating all pertinent data.
2. A list of all adjoining property owners with mailing addresses.
3. Names and addresses of all persons having legal or equitable interest in the property.
4. All required supporting documentation or additional studies as may be required; including traffic and environmental studies, etc.

**NOTE:**

All applicants MUST schedule a pre-application meeting with the Department of Planning and Zoning prior to filing any application to the Board of Appeals.

To schedule please call **410-638-3119**.

*Shaded areas for Office Use Only*

**Nature of Request and Section(s) of Code**

CASE 6044 MAP 51 TYPE Variance

ELECTION DISTRICT 03 TAX ID 03-275728

LOCATION 3461 Churchville Road, Aberdeen 21001

BY Always House of Prayer, Inc.

Appealed because a variance pursuant to Sec. 267-54B(2)

Table 54-1 of the Harford County Code to reduce the required

side yard setback (50' required, 20' proposed) in the RR

district requires approval by the Board.

**Owner (please print or type)**

Name Always House of Prayer, Inc. Phone Number \_\_\_\_\_ Attorney No. 410-879-2222

Address 3461 Churchville Road, Aberdeen, Maryland 21001  
Street Number Street City State Zip Code

Email \_\_\_\_\_

Co-Applicant \_\_\_\_\_ Phone Number \_\_\_\_\_

Address \_\_\_\_\_  
Street Number Street City State Zip Code

Email \_\_\_\_\_

Contract Purchaser \_\_\_\_\_ Phone Number \_\_\_\_\_

Address \_\_\_\_\_  
Street Number Street City State Zip Code

Email \_\_\_\_\_

Attorney/Representative David S. Lynch, Esquire Phone Number 410-879-2222

Address Stark and Keenan, P.A., 30 Office Street, Bel Air, Maryland 21014  
Street Number Street City State Zip Code

Email dlynch@starkandkeenan.com

**Land Description**

Address and Location of Property

3461 Churchville Road, Aberdeen, MD 21001

Subdivision 3251 Lot Number 3Acreage/Lot Size 4.02 acres Election District 1 Zoning RR Tax ID # 275728Tax Map No. 0051 Grid No. 0001B Parcel 0164 Water/Sewer: Private X Public       List ALL structures on property and current use: Property is vacant without any structuresEstimated time required to present case: 1 hourIf this Appeal is in reference to a Building Permit, state number n/aWould approval of this petition violate the covenants and restrictions for your property? Yes        No XIs this property located within the County's Chesapeake Bay Critical Area? Yes        No XIf so, what is the Critical Area Land Use designations: n/aIs this request the result of a zoning enforcement investigation? Yes        No XIs this request within one (1) mile of any incorporated town limits? Yes X No       **Request**

Please see attached Request and Justification

**Justification**

Please see attached Request and Justification

*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.)*

**ATTACHMENT TO HARFORD COUNTY BOARD OF APPEALS**  
**APPLICATION**

Applicant: Always House of Prayer, Inc.

Subject Property Address: 3461 Churchville Road, Aberdeen, Maryland 21001

**REQUEST AND JUSTIFICATION**

**REQUEST:**

Variance to permit a 30 foot reduction from minimum required side yard setback in the RR District from 50 feet to 20 feet pursuant to §267-54(B)(2) and Table 54-1 of the Harford County Zoning Code.

**JUSTIFICATION:**

The Subject Property consists of a 4.02 parcel located at 3461 Churchville Road, Aberdeen, Maryland 21001 (the "Subject Property"). The Subject Property is zoned RR, as defined in the Harford County Zoning Code (the "Code"). The Subject Property is currently vacant. Always House of Prayer, Inc. ("Applicant") is the fee simple owner of the Subject Property. In accordance with the accompanying site plan, the Applicant is proposing to improve the Subject Property with a House of Worship/Religious Assemblies Church that would be approximately 6,000 square feet with a seating capacity of fifty (50) seats.

The Subject Property is constrained by an extensive Natural Resource District area to the rear, which the Applicant intends to leave undisturbed. The Subject Property is an unusual shape, which includes, but is not limited to, the triangular notch in the western-facing property line. There is also an existing storm drain inlet that was installed by the Maryland State Highway Administration that runs under MD Route 22 (Churchville Road) and abuts the approximate midpoint of the Subject Property's frontage on MD Route 22. This inlet location imposes constraints on the Subject Property for access. Applicant proposed a 20,500 square foot septic reserve area in the portion of the Subject Property fronting on Churchville Road, which is the only area of the Subject Property that can accommodate the required septic reserve area due to existing environmental and other site constraints. Access to the Subject Property currently exists via a driveway that historically has been used to access the Subject Property in the approximate location of the proposed driveway on the accompanying site plan, along the western edge of the Subject Property. Due to the geometry of the Subject Property and the site constraints set forth herein, the only location for the proposed House of Worship is the location as depicted on the accompanying site plan. Importantly, the majority of the proposed House of Worship is situated to comply with the relevant side yard setbacks. The Subject Property is unique

based upon its topography, environmental features, configuration, the existing storm drain inlet, and the proposed septic reserve area.

By reason of the uniqueness of the Subject Property and the topographical conditions, the literal enforcement of Part 1 of the Code would result in a practical difficulty or unreasonable hardship. The only location appropriate for the proposed House of Worship and associated improvements (including the access drive) is as indicated on the attached site plan. It is not feasible to locate the proposed House of Worship elsewhere on the Subject Property.

The proposed variance will not be substantially detrimental to adjacent properties as the Subject Property is surrounded by woodland and large rural residential lots. Nor will the requested variance materially impair the purpose of Part 1 of the Code or the public interest. Applicant is not seeking to exceed the minimum adjustment necessary to relieve the hardship imposed by literal enforcement of the Code. The side yard variance is the minimum relief necessary for the subject request.

**ATTACHMENT TO HARFORD COUNTY BOARD OF APPEALS APPLICATION**

Applicant: Always House of Prayer, Inc.  
Subject Property Address: 3461 Churchville Road, Aberdeen, Maryland 21001

**Always House of Prayer, Inc.**

The following is a list of individuals with an interest in Always House of Prayer, Inc.:

1. James Womack

# Zoning Code Requirements

## Appeal from Administrative Decision/Interpretation Requirements (Article 267-7A)

- (6) Render a final written determination, within 45 calendar days of the written request, of whether a proposed use is permitted in a particular zoning district, or whether a proposed use is a legal nonconforming use upon written request of any person. The Director of Planning may determine a materially similar use exists, based on the North American Industrial Classification System (NAICS). The final written determination of the Director of Planning shall be subject to appeal to the Board by the applicant within 20 calendar days of the date of the decision.

## Variance Requirements (Article 267-11)

- (A) Variances from the provisions or requirements of this Code may be granted if the Board finds that:
- (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of the Code would result in practical difficulty or unreasonable hardship; and
  - (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.

*(The Board may impose such conditions as it deems necessary in each particular case. No variance shall exceed the minimum adjustment necessary to relieve the hardship imposed by literal enforcement of this Code.)*

## Special Overlay District Requirements (Article 267-62)

### (E) Natural Resources District

Variances. The Board may grant a variance to Subsection C or D upon a finding by the Board that the proposed development has been designed to minimize adverse impacts to the Natural Resources District to the greatest extent possible. Prior to rendering approval, the Board shall request advisory comments from the Director of Planning, the Soil Conservation District and the Maryland Department of the Environment.

## Chesapeake Bay Critical Area Overlay District (Article 267-63)

- (1) Variances from the provisions of this section may only be granted if, due to special features of a site or other circumstances, implementation of this section or a literal enforcement of its provisions would result in unwarranted hardship to an applicant.
- (2) All applications for variances shall be reviewed by the Director of Planning for conformance with applicable provisions of this section, and a written report shall be provided to the Board of Appeals.
- (3) In granting a variance, the Board shall issue written findings demonstrating that the requested approval complies with each of the following conditions:

- (a) That special conditions or circumstances exist that are peculiar to the land or structure within the County's Critical Area, and a literal enforcement of the Critical Area Program would result in an unwarranted hardship.
  - (b) That a literal interpretation of the provisions of this section will deprive the applicant of rights commonly enjoyed by other properties in similar geographic and land use management areas within the Critical Area.
  - (c) That the granting of a variance will not confer upon the applicant any special privilege that would be denied by this section to other lands or structures within the Critical Area.
  - (d) That the variance request is not based upon conditions or circumstances which are the result of actions by the applicant, nor does the request arise from any condition relating to land or building use, either permitted or nonconforming, on any neighboring property.
  - (e) That the granting of a variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the Critical Area, and the granting of the variance will be in harmony with the purpose and intent of this section.
  - (f) That all identified habitat protection areas on or adjacent to the site have been protected by the proposed development and implementation of either on-site or off-site programs.
  - (g) That the growth allocation for the County will not be exceeded by the granting of the variance.
  - (h) That the variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.
- I. Special exceptions. All projects requiring approval as special exceptions within the Critical Area must meet the standards of this section. The Director of Planning may require such additional information, studies or documentation deemed necessary to ensure that applicable requirements of this district are met. Applications will not be considered complete for processing until all information as required by the Director of Planning has been received.

### Change/Extension of Non-Conforming Use Requirements

267-20(3) – When authorized by the Board, one nonconforming use may be substituted for another nonconforming use.

267-21(d) – The Board may authorize the extension or enlargement of a nonconforming use, with or without conditions, provided that:

- (A) The proposed extension or enlargement does not change to a less restricted and more intense use.
- (B) The enlargement or extension does not exceed 50% of the gross square footage in use at the time of the creation of the nonconformity.

### Special Exceptions Requirements (Article 267-87)

(a) Special exceptions require the approval of the Board of Appeals in accordance with 267-9 (Board of Appeals). The Board may impose such conditions limitations and restrictions as necessary to preserve harmony with adjacent uses, the purposes of this Code and the public health, safety and welfare.

- (b) A special exception grant or approval shall be limited to the Site Plan approved by the Board. Any substantial modification to the approved Site Plan shall require further Board approval.
- (c) Extension of any use or activity permitted as a special exception shall require further Board approval.
- (d) The Board may require a bond, irrevocable letter of credit or other appropriate guarantee as may be deemed necessary to assure satisfactory performance with regard to all or some of the conditions.
- (e) In the event the development or use is not commenced within 3 years from date of final decision, after all appeals have been exhausted, the approval for the special exception shall be void. In the event of delays, unforeseen at the time of application and approval, the Director of Planning shall have the authority to extend the approval for an additional 12 months or any portion thereof. (See Article 267-88 for specific requirements of Special Exception uses.)

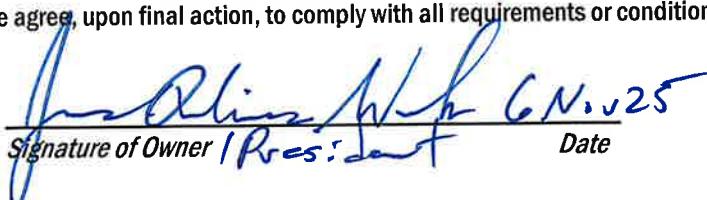
I/We agree to provide additional information as requested by the Department of Planning and Zoning or the Hearing Examiner.

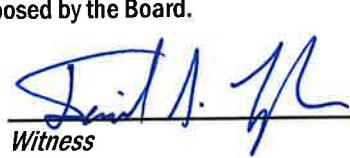
I/We do hereby declare that no officer or employee of Harford County, whether elected or appointed, has received prior hereto or will receive subsequent hereto any monetary or material consideration, any service or thing of value, directly or indirectly, upon more favorable terms than those granted to the public generally in connection with the submission, processing, issuance, grant or aware of the within application or petition.

I/We do solemnly declare and affirm under the penalties of perjury that this petition contains names and addresses of all persons having legal or equitable interest in the property, including shareholders owning more than five percent (5%) of the stock in a corporation having any interest in the property, except those corporations listed and traded on a recognized stock exchange.

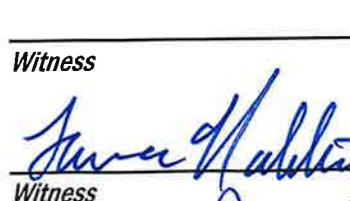
I/We do solemnly declare and affirm under the penalties of perjury that the contents of the foregoing affidavit are true and correct to the best of my/our knowledge, information and belief.

I/We agree, upon final action, to comply with all requirements or conditions imposed by the Board.

  
Signature of Owner/President Date

  
Witness Date

  
Signature of Co-Applicant Date

  
Witness Date

  
Signature of Attorney/Representative Date

  
Witness Date

  
Director of Planning and Zoning Date

  
Zoning Staff Date



**ATTACHMENT TO HARFORD COUNTY BOARD OF APPEALS APPLICATION**

Applicant: Always House of Prayer, Inc.  
Subject Property Address: 3461 Churchville Road, Aberdeen, Maryland 21001

**LIST OF ADJOINING PROPERTY OWNERS**

1. BT Adams Properties, LLC  
3467 Churchville Road  
Aberdeen, Maryland 21001  
Map 0051, Parcel 0164

Mailing Address:

601 Whitaker Mill Road  
Joppa, Maryland 21085-1004

2. Ira R. Sheckells  
Michele L. Sheckells  
1002 Carsins Run Road  
Aberdeen, Maryland 21001-1427  
Map 0051, Parcel 0122
3. Harford Land Holdings, LLC  
Stepney Road  
Aberdeen, Maryland 21001-0000  
Map 0051, Parcel 0763

Mailing Address:

2815 Calvary Road  
Bel Air, Maryland 21015-6639

4. Cristobal Diaz  
Terriann Diaz  
3455 Churchville Road  
Aberdeen, Maryland 21001  
Map 0051, Parcel 0164

5. Carsins Run Properties, LLC  
3452 Churchville Road  
Aberdeen, Maryland 21001  
Map 0051, Parcel 0011

Mailing Address:

723 Carsins Run Road  
Aberdeen, Maryland 21001-1007

6. Carsins Run Properties, LLC  
3456 Churchville Road  
Aberdeen, Maryland 21001  
Map 0051, Parcel 0017

Mailing Address:

723 Carsins Run Road  
Aberdeen, Maryland 21001-1007