



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 Appeals in the Mayor and Council Chambers of Berlin Town Hall, 10 William Street, Berlin, Maryland on

WEDNESDAY, November 5, 2014
6:30 PM

1. Approval of Minutes of September 3, 2013 Hearing
2. A request by Joyce James of 103 Burley Street, Berlin MD 21811, for a variance from the required rear yard setback specified for Accessory Structures in the R-1 Residential Zoning District of six feet from the lot line, as shown in Section 108-702 of the Code of the Town of Berlin. The request is to accommodate the installation of a 16 foot by 31 foot inground swimming pool and a 12 foot by 24 foot storage shed and deck combination, at 5.7 feet off the rear lot line.

Applicant: Joyce James

Any questions regarding the above agenda items shall be directed to the Berlin Department of Planning and Zoning at 410-641-4143.

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 Zoning Appeals
September 3, 2014

The meeting for the Board of Zoning for the September 3, 2014 meeting was called to order by Chairman Joe Moore. In attendance were Joe Moore, Woody Bunting, Geren Mortenson and Jay Knerr. Absent from meeting was Douglas Parks. Planning Director Dave Engelhart and Permit Coordinator Carolyn Duffy were also present.

Chairman Joe Moore called for a motion to approve the minutes from the last meeting March 20th 2013. Geren Mortensen made motion to approve minutes from the March 20th 2013 meeting. Woody Bunting seconded the motion and it was unanimously accepted by the commission.

Chairman Joe Moore read the second item on the agenda. The applicant requesting an exception from Article 1x Division 3 off street parking, section 108-788 Town of Berlin zoning ordinance seeking a reduction in the required amount of parking spaces within the B-1 zoning district. Property located on Old Ocean City Blvd Map 0301 Parcel 1713.

Chairman Moore asked Mr. Engelhart to explain that section of the code, Mr. Engelhart told the commission that the applicant would like to have 41 parking spaces instead of the 49 that is required by the town code. Mr. Chase's attorney, Mr. Randy Coates was requesting special exception to the town code. Mr. Coates showed the commission the dimensions of the property 455 feet east of route 113 less than an acre of land. The site plan showed location of structure that is to be the Dollar General. Mr. Chase had prepared a summary chart of the different Dollar Generals in the area and it showed how many parking spaces they each required, average number being only 35 parking spaces. His idea is that this is a great spot for a Dollar General Store to provide services to the residents they would not have to cross the road for goods. Mr. Coates told the commission that state highway has a bike path and the property is zoned B-1 and it is not possible to get 49 spaces that are required by the ordinance for the lot. He said that number is higher than any of the other stores.

Chairman Moore swore in Mr. John Camp. Mr. Camp told the commission that the corporation would approve supply parking spaces but the 49 spaces were a burden. He told them the average parking spots were 35 he had built two of the stores that were on the sheet and have not had any problems with the parking. Chairman told Mr. Coates and Mr. Kemp what they do at this meeting doesn't approve site plan. Mr. Coates said there is more work to be done on the site. They are there because of practical difficulties the size of the lot doesn't allow the parking. Mr. Jay Knerr asked if they would be installing the sidewalks. Mr. Camp replied no. He was asked

if they would buy the adjacent lot. He said no his budget doesn't get any higher. Discussion continued about parking space sizes, dumpsters and deliveries. Chairman Moore called for a motion.

Mr. Bunting made motion to approve the reduction in the parking requirements. Mr. Geren Mortensen seconded the motion and it was unanimously accepted by the commission. The Chairman told them the variance was granted but it only relates to the number of parking spaces on the site and that would be 41. It did not constitute a recommendation or a determination of site plan approval. That is the planning commission it has nothing to do with the entrance location. They liked the idea of the biking and sidewalks. Mr. Woody Bunting told them they didn't give a right-a-way width and it was going to be tight on Old Ocean City Blvd and narrow and they have some hurdles to go through.

Meeting adjourned at 6:55PM

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Carolyn Duffy".

Carolyn Duffy



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: 103 Burley St Berlin MD Date: 10/2/14

Lot #: 71A Lot Size: 10,097 sq ft Zoning: R-1 Map#: 302 Parcel#: 909

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

Variance _____ Conditional Use _____ Special Exception

Description of Request:

Propose construction of a new pool and relocation of an existing shed to property (see attached proposed site plan)

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: Joyce T James

Address: 103 Burley St Berlin MD 21811

Phone: 410-708-9125 Owner's Signature: Joyce T James Date: _____

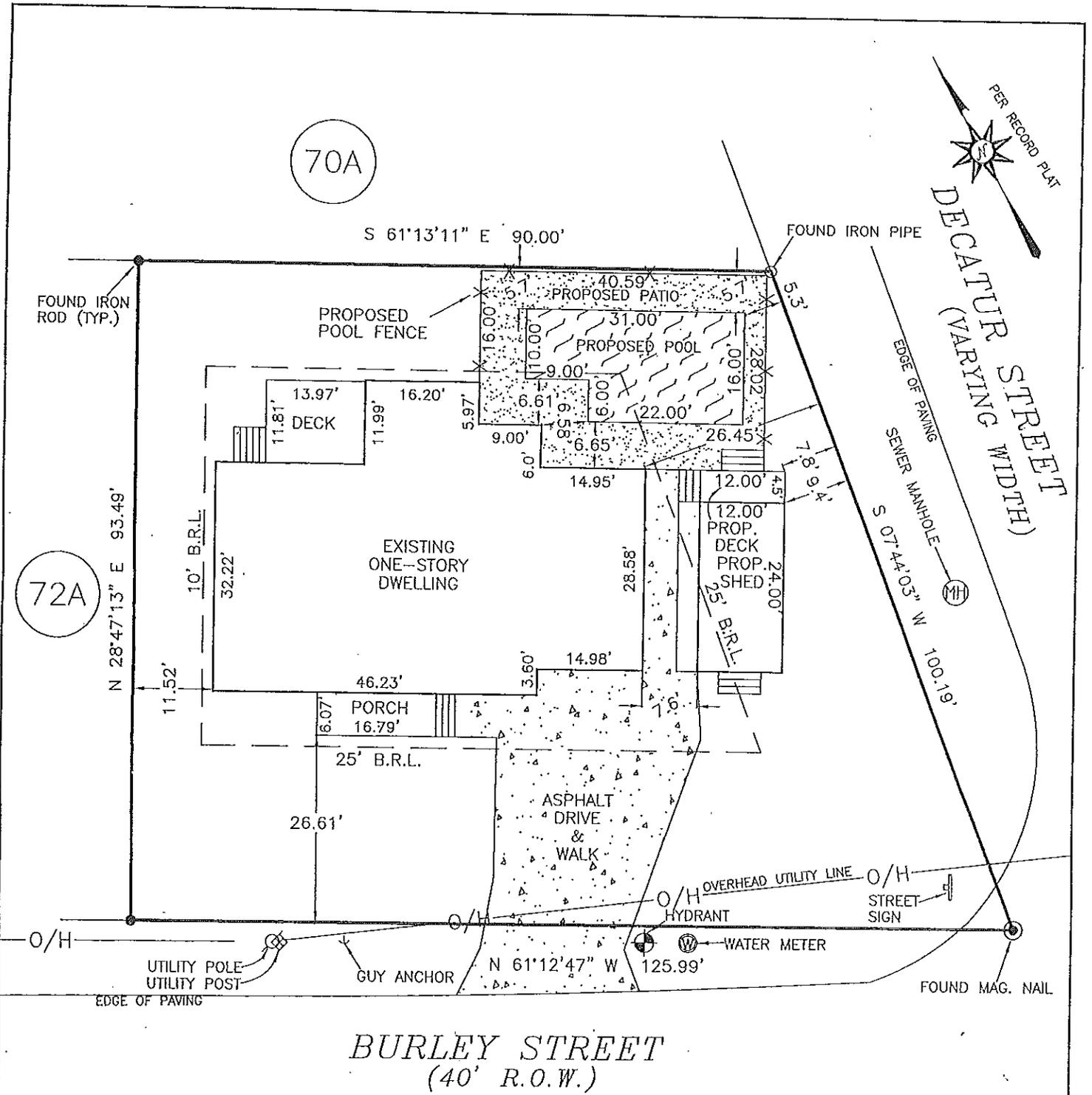
OFFICE USE ONLY. PLEASE DO NOT MARK BELOW.

CASE #: 11-5-14-2 DATE RECEIVED: 10/2/14

HEARING DATE: 11-5-14 LAND POSTED: 10/24/14

DECISION: _____





PROPOSED SITE PLAN
SHOWING NEW POOL & SHED

HOUSE NO. 103
LOT 71A
of a plat entitled
RESUBDIVISION PLAT OF LANDS OF DAVE NEELEY

TOWN OF BERLIN
THIRD TAX DISTRICT
WORCESTER COUNTY, MARYLAND
TAX MAP 302, P/O PARCEL 909
LOT AREA = 10,097 SQ. FT.±
CURRENTLY ZONED R-1
REQUIRED SETBACKS AS SHOWN
FLOOD ZONE X

PROFESSIONAL CERTIFICATION
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE
PREPARED BY ME OR UNDER MY RESPONSIBLE
CHARGE, AND THAT I AM A DULY LICENSED
PROFESSIONAL LAND SURVEYOR UNDER THE LAWS
OF THE STATE OF MARYLAND LICENSE NO. 21523,
EXPIRATION DATE 07-13-2015.

