

Published April 12, 2009

Homeless shelter gets Annapolis appeals OK

Panel rejects claim that plan barred by city code

By TYEESHA DIXON

The Annapolis Board of Appeals has upheld a Department of Planning and Zoning decision to allow a homeless shelter to be built on Hudson Street, despite contention from a local businessman who said the shelter does not conform to the city zoning code at the proposed building site.

Michael Roblyer, who has a law firm on Willow Street near the proposed shelter site, filed an appeal in February that the Light House Homeless Prevention Support Center, which is scheduled to start construction this summer at 10 Hudson St., could not be built in a BCE, or business corridor enhancement, zone because of the way certain terms are defined in the city code.

The Light House shelter, run by Annapolis Area Ministries Inc., stands on West Street and is the only facility of its kind in the city. The new building would include 500 beds, according to floor plans presented by the project's architect, and would include office space on the first floor, with dormitory and apartment-style living spaces on the second and third floors.

The project's supporters, however, argued that the way the new shelter would be built conforms with city code and that Planning and Zoning Director John Arason's January decision to allow the shelter in the zoning district was the correct one.

The crux of Roblyer's argument was that the floor plans of the new building, which differ from those of the current shelter, do not fit under definitions of allowed uses under the city code.

Right now, city code in that zoning district allows buildings with nonresidential use on the first floor, and residential occupancy on second and third floors - a business on the first floor and apartments on the subsequent floors, for example.

Roblyer argued that even though the new shelter would have residential occupancy on the second and third floors, they would not be considered "dwelling units" as defined by the code. He called the project a "bifurcation of one use," noting that all floors of the shelter work in conjunction with each other, despite the separation of the office and living spaces.

"The city already decided where a homeless shelter fits in the zoning code," Roblyer told the board, citing a 1990 zoning decision that allowed the shelter to be built at its current West Street location.

Arason said the code allows for interpretation, and that when he made his decision, he did not read the code in that manner.

At Tuesday night's hearing, Roblyer said, "It was with reluctance" that he decided to file the appeal.

"The question before the board is not whether the homeless need to be helped. ... The question before the board is whether the particular permitted use ... was the proper decision, and is it reasonable under the totality of the circumstances in this case."

But several business owners on Willow Street, including Roblyer, fear the shelter will decrease their properties' value.

The shelter would be built partially in the city (Hudson Street) and partially in the county (Willow Street).

"It's just our opinion that property values will go down surrounding the homeless shelter," Roblyer said.

Bonnie Davis, who lives on Willow Street, next to where the shelter is to be built, testified against the project at the hearing.

"They talk about being good neighbors, but I've never met any of them," Davis said.

"I know it's morally right to take care of our homeless, but is it right to shove the rules aside to do good?"

Elizabeth Kinney, chairwoman of the capital campaign for the new shelter, said the building will raise property value in the community.

"We intend to be extraordinary neighbors," Kinney told the board.

Harry Cole, executive director of Light House, said the building will not attract lines of people outside, nor will it draw unscrupulous crowds.

"We're going to have the most beautiful building on the block," Cole said.

"The people that we serve go to work, then they come home. ... They're not there hanging out."

The appeal was one of several hurdles the project has had to overcome. Earlier this year, some city council members opposed giving tax breaks for the project, pointing to a poor economy and much-needed revenue. The council ultimately decided to grant a portion of the breaks requested.

Cole said the poor economy has been by far the biggest obstacle facing the project.

"We're doing OK when you compare us to most nonprofits," he said. "But it definitely has had an effect on our ability to raise the income that we need."

As for the appeals decision, the board will issue a written opinion in 60 days.

"I feel very happy and gratified that we got a favorable decision and that we can keep moving forward with offering more services with our clients," Cole said.