



# 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 6, 2019  
6:00 PM**

1. Approval of Minutes – February 6, 2019
2. Election of Chairman & Vice Chairman
3. Continuance of the February 6, 2019 meeting, a variance 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.

Applicant: Daniel Jacobs

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 Zoning Appeals  
February 6, 2019

The meeting for the Board of Zoning Appeals was called to order by Chairman Joe Moore at 6:30PM. Members present were Joe Moore, Doug Parks, Jay Knerr, Woody Bunting and newest member Robert Palladino. Chairman Joe Moore welcomed Mr. Robert Palladino to the board. Chairman Joe Moore called for a motion to approve the June 6<sup>th</sup>, 2018 minutes. Mr. Doug Parks made the motion to approve the minutes from the June 6<sup>th</sup>, 2018 meeting. Mr. Woody Bunting seconded the motion and it was unanimously accepted by the commission.

Chairman Joe Moore asked Planning Director Dave Engelhart to advise the members of the meeting that was before them on this evening. Mr. Engelhart told the commission members that this was a request for a variance. Pursuant to section 108-165 of the towns zoning ordinance. Mr. & Mrs. Daniel Jacobs of 105 South Main Street were looking for a variance from the required side setbacks for an accessory structure. Chairman Joe Moore asked those that would be testifying to stand and raise their right hand and he swore them in. Mr. Daniel Jacobs of 105 South Main Street, Berlin Maryland 21811. Chairman Moore told Mr. Jacobs to let the board know what his situation was. Mr. Jacobs told the board that he and his wife had moved to Berlin last May. They have since noticed that their shed was quite dilapidated with cracks in the ceiling and beginning to leak. They were looking to build a larger garage to use for some yard equipment. While reviewing the plans and the six-foot requirement per the town they discovered due to the narrow nature of the lot they would lose one of their parking spots. He stated if they could move over three feet, the building would line up with the asphalt. Chairman Moore stated he had the site plan. Mr. Engelhart stated Mr. Jacobs had brought the pictures to the Historic District Commission also they were not in the packet. Mr. Engelhart stated what he was referring to with his black pickup is that the neighbors shed is on the property line and he would like to take his garage down and the new one would take up to the grass strip. Mr. Engelhart showed them how wide the garage would be. The new garage would be closer to 3 feet off the property line.

Mr. Jacobs stated the right corner of the garage would take the place of the existing garage and the parking spot on the left looking at the picture. The size of the new garage would be a 24x24. Mr. Jacobs stated the existing garage was about 12 ½ feet on the inside. Chairman Moore stated that Mr. Engelhart should have already given Mr. Jacobs the requirements for a variance per the Berlin Code. Chairman Moore asked Mr. Jacobs to address the standards. Mr. Jacobs stated they share a drive way and because of the shape of the lot he stated if the building was shifted he would lose one of his parking spaces. They would have to do a lot of additional work to regain that spot. Chairman Moore asked Mr. Engelhart if Mr. Brushmiller had gotten a variance. Mr. Engelhart stated that was pre-existing non-conforming. Mr. Moore stated before the code. Mr. Engelhart stated the side yard setbacks were not enforced when that was put there. Mr. Jacobs stated he had spoken to his neighbors to see if anyone would have an objection to his garage being placed there but no one did. Mr. Moore stated that all that Mr. Engelhart put in the packets they consider that to be evidence. He stated that the letters and the signatures that he spoke of are in there and they have read it. Mr. Moore stated the issue is when is there a hardship that could keep you from building the addition within the allowed 6 foot. That is what

the board must deal with. Mr. Jacobs said they would lose a parking space if they went with the 6-foot regulation. Mr. Jacobs stated his case about losing the parking space. Mr. Moore asked what the garage would be used for. Mr. Jacobs stated their vehicle, yard equipment a small home gym that he would put in the back of it. Mr. Moore stated the size of the pole building is creating the need for the variance. In other words, if you had a smaller building you would not need a variance. Mr. Jacobs stated his wife's vehicle would go in there with a smaller building her car, his motor cycle, yard equipment and tractor would not be able to go in there. Mr. Jacobs stated where they lived before they had much more land and they had accumulated a lot of things. Mr. Jacobs stated he has his lawn mower sitting on top of the tractor because he is out of space. Trying to make it more efficient for themselves. Eventually they would have to address the shed because it's old and has holes. So instead of putting a bandage on they want to fix it.

Mr. Moore asked Mr. Engelhart how many parking spaces were required per the code. Mr. Engelhart stated two parking spaces are required per the code. Mr. Jay Knerr asked would he consider taking the shed down and building behind his house. Mr. Jacobs stated there was a huge tree back there probably hundreds of years old and a little shed. Mr. Knerr stated you are asking for a three-foot separation have you checked with the Fire Marshall. Mr. Engelhart stated we have the 6' just for that reason. Mr. Jacobs stated that Mr. Brushmillers shed didn't have electricity and his would not either. Chairman Moore stated he had looked at the Ocean City's code and it stated if there is a property with a similar situation like Mr. Brushmillers it would transfer it from being a variance to a special exception but that is not in Berlin's Town Code. Chairman Moore stated so we still have the hardship. Mr. Jacobs stated his wife pointed out that moving it to the other side of the house would make it difficult to get in and out of the garage. Mr. Woody Bunting asked how big the building was. He told Mr. Jacobs if he did the 24x24 he wouldn't have the three-foot separation. He would still need to move it over three foot. Mr. Jacobs stated three-foot verses six foot. Chairman Moore asked whose fence that was and was it on the property line. Mr. Jacobs replied it was his fence. He stated there were flower beds in back and it keeps their dogs in.

Chairman Moore asked if the Fire Marshal looks at residential. Planning Director Dave Engelhart replied he would have to reach out to them. Chairman Moore stated they were struggling with what Mr. Jacobs was calling a hardship. But wanted him to know it was to his support that he had the support of the neighbors. Chairman Moore stated they would defer a decision and let Mr. Engelhart consult with the Fire Marshal. If they state, they don't think that should be done it takes it out of the Board's hands. Chairman Moore stated variances are unique and you must bring forth a hardship. Chairman stated that economic doesn't constitute a hardship. Chairman Moore stated they would meet when Mr. Engelhart has spoken to the Fire Marshal. Mr. Engelhart stated that the Fire Marshal does not review residential home plans. Within the last two years they have been reviewing the sprinkler systems and how they are fed from the street. Chairman Moore asked when Mr. Engelhart gets that information then they could be polled, or they could meet with Mr. & Mrs. Jacobs. Chairman Moore stated if the Fire Marshall says no then it would be the best consideration for the land and not appropriate. Chairman Moore stated you have time to decide. With no other comments Chairman Moore adjourned the meeting.

Respectfully Submitted,



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

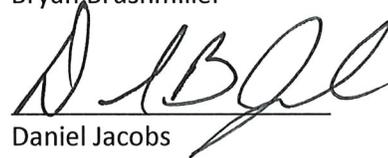
Bryan Brushmiller  
103 S Main Street  
Berlin, MD 21811

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,

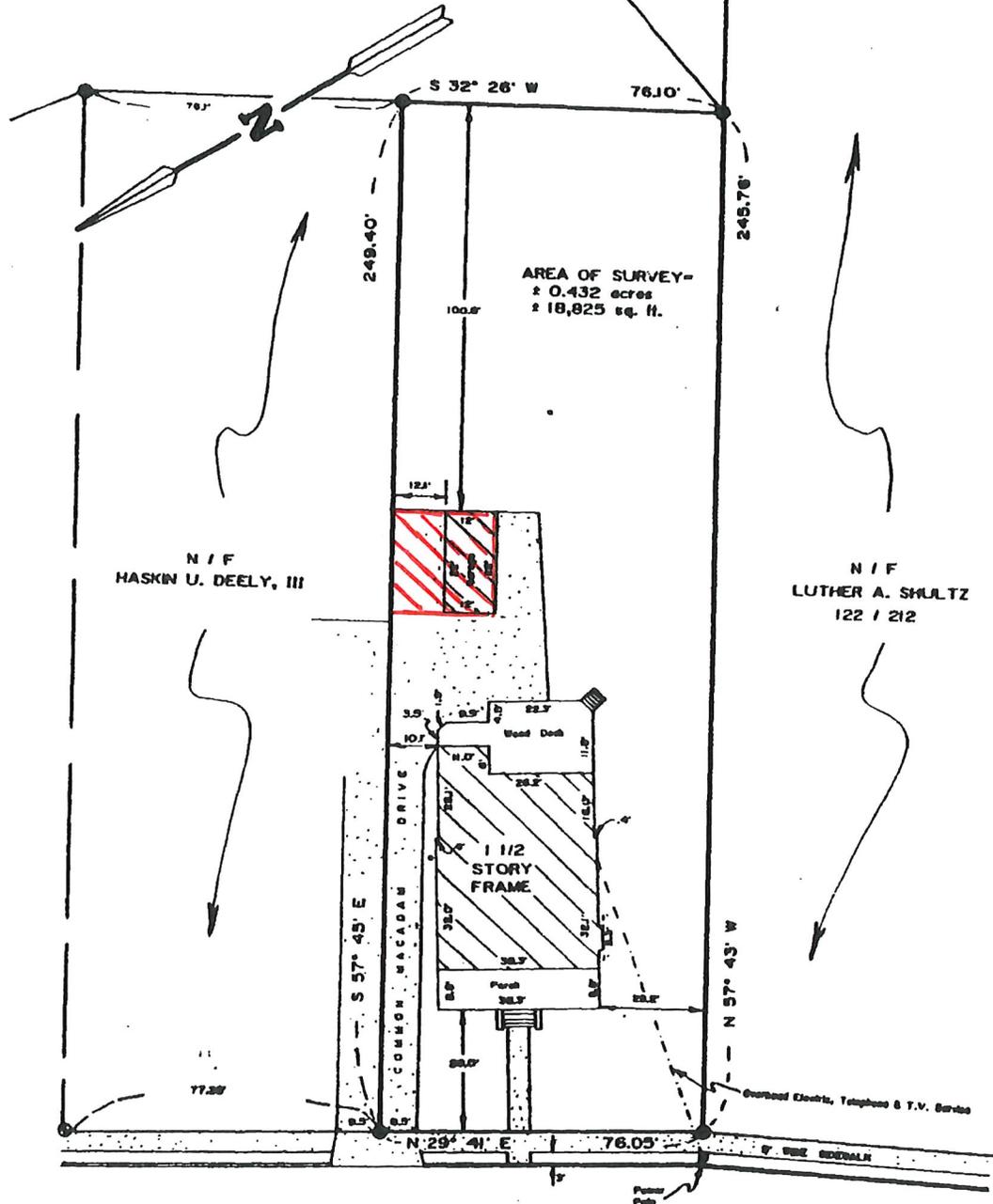
This document is in reference to the construction of a new garage at 105 S. Main Street:

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. Benito               |     | 201 South Main St |
| 2. Leslie Corbin                   |     | 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 07/11/2019.

KENWOOD LOT 3 KENWOOD LOT 4  
DEK 1744 A. 411



*L. E. Bunling, Jr.* 6/17/91  
L. E. Bunling, 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. Bunling Surveys, Inc.**  
 MARYLAND & VIRGINIA  
 LAND SURVEYING  
 24 BROAD STREET  
 BERLIN, MARYLAND 21811  
 301-641-3313

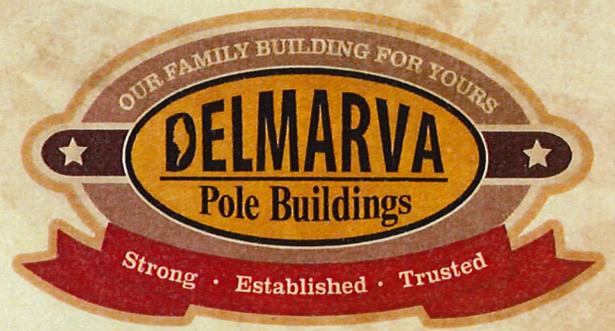
PROPERTY ZONED H-1  
 (Historic)  
 DEED REFERENCE:  
 849 / 483

**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

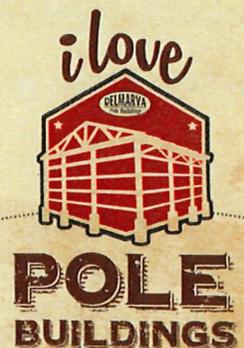
*Richard H. Outten*  
 The foregoing *Agreement* filed  
 for record and is accordingly recorded among the land records of  
 Worcester County, Md. in Liber, R.H.Q. No. *1744* folios *410-411*

*Richard H. Outten*  
 Clerk

# Residential Pole Buildings



[ilovePoleBuildings.com](http://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!

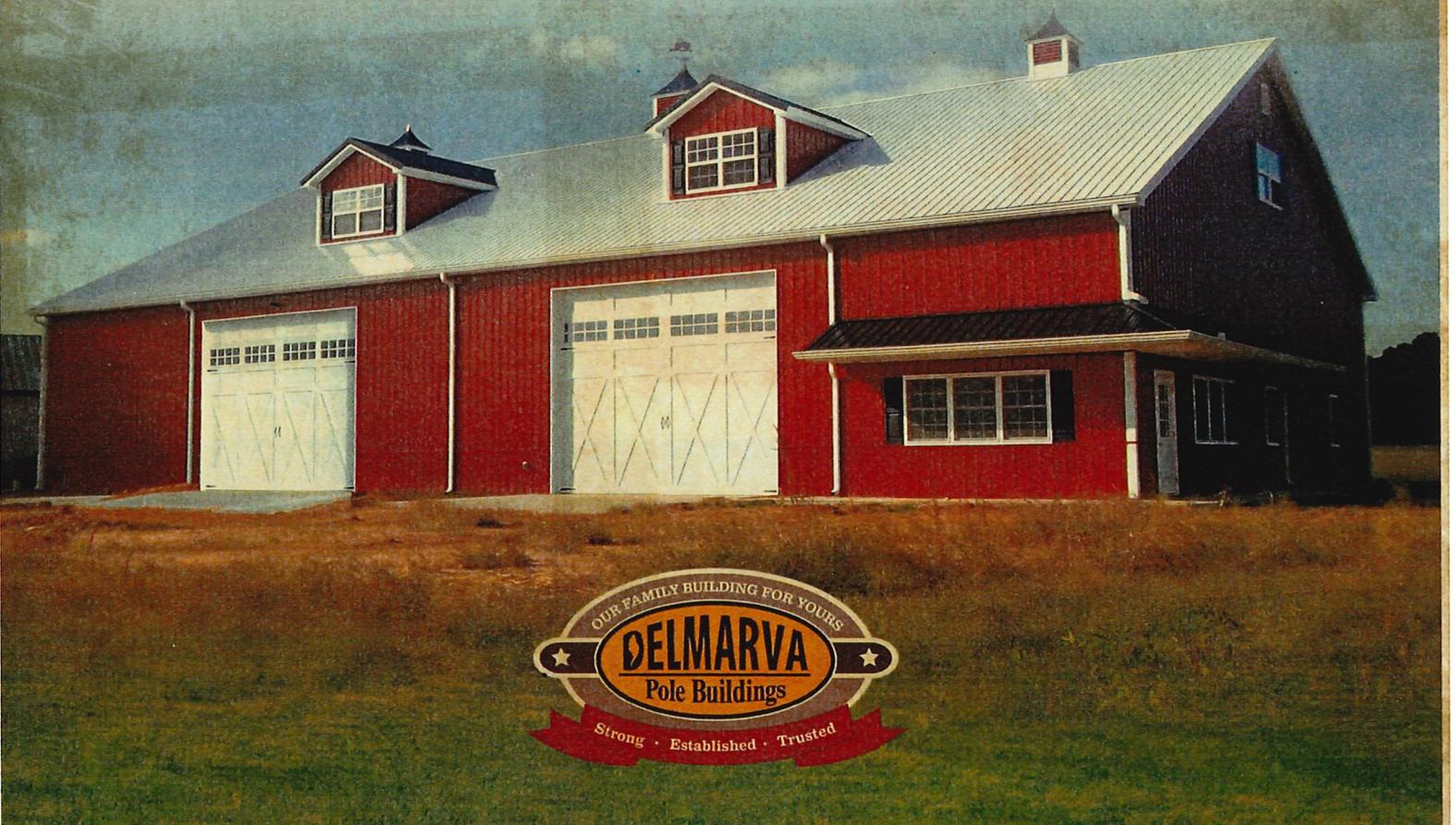
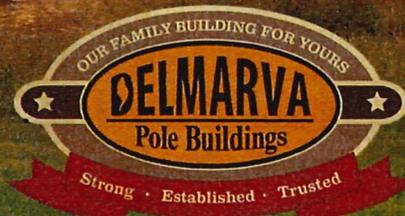
Because of this focus when the storms came with the ups and downs of the national economy, we remained steady and consistent, **always delivering on our promise.**

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!**

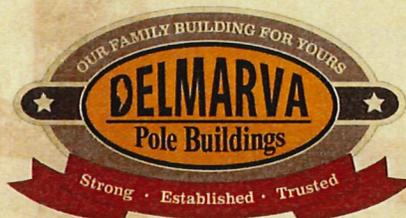
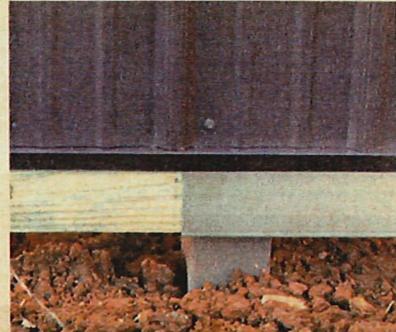
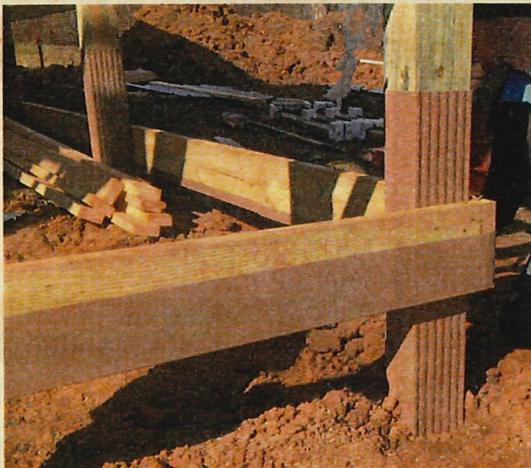


— STRUCTURAL —  
**LIFETIME**  
WARRANTY  
FOUNDATION PROTECTION

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

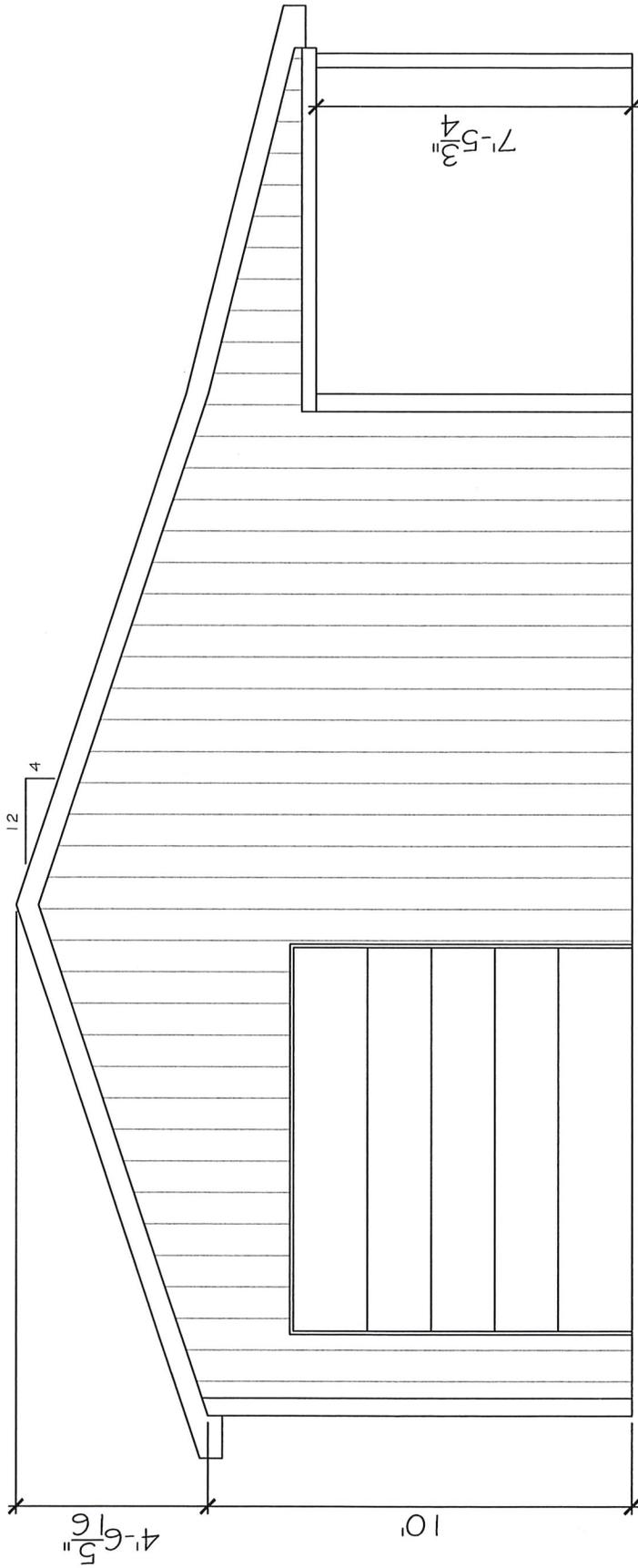
If the “**Foundation Protection**” option is added to your building, Delmarva Pole Buildings will guarantee the structural integrity of your pole building **FOREVER!** Should any structural member fail it will be replaced at no cost or the original price of the failed member will be refunded.

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](http://iLovePoleBuildings.com)





GABLE ELEVATION

**DELMARVA**  
**POLE BUILDING SUPPLY INC.**  
 317 N. LAYTON AVE  
 WYOMING, DE 19924  
 (302) 698-3636



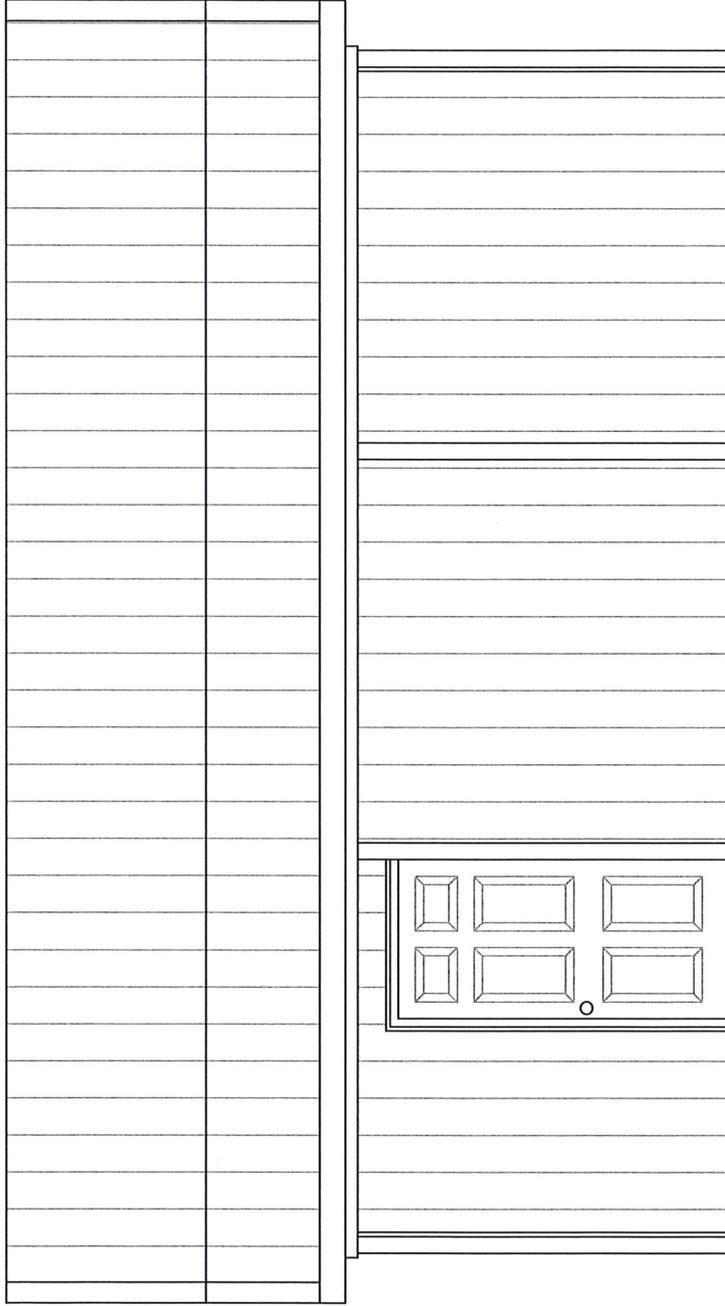
Date: 01-04-2019  
 Technician: J. Stubbs  
 Reviewed By: J. Stubbs  
 Scale:

Date: \_\_\_\_\_  
 Modification: \_\_\_\_\_

DANIEL JACOBS  
 1500 W. MARKET STREET  
 BELLEVILLE, MD 21811  
 24' x 24' x 10'

Sheet

A2



EAVE ELEVATION

**DELMARVA**  
 POLE BUILDING SUPPLY INC.  
 317 N. LAYTON AVE  
 WYOMING, DE 19384  
 (302) 698-3656



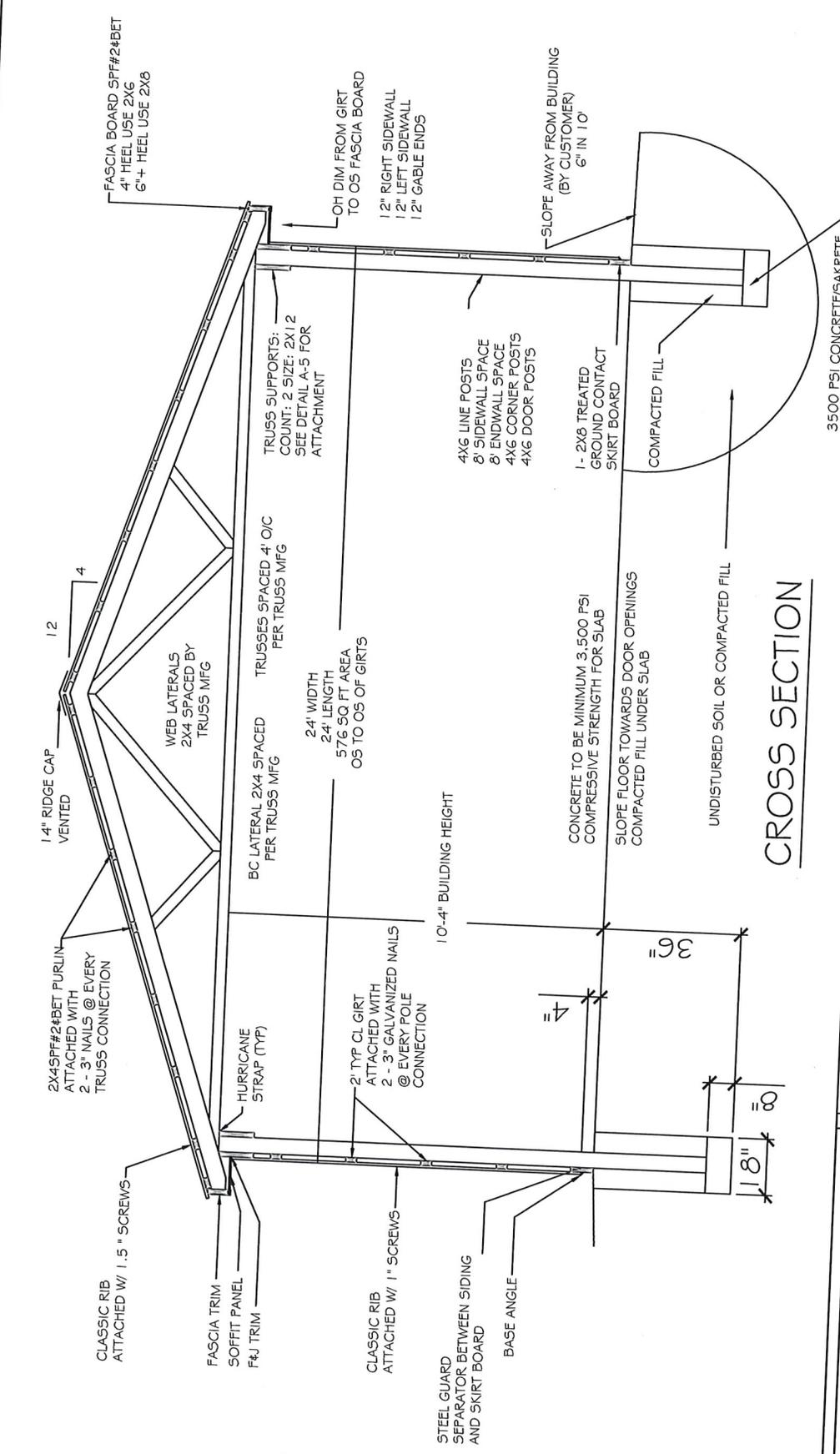
Date: 01-04-2019  
 Technician:  
 J. Stubbs  
 Reviewed By:  
 J. Stubbs  
 Scale:

Date: \_\_\_\_\_  
 Modification:

DANIEL JACOBS  
 655 SOUTH MAIN STREET  
 BERLIN, MD 21011  
 24' x 24' x 10'

Sheet

A3



Sheet  
**A4**

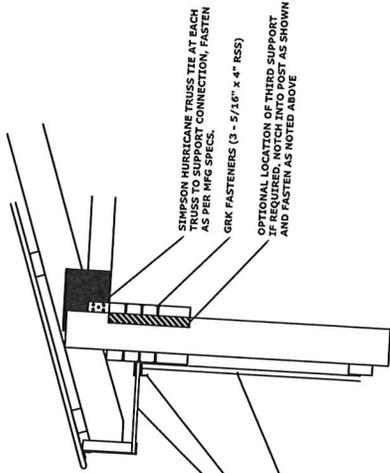
DANIEL JACOBS  
 105 SOUTH MAIN STREET  
 BELLEVILLE, MD 21111  
 24" x 24" x 10'

|               |            |
|---------------|------------|
| Date:         | 01-04-2019 |
| Technician:   | J. STUBBS  |
| Reviewed By:  | J. STUBBS  |
| Scale:        |            |
| Date:         |            |
| Modification: |            |



**DELMARVA**  
 POLE BUILDING SUPPLY INC.  
 317 N. LAYTON AVE  
 WYOMING, DE 19934  
 (302) 698-3636

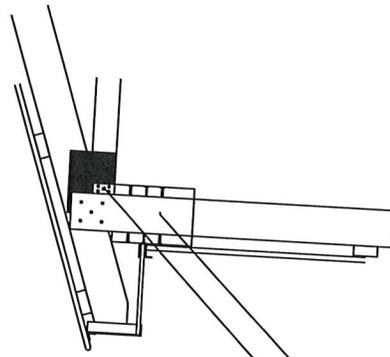
**A**  
**5** TRUSS TO SUPPORT CONNECTION DETAILS



**CONNECTION AT POST LOCATIONS**

INSTALL SOFFIT PANEL INTO E & J TRIM, NAIL INTO BOTTOM OF FASCIA BOARD.  
INSTALL E & J TRIM TO SUPPORT WITH PLAT HEAD ROOFING NAIL.  
INSTALL WALL PANELS, ATTACH TO GIRTS WITH 1" SCREWS.

SIMPSON HURRICANE TRUSS TIE AT EACH SUPPORT CONNECTION, FASTEN AS PER MFG SPECS.  
GRK FASTENERS (3" - 5/16" x 4" RSS)  
OPTIONAL LOCATION OF THIRD SUPPORT TO BE LOCATED IN THE CENTER OF THE TRUSS. NOTCH INTO POST AS SHOWN AND FASTEN AS NOTED ABOVE.



**CONNECTION AT INTERMEDIATE TRUSS**

SIMPSON HURRICANE TRUSS TIE @ EACH TRUSS TO SUPPORT CONNECTION, FASTEN AS PER MFG SPECS.  
2X6X18" TRUSS CONNECTION BLOCK INSTALLED BETWEEN SUPPORTS

**CONNECTION DETAILS**



**DELMARVA**  
POLE BUILDING SUPPLY INC.  
317 N. LAYTON AVE  
WYOMING, DE 19934  
(302) 698-3636

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

|       |               |
|-------|---------------|
| Date: | Modification: |
|       |               |
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DANIEL JACOBS  
105 SOUTH MAIN STREET  
BERLIN, MD 21011  
24" x 24" x 10'

Sheet  
**A5**