



Mayor & Council of Berlin

10 William Street, Berlin, Maryland 21811

Phone 410-641-2770 Fax 410-641-2316

www.berlinmd.gov



NOTICE OF PUBLIC HEARING Town of Berlin Board of Appeals

Pursuant to the requirements of §108-191 of the Code of the Town of Berlin, notice is hereby given that a public hearing will be conducted by the Berlin Board of Zoning Appeals in the Mayor and Council Chambers of Berlin Town Hall, 10 William Street, Berlin, Maryland on

**WEDNESDAY, February 6, 2019
6:30 PM**

1. Approval of Minutes – June 6, 2018
2. Pursuant to section 108-165, “Variances” an appeal has been filed for a reduction in the required side yard setback for an accessory building from six feet to two feet from the property line at 105 South Main Street from Daniel Jacobs.

Any persons having questions about the above-referenced meeting or any persons needing special accommodations should contact Dave Engelhart at 410-641-4143. Written materials in alternate formats for persons with disabilities are made available upon request. TTY users dial 7-1-1 in the State of Maryland or 1-800-735-2258 outside Maryland.

Town of Berlin
Board of Appeals
June 6, 2018

The meeting for the Board of Appeals was called to order by Chairman Joe Moore at 6:30PM. Members present were Joe Moore, Woody Bunting and Doug Parks. Absent from the meeting was Jay Knerr. Staff present were Planning Director Dave Engelhart and Permit Coordinator Carolyn Duffy.

Chairman Joe Moore called for a motion to approve the minutes for the May 2nd, 2018 minutes. Mr. Doug Parks made the motion to approve the minutes from the May 2nd, 2018 meeting. Mr. Woody Bunting seconded the motion and it was unanimously accepted by the board.

Chairman Joe Moore stated that on the agenda there were two applications the first application in order of the agenda was for Mr. John Lewis. Requesting a variance from the required front yard setback. The second one has been advertised and notified, they were requesting a conditional use for the Hope4Recovery Inc., for the purpose of operating a group home, providing housing for individuals with substances related or additive disorders within the B-1 Town Center District. Chairman Joe Moore stated that the Planning Director Dave Engelhart had received a letter from Mr. Hugh Cropper with respect to his opinion for the use of the land that is being requested and how it reflects on the code. The Town Attorney Mr. David Gaskill responded to Mr. Cropper about the content of the code. Chairman Moore asked Mr. Gaskill to state for the record his opinion in responds to Mr. Cropper's letter.

Mr. Gaskill stated pursuant to the code section 108- 435 section 10 a boarding house is a permitted principal use in the B-1 zone. The house is in this zoning district. He stated a boarding house is described in the code section 108-5 as a dwelling not containing more than six guest rooms. Where lodging is provided with or without meals for compensation for persons not transients. He stated due to that fact the Hope4Recovery would have six or less bedrooms will provide lodging for compensation and is an extended stay facility and not for transients. He stated in his opinion it would be debatable that this meets the definition of a boarding house and that residents would not be transients. Therefore, he thought this would be a principal permeable use in the B-1 zone. He also stated that the hearing for this would not be necessary. Chairman Moore stated that Mr. Gaskill was the Town Attorney an also the attorney for the Planning Director Mr. Engelhart as an administrative official of the town. Mr. Gaskill replied that is correct. Mr. Engelhart then agreed that there was no matter for the board to hear.

Chairman Moore asked Mr. Cropper if he had anything to say. Mr. Cropper thanked the staff and said they agreed with the interpretation and would like to withdraw the request for the special exception. Chairman Moore stated there was nothing for the board to determine. Chairman Moore stated this was no fault of Mr. Croppers because he was just retained, and he promptly began corresponding with Mr. Engelhart and subsequently with Mr. Gaskill. Mr. Moore apologized that the town did not have time to put it on the web site in an advertised manner. Mr. Moore stated he felt obligated to say the provisions of the town code also provides in section 108-160 of the code that the Board of Appeals has the power to hear and decide appeals where alleged where if there is any error in any order requirement or determination made by an administrative official in the enforcement of the chapter. He stated that determination was made for the record on this day when Mr. Engelhart advised this board with the determination of his counsel that there was nothing for them to hear. Section 108-189 says that an appeal to the board may be taken by any person aggrieved by the decision of the administrative officer or by any office department, board or bureau affected by the decision of the Planning Director. Such an appeal should be taken in 20 days after the decision by filing with the Planning Director and with the Board of Appeals that is through Mr. Englehart's office of Planning & Zoning. Mr. Moore stated he was not suggesting anything because there was not an opportunity to notify this had been resolved. Mr. Moore stated he wanted everyone to know that this was a provision of the code. Mr. Cropper asked if the

applicant Hope4Recovery could get the application fee back minus the advertising fee. Chairman Moore replied that would be up to Mr. Engelhart.

Chairman Moore called the next case to come forward to be sworn in. Mr. John C. Lewis requesting a variance from the required yard setbacks. Chairman Moore asked Mr. Engelhart to explain this case. Mr. Engelhart stated that this was a special exception for a variance from the platted front setbacks which is the building restricted line on lot # 45 Decatur Street. He stated the applicant proposes to build a single-family dwelling. The garage would extend 6' over the front building restricted line, the parcel lays within the R-1 residential zoning district. The placement would still comply with the 25ft front yard setback required by the town zoning ordinance for homes in the R-1 zoning. Mr. Engelhart stated that staff would recommend approval for the site plan that was submitted. Chairman Moore stated that there were no violations of the zoning code and the reason for this meeting is for clarification that it doesn't violate the building restriction line that was an established plat for the town. He stated if a title search was done they would see it was not an illegal encroachment to the setbacks. Mr. Engelhart stated if the property ever sold he would be able to tell them that it complies with the zoning code.

Chairman Moore called the applicant to come forward. He then swore in Mr. Lewis of 10406 Linda Drive, Ocean City Maryland. Chairman told the applicant that they had discussed the request at the last meeting. He told Mr. Lewis that Mr. Woody Bunting was a surveyor and looking at the plat the entire lot was in the non-tidal wetlands. The green line shows the buildable lot. Chairman Moore stated that because the lot is in the non-tidal wetland make the lot constricted by those provisions and does make the lot different from the other properties in town because of the exceptional circumstances. Mr. Lewis stated that they are just wanting to put the house on an area that is acceptable in the town setbacks and not the platted for the garage. Chairman Moore stated that the only intrusion would be the front portion of the garage. It's a 5-foot section that would need a variance. Chairman Moore stated it was a self-intrusive setback. Mr. Lewis replied yes. Chairman Moore called for a motion. Mr. Woody Bunting made the motion to approve the variance request. Mr. Doug Parks seconded the motion and it was unanimously accepted by the commission.

With no other business to attend to the meeting was adjourned.

Respectfully Submitted,


Carolyn Duffy

PD 325.00
1/14/19
CIC# 242



Mayor & Council Of Berlin

10 William Street Berlin, Maryland 21811

www.townofberlinmd.com

TELEPHONE 410-641-2770
FAX 410-641-2316
berlin@townofberlinmd.com

BOARD OF ZONING APPEALS APPLICATION

Property Location: 105 S MAIN ST Date: 1-14-19

Lot #: _____ Lot Size: 76 X 250 Zoning: RESIDENTIAL Map#: 0302 Parcel#: 0884

Please check (✓) one of the following option requests:

Variance Conditional Use _____ Special Exception _____

Description of Request:

PROPERTY LINE VARIANCE FOR NEW POLE BARN. WOULD NEED TO BUILD
2-3 FEET OFF OF PROPERTY LINE TO PREVENT LOSS OF PARKING SPOT
BEHIND HOUSE. NEIGHBOR HAS NO OBJECTION AND SIGNED LETTER
INDICATING SUCH.

Has the property in question ever been the subject of a previous appeal? NO
If you answered yes, what is the appeal number and date? _____

Property Owner: DANIEL JACOBS

Address: 105 S MAIN ST, BERLIN, MD 21811

Phone: 412-401-3392 Owner's Signature: [Signature] Date: 1-14-19

OFFICE USE ONLY. PLEASE DO NOT MARK BELOW.

CASE #: 2/6/19-01 DATE RECEIVED: 1/14/19

HEARING DATE: 2/6/19 LAND POSTED: 1/23/19

DECISION: _____



9 January 2019

Daniel Jacobs
105 S Main Street
Berlin, MD 21811

Bryan Brushmiller
103 S Main Street
Berlin, MD 21811

I, Bryan Brushmiller, have no objection to my neighbors, Daniel and Naquelle Jacobs, being granted a variance for a new garage on the property line we share. Daniel Jacobs is requesting to have the new garage built closer to the property line than the current zoning allows. Daniel Jacobs had gone over the plans with me and answered any questions that I had.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bryan Brushmiller', written over a horizontal line.

Bryan Brushmiller

A handwritten signature in black ink, appearing to read 'Daniel Jacobs', written over a horizontal line.


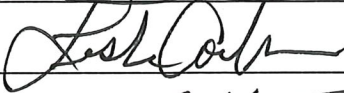

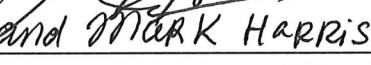


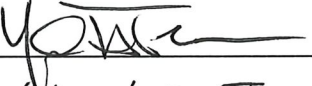

Daniel Jacobs

9 January 2018

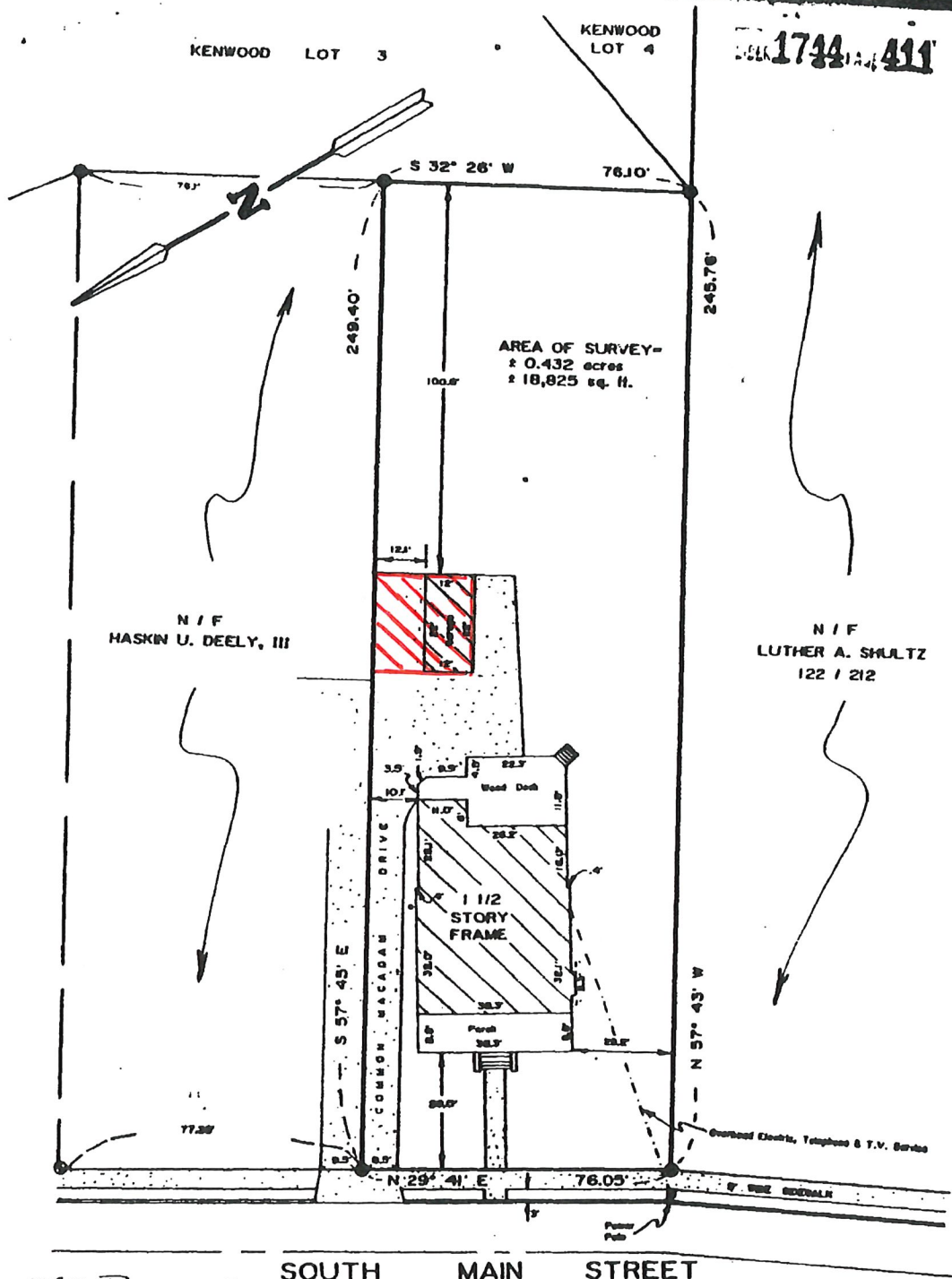
To whom it may concern,

This document is in reference to the construction of a new garage at 105 S. Main Street:

I, as identified below, have no objection to Daniel and Naquelle Jacobs building a new garage behind their home, located at 105 S. Main Street. Daniel and/or Naquelle has met with me personally, explained the purposed upgrade to their property, and have answered any questions I had about said project.

Printed Name	Signature	Address
1. Antonio M. Beirto		201 South Main St
2. Leslie Carbin		104 South Main St
3. John Tustin		104 Kenwood Ct.
4. Vladlena Hudson and Mark Harris		101 S Main St
5. Bryan Brushmiller		103 S. MAIN ST.
6. Nicole Brushmiller		103 S. MAIN ST.
7. Miguel Torres		106 Kenwood Ct
8. Christine Torres		106 Kenwood Ct
9.		
10.		
11.		
12.		
13.		
14.		
15.		

WORCESTER COUNTY CIRCUIT COURT (Land Records) RHO 1744, p. 0411, MSA_CE31_1891. Date available 06/20/2003. Printed 07/17/2019.



L. E. Bunting, Jr. 6/17/91
 L. E. Bunting, Jr. Date

I certify the location survey shown hereon to be an accurate transit-tape survey, and there are no encroachments across the property lines other than those shown.

UPDATED: 6 / 13 / 91

- Denotes Re-bar, found
- Denotes Iron Pipe, found
- Denotes Gas Meter

ADDRESS: 105 South Main Street

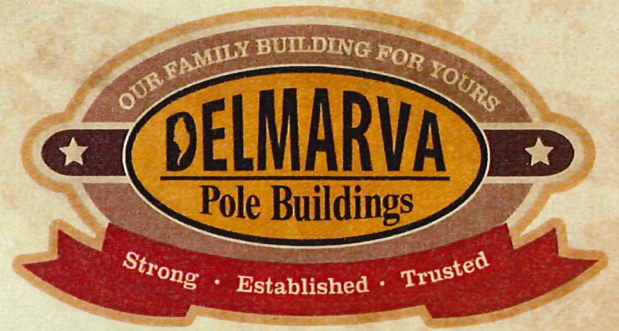
L. E. Bunting Surveys, Inc.
 MARYLAND & VIRGINIA
 LAND SURVEYING
 24 BROAD STREET
 BERLIN, MARYLAND 21811
 301-641-3313

PROPERTY ZONED H-1
 (Historic)
 DEED REFERENCE:
 849 / 483

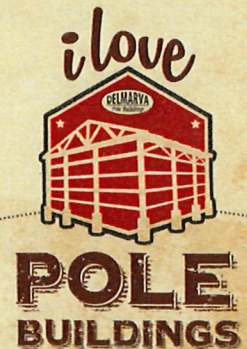
LOCATION SURVEY
 SHOWING PROPERTY OF
GARY J. & ANN M. RUSSO
 TOWN OF BERLIN
 THIRD ELECTION DISTRICT
 WORCESTER COUNTY, MARYLAND
 SCALE: 1" = 30' DATE: 11 / 5 / 85
 JOB NO.: 2729 / 85

1991 June 28 The foregoing *Agreement* filed
 for record and is accordingly recorded among the land records of
 Worcester County, Md. in Liber, R.H.O. No. *1744* folios *200-201*
Richard H. Patton Clerk

Residential Pole Buildings



ilovePoleBuildings.com





DELMARVA

★ DIFFERENCE ★

est.1999

delaware

STRONG

Delmarva Pole Buildings was founded in 1999 and from the beginning, the founder had a vision for a new pole building company that placed an emphasis on the customer, coupled quality pole buildings and superior service. For the last two decades, we have never wavered from that vision!

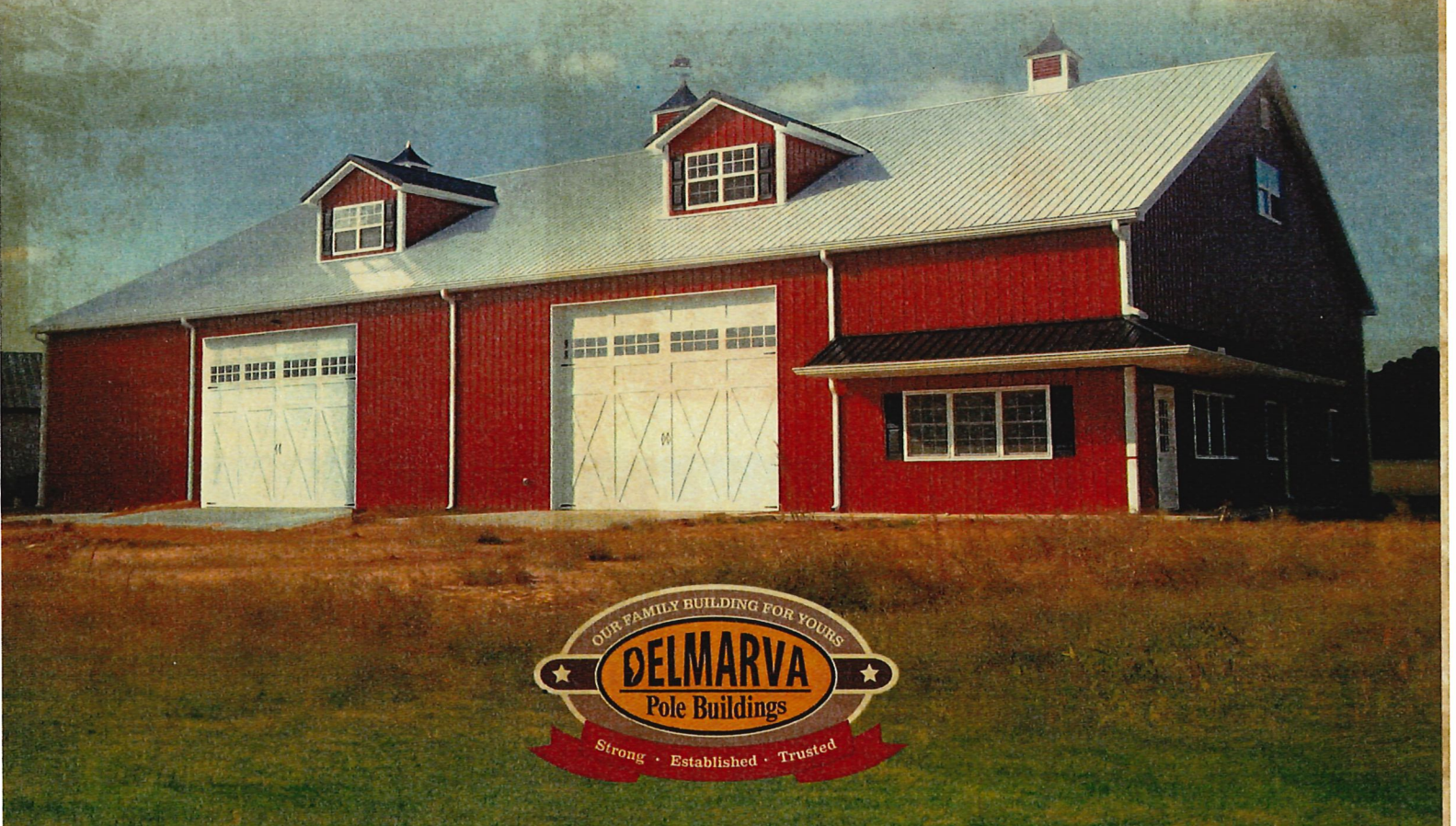
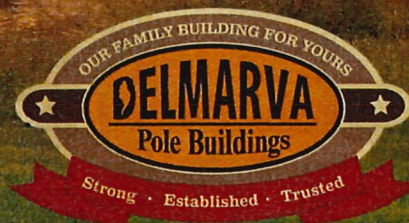
Because of this focus when the storms came with the ups and downs of the national economy, we remained steady and consistent, **always delivering on our promise.**

This mindset of **Quality, Dedication and Integrity** which is embedded into our culture has fueled the company's growth since its inception. These are the principles at the heart of our company and our employees. This is the way we do business and this is who we are!

ESTABLISHED

For nearly 20 years, clients have partnered with the Delmarva family, knowing and trusting that we stand behind our products and service, during and after their pole building experience. With Delmarva, the difference is the trust we instill and uphold with EVERY client relationship. We are not perfect but we always strive to do the right thing and to do better than the last time. Our goal is to exceed the customer's expectations...**EVERYTIME!**

With thousands of satisfied customers and thousands of buildings built, Delmarva's track record and reputation has stood the test of time! But we are not done yet! The next 20 years will be better than the last. When you work with Delmarva Pole Buildings, you work with family and we treat you like family. **Let our family build for yours!**

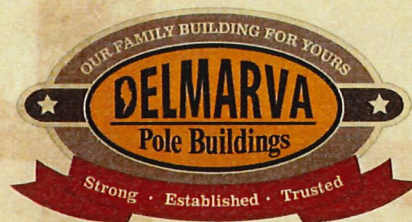
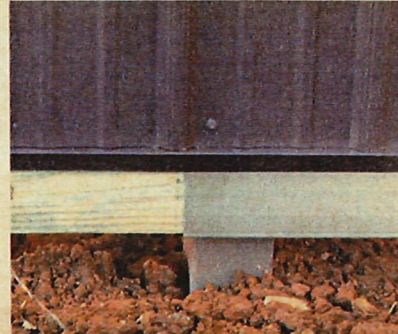
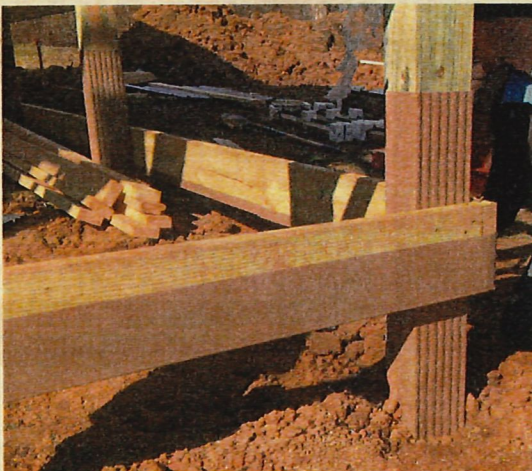




A Guarantee for the Structural Integrity of Your Delmarva Pole Building Forever!

If the “**Foundation Protection**” option is added to your building, Delmarva Pole Buildings will guarantee the structural integrity of your pole building **FOREVER!** Should any structural member fail it will be replaced at no cost or the original price of the failed member will be refunded.

Pole buildings rely on wood post foundations, posts and skirt boards which are pressure treated. Even though they are treated; soil contact, concrete contact, moisture, insects, etc, can lead to decay or rot. Our Foundation Protection option delivers a simple, affordable and effective “barrier system” for the posts and the skirt boards. By eliminating “soil-to-wood” contact, we eliminate anything potentially harmful from compromising those members.



iLovePoleBuildings.com

DELMARVA
POLE BUILDING SUPPLY INC.
 317 N. LAYTON AVE
 WYOMING, DE 19394
 (302) 698-3636



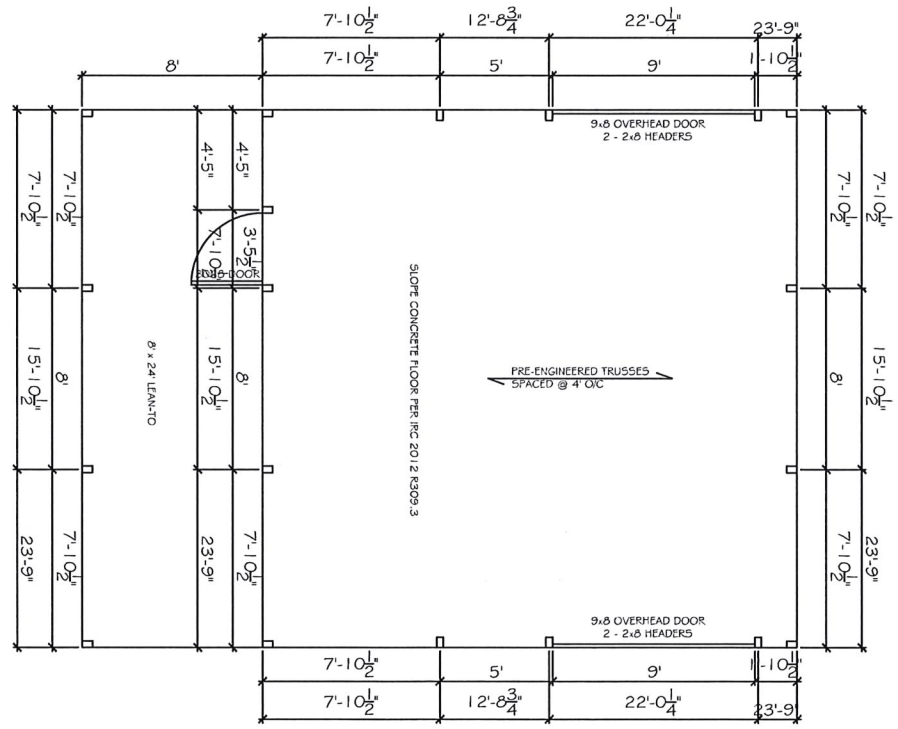
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 Revised By: J. Stubbs
 Scale: 3/16"=1'

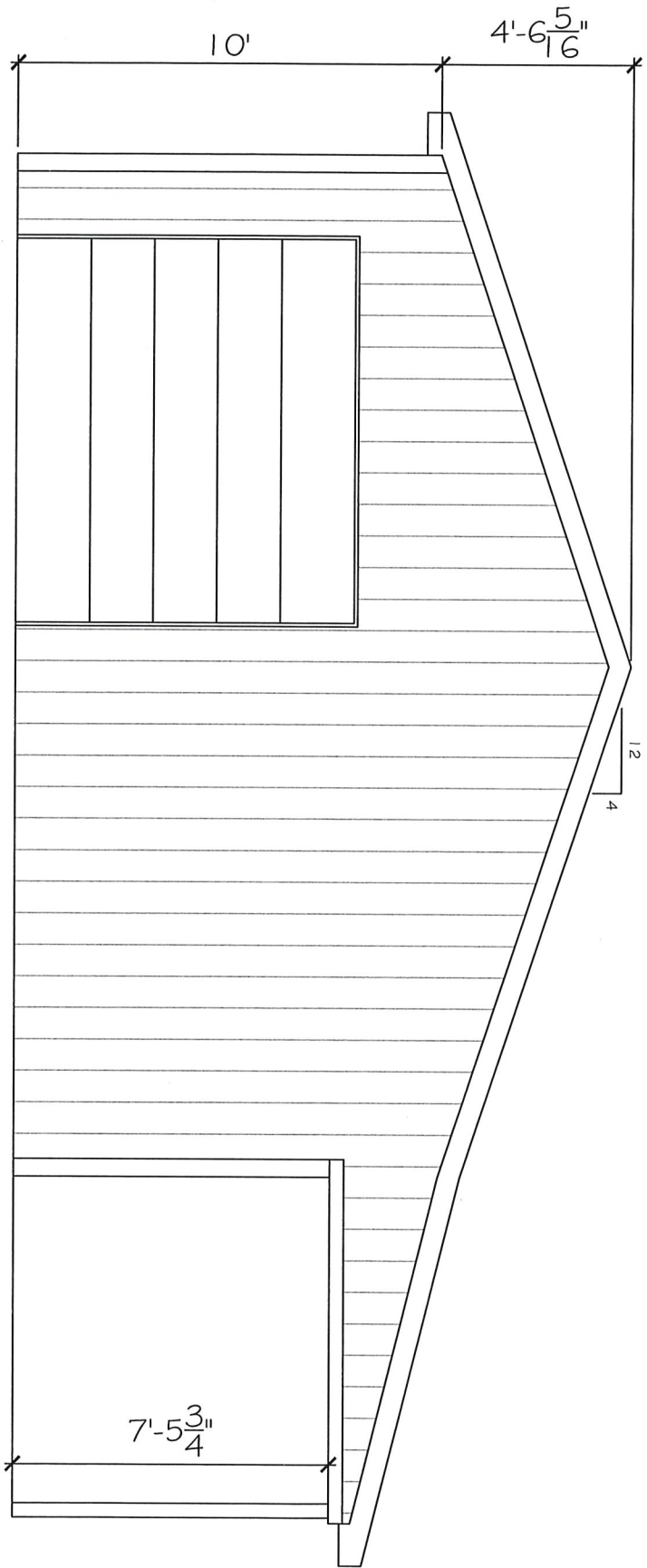
Date:	Modification:

DANIEL JACOBS
 105 SOUTH MAIN STREET
 BERLIN, MD 21811
 24" x 24" x 10'

Sheet
A1

FLOOR PLAN





GABLE ELEVATION

DELMARVA
 POLE BUILDING SUPPLY INC.
 317 N. LANTON AVE
 WYOMING, DE 19934
 (302) 698-9536

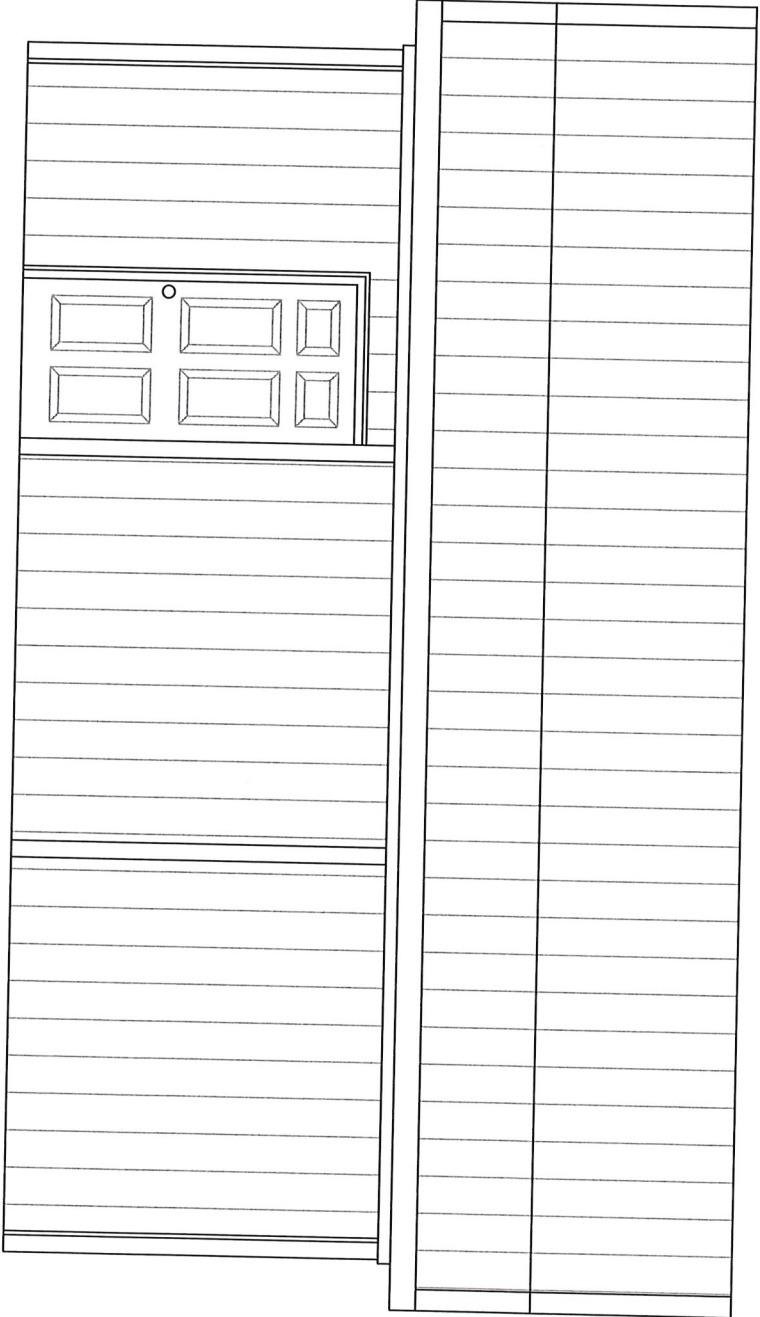


Date: 01-04-2019
 Technician: J. Stubbs
 Reviewed By: J. Stubbs
 Scale:

Date:	Modification:

DANIEL JACOBS
 105 SOUTH MAIN STREET
 BERLIN, MD 21811
 24' x 24' x 10'

Sheet:
A2



EAVE ELEVATION

DELMARVA
 POLE BUILDING SUPPLY INC.
 317 N. LAYTON AVE
 WYOMING, DE 19324
 (302) 598-3636



Date: 01-04-2019
 Technician: J. Stubbs
 Reviewed By: J. Stubbs
 Scale:

Date:	Modification:

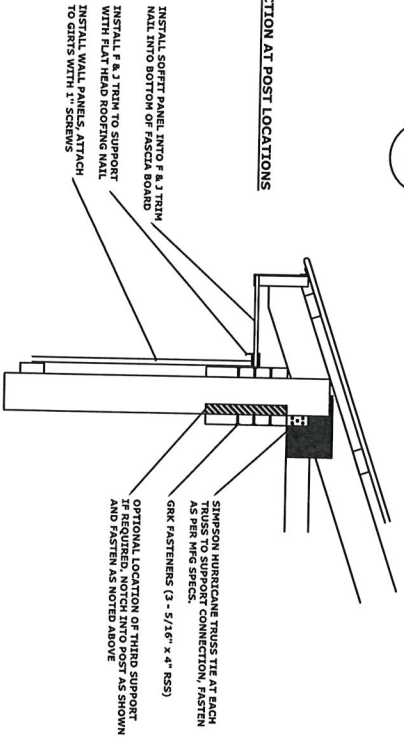
DANIEL JACOBS
 105 SOUTH MAIN STREET
 BERLIN, MD 21811
 24' x 24' x 10'

Sheet
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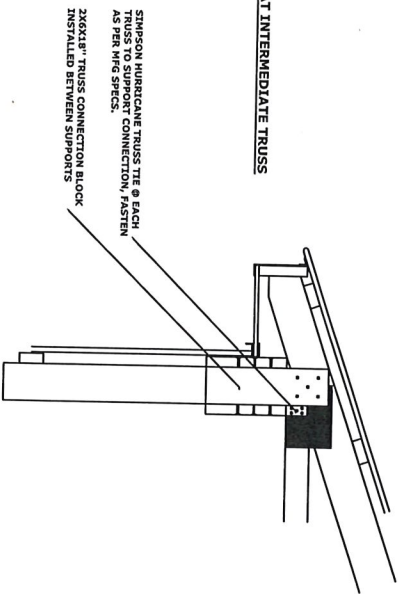
5

A TRUSS TO SUPPORT CONNECTION DETAILS

CONNECTION AT POST LOCATIONS



CONNECTION AT INTERMEDIATE TRUSS



CONNECTION DETAILS



DELMARVA
POLE BUILDING SUPPLY INC.
 317 N. LAYTON AVE
 WYOMING, DE 19934
 (302) 598-3536

Date:	01-04-2019
Technician:	J. Stubbs
Reviewed By:	J. Stubbs
Scale:	

Date:	
Modification:	

DANIEL JACOBS
 105 SOUTH MAIN STREET
 BERLIN, MD 21811
 24' x 24' x 10'

Sheet
A5