



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 May 2nd, 2018
6:30 PM**

Approval of Minutes - March 7, 2018

- 1. Requesting a variance from the required front yard setback for lot 45 located on Decatur Street.**
- 2. 509 South Main Street, Requesting a special exception for a conditional business use in the R-1 Residential District.**

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 Appeals
March 7, 2018

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

Chairman Joe Moore stated the first matter on the agenda was the approval of the minutes from the December 7, 2016 meeting. He then called for a motion. Mr. Jay Knerr made the motion to approve the minutes from the December 7, 2016 meeting. Mr. Doug Parks seconded the motion. Chairman Joe Moore was not present at that meeting so he abstained from voting so it passes with whom were present. Chairman Joe Moore stated for the record the next item on the agenda was the election of chairman and vice chairman. Mr. Woody Bunting was absent tonight so when they discussed it they thought the full board should be present. So they will defer that until they have a full board in attendance.

Chairman Moore stated that brings them to the next item on the agenda requesting a variance on lot 21 located in Henry's Mill Subdivision. He then asked Mr. Engelhart to give them a brief summary. Mr. Dave Engelhart Planning Director stated that Mr. & Mrs. Greenwood were in attendance they are requesting a variance for the rear setbacks. He stated there was another piece to the packet that was distributed after we had delivered them. It's also a one foot side variance on there. He told the board members that the lot in question could be granted a variance because of the shape of the lot. The way the lot is shaped would make it difficult to put a house on it. Mr. Engelhart stated that it is necessary for their preservation, enjoyment and property rights. Also this is the last or almost the last lot in the subdivision. The property owner would like to build a house that fits their style and they have an architect that has already designed the house for them. Mr. Engelhart stated the variance would not be detrimental to the adjacent property owners. He stated it's a cul de sac lot platted legally, it's actually a setback encroaching into the building restricted line not the R-1, R-2 setbacks. Chairman Moore stated it was the plat of the Henry's Mill Subdivision that creates the necessity for the 8.49 foot variance. He stated the R-1 rear setback is 35 feet. Chairman Moore wanted the plat shown he said there were two things shown in the rear yard and asked were they decks. Mr. Engelhart had a copy of a letter from the HOA that stated the deck and sunroom would have to be removed. He stated whatever the decision here tonight they would not be bringing the HOA a plan with the deck or sunroom on it. Chairman Moore asked Mr. Engelhart if he had the approval of the HOA. He replied he did via an email from Mr. Waters.

Chairman Moore then called for Mr. & Mrs. Greenwood to come forward along with them was their realtor Mrs. Cindy Crockett. Chairman Moore asked they remain standing and if anyone in the audience would be testifying to please stand and raise your right hand. He then swore them in and asked them to state their names. William Greenwood & Mary Greenwood 34447 Fox Hound Court, Parsonsburg MD. Cindy Crockett 10835 Cathell Road Berlin. Chairman Moore said they would hear from the applicant or the representative. Mrs. Crockett stated this was one of the narrowest lots in the development and it is difficult for them to reach the 1700 square foot

minimum home size that Henry Mill requires. She showed another view of the property to the board. She stated it was a field behind them and would not affect anyone behind them. Chairman said he hoped Mr. Engelhart had given them the conditions for a variance and he wanted to ask a couple of questions. Chairman asked if there was anything irregular about the lot. They stated it was a pie shaped lot. Chairman stated it was narrow on the front of the cul de sac and wider to the back. Chairman Moore stated he goes to the Board of Appeals for Ocean City. He stated the 1.02 was a variance that is required. He asked them if the variance was needed for the property rights due to the fact they have the approval of the HOA. They replied yes. Chairman Moore asked the applicant did they think the variance would be a detriment to the adjacent properties. The Greenwoods replied no. Chairman Moore asked if any of the materials would impair any of the neighbors. Mr. Engelhart replied no. Chairman Moore stated the applicants had testified and given the exhibits to the commission and the subdivision plat of Henry's Mill and the lot is one of the narrowest in Henry's Mill subdivision so it is a unique situation because of the size of the lot. The applicants replied yes.

Chairman asked the board members if they had any questions. Mr. Jay Knerr asked what the R-1 setbacks were. Chairman Moore stated the side setback had a minimum least width of 10 feet and sum of width is 25 feet. Mr. Knerr asked would that be the same for the HOA. Mr. Engelhart stated it's in the R-1 residential district and it has to be those at minimum. He stated that the platted BRL lines the HOA are counting on them to be conforming too. Chairman Moore stated it appears that one side yard is 19.3. The 1.02 is in the setback that is platted. Mr. Engelhart stated for the side setbacks. Chairman Moore stated it does not violate the town code. Chairman Moore asked anything else from the applicants. No one else asked to testify under oath. Chairman Moore asked if the board members had any questions. They replied no. Chairman Moore called for a motion. Mr. Jay Knerr made the motion to approve the variance for the rear setback variance of 8.9 feet and the side setback for 1.02 feet. Mr. Doug Parks seconded the motion and it was unanimous. All in favor
Meeting adjourned 6:44PM.

Respectfully Submitted,



Carolyn Duffy

\$ 325.00
4/13/18
CE # 1748



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FAX 410-641-2316
berlin@townofberlinmd.com

BOARD OF ZONING APPEALS APPLICATION

Property Location: Decatur Street Berlin, Md. 21811 Date: 4/13/18
Lot #: 45 Lot Size: 14,303 Zoning: R-1 Map#: 302 Parcel#: 401

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

Variance Conditional Use _____ Special Exception _____

Description of Request:

Has the property in question ever been the subject of a previous appeal? _____
If you answered yes, what is the appeal number and date? _____

Property Owner: John C. Lewis 443-614-6900 Stephen Lewis

Address: P.O. Box 591 Ocean City, Md. 21843

Phone: 410-213-0325 Owner's Signature: [Signature] Date: 4/13/18

OFFICE USE ONLY. PLEASE DO NOT MARK BELOW.

CASE #: 5-2-18-02 DATE RECEIVED: 4/13/18

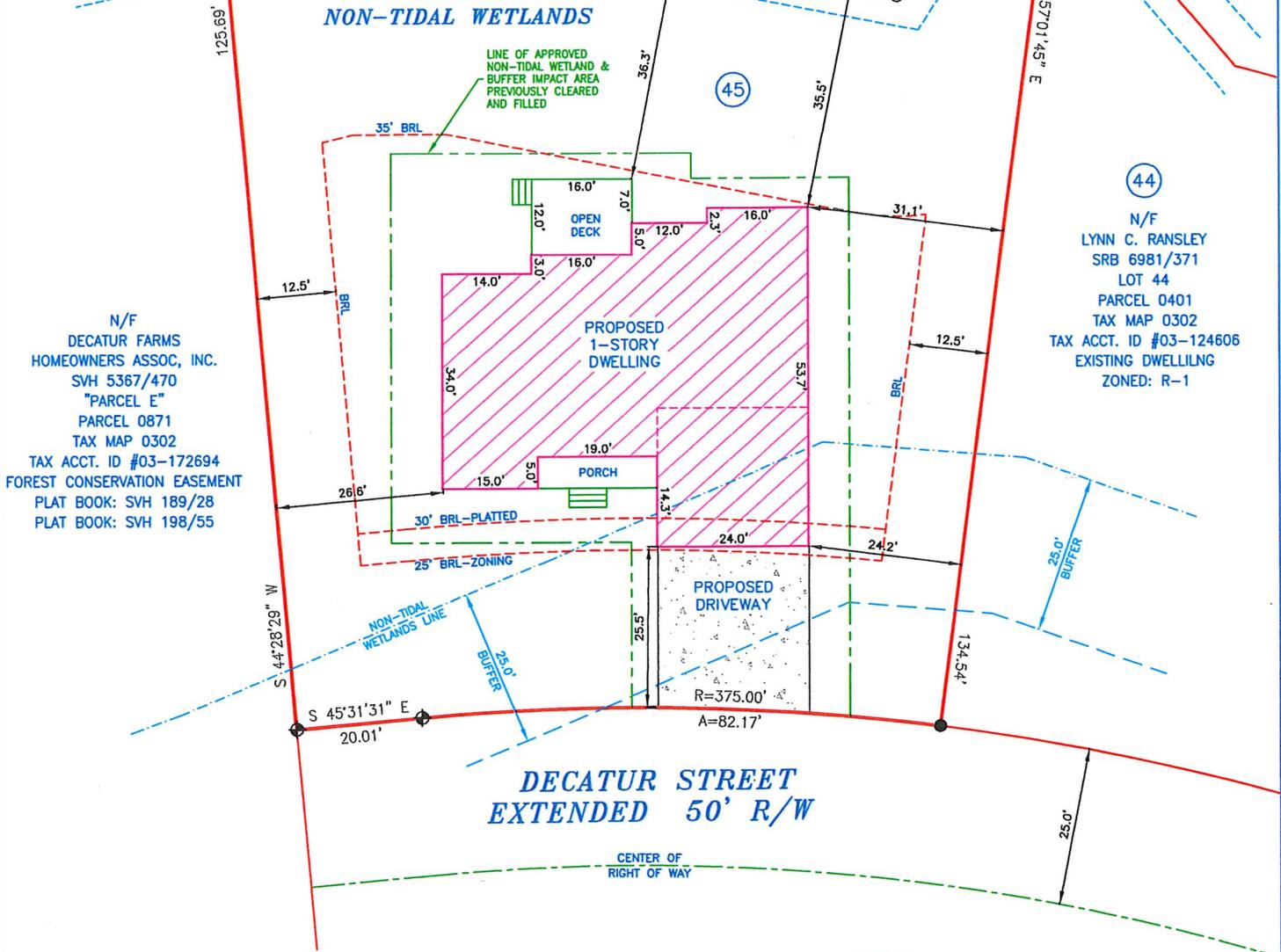
HEARING DATE: 5/2/18 LAND POSTED: 4-18-18

DECISION: _____



N/F
 LYNN C. RANSLEY
 SRB 6981/414
 PARCEL 0348
 TAX MAP 0032
 TAX ACCT. ID #03-134687
 VACANT

LOT LINE BY & WITH
 CENTER OF BOTTLE BRANCH



N/F
 DECATUR FARMS
 HOMEOWNERS ASSOC., INC.
 SVH 5367/470
 "PARCEL E"
 PARCEL 0871
 TAX MAP 0302
 TAX ACCT. ID #03-172694
 FOREST CONSERVATION EASEMENT
 PLAT BOOK: SVH 189/28
 PLAT BOOK: SVH 198/55

N/F
 LYNN C. RANSLEY
 SRB 6981/371
 LOT 44
 PARCEL 0401
 TAX MAP 0302
 TAX ACCT. ID #03-124606
 EXISTING DWELLING
 ZONED: R-1

ADDRESS:
 DECATUR STREET
 BERLIN, MARYLAND 21811

OWNER:
 JOHN C. LEWIS
 P.O. BOX 591
 OCEAN CITY, MARYLAND 21843

DEED REFERENCE:
 SVH 3996/449
 SEC. 2, LOT 45
 PARCEL 0401
 TAX MAP 0302

TAX ACCOUNT ID:
 #03-124614

PLATTED AREA OF LOT 45 = ±14,303 SQ. FT.

NOTES:

THIS PROPERTY IS SITUATED WITHIN FLOOD HAZARD ZONES A & X AS SHOWN ON FIRM MAP # 24047C0154H, DATED 07/16/15.

THIS PROPERTY IS NOT WITHIN THE ATLANTIC COASTAL BAYS CRITICAL AREA PROGRAM.

LEGEND:

- DENOTES IRON PIPE, FOUND
- ⊕ DENOTES RE-BAR, FOUND
- DENOTES PLATTED LOT CORNER



PROPERTY ZONED: R-1



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BOARD OF ZONING APPEALS APPLICATION

ADDRESS OF PROPERTY: 509 S. Main Street Berlin, MD 21811 DATE: _____

APPLICATION FOR: VARIANCE CONDITIONAL USE APPEAL

LOT # _____ LOT SIZE: 3.89 ZONING DESIGNATION: H1 TAX MAP _____ PARCEL _____

APPELLANT NAME: Ernest Gerardi/Cynthia Betterson ADDRESS: 6106 South Point Road Berlin, MD 21811

APPELLANT PHONE#: (856) 874-6442 APPELLANT EMAIL: cynthia@bettersonconsulting.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 requesting an exception for conditional use with the intent to operate an all natural, full service day spa. This property (H1) sits on a lot that ajoins a lot that is non-conforming and of higher classification (B1). In addition, across the street from the property is a school (WPS). The home will be restored to historic specifications on the exterior facade. It will also be upgraded with period relevant landscaping resulting in preservation of cultural and historic landmarks as well as conservation of property values.

PROPERTY OWNER: Ernest Gerardi/Cynthia Betterson ADDRESS: 6106 South Point Road Berlin, MD 21811

PHONE #: (856) 874-6442 EMAIL: cynthia@bettersonconsulting.com

OWNER SIGNATURE: *Cynthia Betterson* DATE: 04/12/2018

FOR OFFICE USE ONLY

CASE # 5-2-18-03 DATE APPLICATION RECEIVED 4/13/18

HEARING DATE 5-2-18 PROPERTY POSTED DATE 4/18/18

FEES DUE \$ 325.00 FEES PAID 4/13/18

DECISION: _____



The Lavender Spa

AT WAVERLY

Dear Neighbor

THE LAVENDER SPA AT WAVERLY – 509 SOUTH MAIN STREET

We are writing to introduce The Lavender Spa At Waverly and ourselves, Cynthia & Anthony Betterson, residents of Berlin, Maryland. We are looking to open an all-natural, Aveda concept, salon and spa at the Waverly House, located at 509 South Main Street in Berlin.

We are scheduled to present this project for a special exception for conditional use on May 2nd at the Board of Zoning Appeals Meeting. The meeting takes place at 10 Williams Street in Berlin at 6:00 pm.

Should you have any queries or concerns, please contact us at 410-390-3586. Otherwise, please attend the meeting to get more details regarding the proposed revitalization to the neighborhood.

The Lavender Spa at The Waverly will be a full-service salon and spa that offers services that use only natural and organic products. The four key benefits of our company here in Berlin will be:

- Holistic Spa Services in The Historic District
- Salon & Spa Services for Both Men and Women
- Access to Aveda – A recognizable, Natural, Sustainable Brand
- Community Partnership to Continue Revitalization of Historic Berlin

It is the intention of the project to renovate the facade of the home to match the original historic design of the home. This includes rehabilitation of the elegant transitional style dwelling which displays characteristics of both Federal and Greek Revival styles. The overall property will be enhanced with landscaping that matches the style of these periods. Non-visible parking will be added to support this low traffic business.

Once again, please do not hesitate to contact us at any time if you have any concerns.

Yours faithfully,

Cynthia & Anthony Betterson

The Lavender Spa At Waverly Owners

A Win For Berlin

Cynthia & Anthony Betterson



The Lavender Spa

AT WAVERLY

Historical View

Waverly – 509 S Main Street



Present Day

Waverly – 509 S Main Street



West Frontal View



Southwest Front/Side View



North Porch View



North Side View

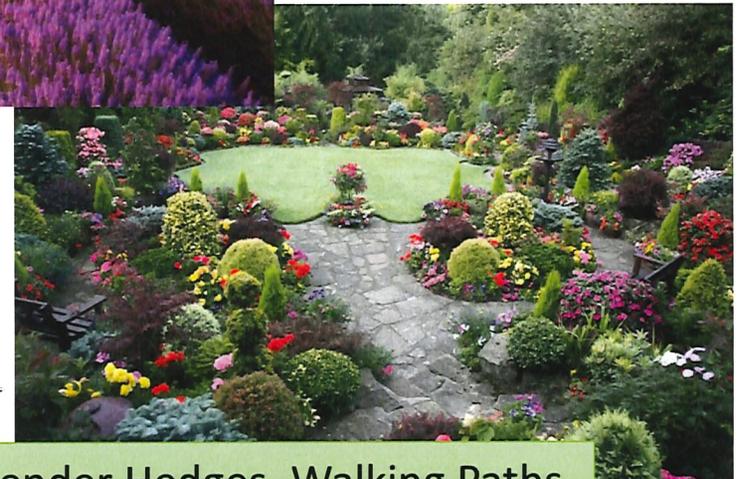


The Lavender Spa

AT WAVERLY

Landscape Inspiration

Proposed Site Plan & Artistic Rendering



Landscape Inspiration: English Garden, Lavender Hedges, Walking Paths

d Layout

