



# 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, March 7, 2018  
6:30 PM**

1. Approval of Minutes – December 7, 2017
2. Election of Chairman & Vice Chairman
3. Requesting a variance on lot 21 located in Henry's Mill Subdivision - Case # 3-7-18-01

Applicant: Mrs. Mary Greenwood

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

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*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  
December 7, 2016

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

Vice Chairman Woody Bunting called for a motion to approve the minutes from the July 6, 2016 meeting. Mr. Jay Knerr made the motion to approve the minutes from the July 6, 2016 meeting. Mr. Geren Mortensen seconded the motion and it was unanimously accepted by the commission.

Vice Chairman Woody Bunting asked Mr. Dave Engelhart the Planning Director to give an introduction to the meeting. Mr. Engelhart told the board that this was an appeal of the decision of the Historic District Commission from the meeting of October 5, 2016 in which they denied a sign application for 101 William Street. Mr. Paul Abu-Zaid was the Attorney for Ms. Elizabeth Hall and she was also present. Vice Chairman Bunting swore in Mr. Abu-Zaid and Ms. Hall because they would be testifying. Ms. Hall stated her address 302 Ann Drive, Berlin. Vice Chairman told Mr. Abu-Zaid he had the floor he then said this is an appeal of the decision of Historic District Commission. He said this was an appeal on the record reviewing the decision of the Historic District Commission. Mr. Abu-Zaid said he wanted to introduce the minutes into meeting. And that he would ask his client Ms. Elizabeth Hall some questions. Vice Chairman Woody Bunting asked the board if they wanted to hear the audio of the minutes. The board replied they were satisfied with the written minutes. Mr. Abu-Zaid wanted to enter the audio as exhibit (1). He marked all the minutes as exhibits one from July 6<sup>th</sup> & October 5<sup>th</sup>. He then began to ask Ms. Hall questions about when she took over the building. He said exhibit (2) was a picture the pylon sign. Exhibit (3) was her application for the sign on the building. Mr. Abu-Zaid asked Ms. Hall who did the sign for her. She replied Add Art was the company that did the work on the front of her building.

Mr. Abu-Zaid asked Ms. Hall to characterize her sign. Ms. Hall replied it was a man standing in front of a Butcher Shop the colors used were black, white and tan. He then asked about the previous sign. Ms. Hall stated it was a bright pink sign. She stated she painted the building and picked her colors to coordinate. Mr. Abu-Zaid introduced a picture of the pylon sign as exhibit (5). Ms. Hall stated they painted the sign black and the company put the sign up. Mr. Abu-Zaid asked Ms. Hall did she have permission to use the sign from the owner Hale Harrison. Ms. Hall had changed nothing on the sign everything was still the same.

Mr. Knerr asked if she had recycled what was there and was that the same pole as when the gas station was there. He asked why she was denied. Ms. Hall said the commission wanted the whole pole to go away. The reasons they gave were the pole was rusty needed painting and that it was an eye sore. She stated that it was private property. Mr. Engelhart told them that the application would have to be made by the owner if they would want it to be taken down. Mr. Abu-Zaid said so if the sign would have been taken down all you would have there would be a pole with no sign left there. Mr. Knerr asked what the commission had said about the sign on the building. Ms. Hall replied they liked it and said it was an improvement. Mr. Abu-Zaid told the

commission that he had listened to the cd of the meeting and some of the reasons were it was high in the sky, it was befitting a gas station, Rainbow Florist lucked out and it's on the corner of the street, out of proportion, phone number shouldn't be on a sign and that was the basis of the decision. He then told the board that the Historic District has to adhere to strict circumstances regarding applications. First they have to make a determination was this a valuable historic property or not. He said then that would lead them into what would apply. He said the code section 104-29 gives the standards for judging. And that if they have historic value they would be strict and if not so much historic value they would be lenient. He said the code requires you to look for four factors in 104-27. (1). the historic or architectural value and significance of the structure, site and all other appurtenances and their relationship to the historic value of the surrounding area. (2). the relationship of the exterior architectural features of the structure, site to the remainder of the structure and other appurtenances to the surrounding area. (3). the general compatibility of the exterior design, arrangement, texture and material proposed to be used for any structure or appurtenance. (4). any other factors, including aesthetic factors, which the commission deems to be pertinent.

He said the commission had not adopted any design guidelines. And that the language does not give a lot of guidance and that the reasons given didn't adhere to the code. Mr. Abu- Zaid asked again if the commission wanted to listen to the cd. Chairman Bunting asked if anyone in the audience wanted to speak. Mr. Mitchell David 5 Washington Street said after looking at the sign it matches what is there. She didn't change the structure. He thought it was a good idea for Ms. Hall to have the sign. Vice Chairman said members from the Historic District were present and asked if anyone wanted to speak. Chairman Bunting swore in Carol Rose 307 Ann Drive. Mr. Engelhart replied it was public comment. Mr. Abu-Zaid objected to Mrs. Carol Rose testifying and adding new information. Chairman Bunting told Mr. Abu-Zaid that he had presented his case under 104-28 and asked if he would be more detailed on 104-27 and that none of the four factors had been addressed. Mr. Abu-Zaid said that the sign predates the Historic District Commission. He said the sign was there long before the Historic District came along in 1977. He said their issue was with the pole and she had done nothing to the pole but she painted the pole to get the rust off. The commission would have had to make a decision using the four items listed but that was not done. He asked the Board of Appeals to reverse the decision of the Historic District.

Vice Chairman Bunting closed the floor for discussion and left it to the board. He asked Mr. Engelhart about the actions of the Board of Appeals. Mr. Engelhart replied under 108-193. He then read what steps they could take with the provisions of the Md. Ann. Code art. 66B. (1). Wholly or partly reverse the decision. (2). wholly or partly affirm the decision. 3. Modify the order or decision (4). Issue a new order or decision or determination. The board would have the administrative authority.

Vice Chairman Bunting asked the board what their thoughts were. They had a brief discussion. Mr. Jay Knerr made the motion to overturn the motion of the Historic District and to allow the sign. Mr. Geren Mortensen seconded the motion and it was unanimously accepted by the board. With no other comments the meeting was adjourned. 7:03PM

Respectfully Submitted,  
  
Carolyn Duffy



# Mayor & Council of Berlin

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## BOARD OF ZONING APPEALS APPLICATION

ADDRESS OF PROPERTY: Henry's Mill Subdivision DATE: 2/15/18

APPLICATION FOR:  VARIANCE  CONDITIONAL USE  APPEAL

LOT # 21 LOT SIZE: 13,727 sq ft ZONING DESIGNATION: R-1 TAX MAP 0300 PARCEL 1039

APPELLANT NAME: William and Mary Greenwood ADDRESS: 34447 Fox Hound Ct., Parsonsburg, MD 21849

APPELLANT PHONE#: (301) 318-5738 APPELLANT EMAIL: md74u1632@gmail.com

PLEASE PROVIDE A BRIEF DESCRIPTION OF THE GROUNDS FOR THE APPEAL. IF THE REQUEST IS FOR A VARIANCE, PROVIDE A DESCRIPTION OF THE LAND USE HARDSHIP. IF THIS IS A CONDITIONAL USE REQUEST, PROVIDE A BRIEF DESCRIPTION OF THE PROPOSED USE:

We are trying to purchase this property and are requesting a variance. The HOA Board has reviewed the site plan and approved the opportunity to seek a variance from the Town of Berlin for two areas in the rear and side yard. The HOA is allowing the 1.02' for the side yard offset and 8.49' for the rear yard offset to be reviewed and altered per the Town of Berlin approval. The deck and sunroom will be removed from the current plans.

PROPERTY OWNER: William and Mary Greenwood ADDRESS: 34447 Fox Hound Ct., Parsonsburg, MD 21849

PHONE #: (301) 318-5738 EMAIL: md74u1632@gmail.com

OWNER SIGNATURE: William Greenwood / Mary Greenwood DATE: 02/15/2018

### FOR OFFICE USE ONLY

CASE # 3-7-18-01 DATE APPLICATION RECEIVED 2/15/18

HEARING DATE 3-7-18 PROPERTY POSTED DATE 2/22/18

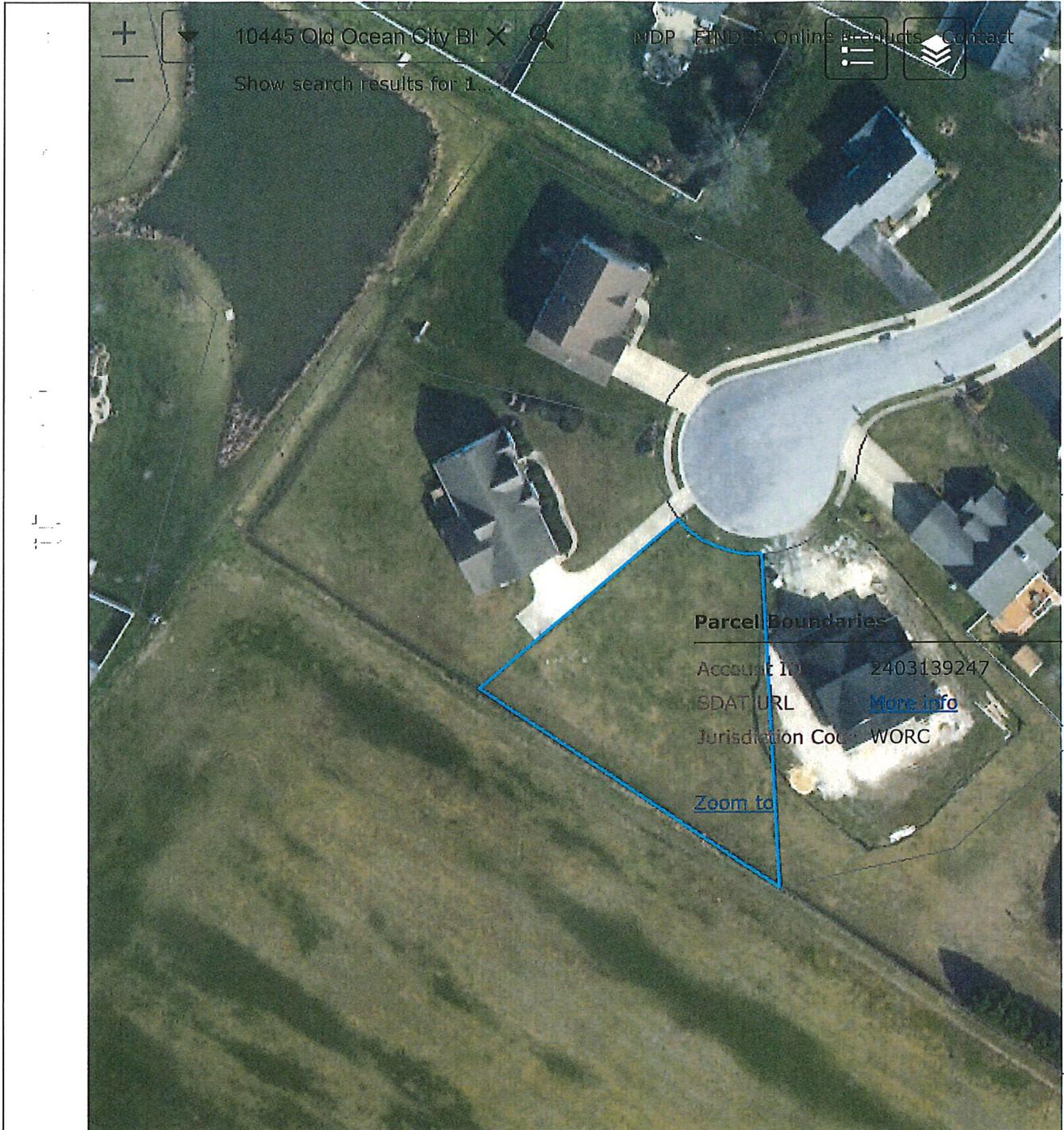
FEES DUE \$ 325.00 FEES PAID 2/15/18

DECISION: \_\_\_\_\_



# FINDER Online

Maryland Department of Planning



**Parcel Boundaries**

Account ID: 2403139247

SDAT URL: [More info](#)

Jurisdiction Code: WORC

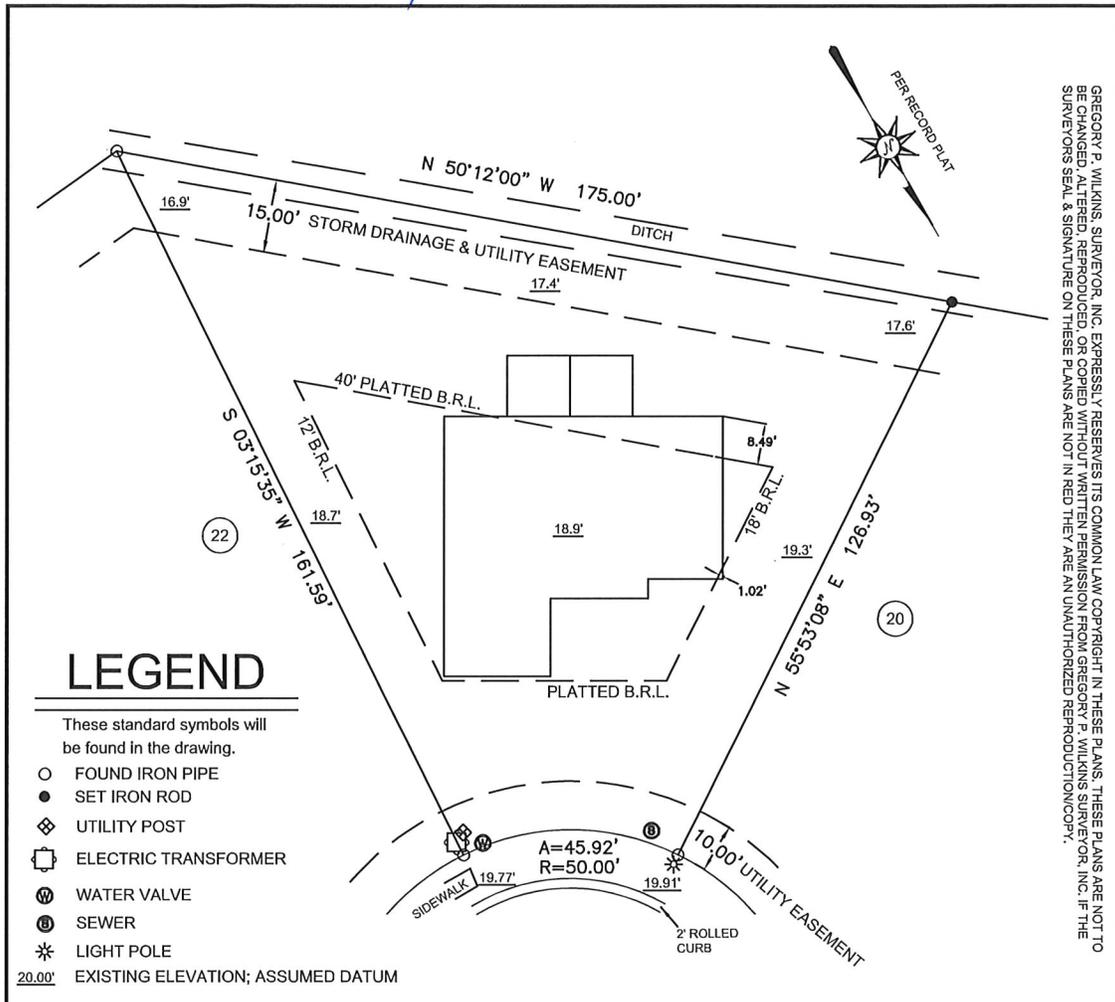
[Zoom to](#)

60ft

38.323 -75.228 Degrees

Having trouble using this map? Contact [dldmpvhelpdesk\\_mdp@maryland.gov](mailto:dldmpvhelpdesk_mdp@maryland.gov)

MARY GREENWOOD



**LEGEND**

- These standard symbols will be found in the drawing.
- FOUND IRON PIPE
  - SET IRON ROD
  - ◇ UTILITY POST
  - ELECTRIC TRANSFORMER
  - ⊙ WATER VALVE
  - ⊙ SEWER
  - \* LIGHT POLE
  - 20.00' EXISTING ELEVATION; ASSUMED DATUM

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20.00'  
**HENRY'S MILL DRIVE**  
 (50' R.O.W.)

LOT SURVEY

**LOT 21 - HENRY'S MILL SUBDIVISION**  
 TOWN OF BERLIN  
 THIRD TAX DISTRICT  
 WORCESTER COUNTY, MARYLAND  
 TAX MAP 300, P/O PARCEL 1039  
 LOT AREA = 13,727 SQ. FT.±  
 CURRENTLY ZONED R-1  
 PLATTED SETBACKS: FRONT AS SHOWN  
 SIDES = 12' MINIMUM - TOTAL = 30', REAR = 40'  
 FLOOD ZONE X  
 PLAT REFERENCE: R.H.O. 147/73

THIS LOT SURVEY REFLECTS THE DESCRIPTION OF LOT 21 AS SHOWN ON HENRY'S MILL SUBDIVISION, RECORD PLAT, AND DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF RIGHT OF WAYS OR EASEMENTS PERTAINING TO THIS PROPERTY OTHER THAN THOSE AS SHOWN ON SAID RECORD PLAT. NO TITLE SEARCH PROVIDED OR STIPULATED.



**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 07-13-2019.

GREGORY P. WILKINS - PRESIDENT  
 MD PROF. LS #21523 - EXP. DATE 07/13/2019  
 GREGORY P. WILKINS SURVEYOR, INC.

**GREGORY P. WILKINS**  
**SURVEYOR, INC.**  
 12626 OLD BRIDGE ROAD  
 OCEAN CITY, MARYLAND 21842  
 (410)213-0222

SCALE: 1" = 30'	DATE: 12/06/2017
DRAWN BY: GPWB	JOB NO.: 8008