



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 1st, 2019
6:00 PM**

Approval of Minutes - April 3, 2019

- 1. 101 South Main Street – Requesting home use as a Bed & Breakfast
Applicant: Mr. Mark Harris**
- 2. 9 Brittany Lane- Requesting a variance of the side yard setback
Applicant: Mr. & Mrs. Fortney**

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
April 3rd, 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, Jay Knerr, Doug Parks and Woody Bunting. Member absent was Robert Palladino. Staff present were Planning Director Dave Engelhart and Permit Coordinator Carolyn Duffy.

Chairman Joe Moore asked Mr. Mark Cropper if he was representing Mr. Duane Maddy. He replied yes, he was. Mr. Mark Cropper stated he was located at 6200 Coastal Highway Suite 200 Ocean City, Maryland. Mr. Cropper stated he presumed that all members had a copy of what Mr. Maddy was proposing. Mr. Cropper stated that 108-5 for conditional uses section 3 for street level floors and non-industrial uses. He then asked Mr. Duane Maddy to introduce himself. Mr. Duane Maddy 11041 Racetrack Road Berlin MD. Chairman Joe Moore swore in Mr. Maddy. Mr. Cropper asked Mr. Maddy would this be used for retail or office use any non-industrial use. Mr. Maddy replied yes. Mr. Cropper asked what they would be. Mr. Maddy stated they would be three high end conditioned storage spaces with a small bathroom with sink and toilet. He stated he was looking for storage companies or moving companies to go in there. He said they would be \$800 to \$1000 dollars a month to rent. His company would be one who is using one of the units. He stated looking for a particular type of customer. Mr. Cropper stated the use would be the same as what Austin Purnell had requested in 2016. Mr. Maddy stated that is what he understood. Mr. Cropper asked stated the plans you submitted with your request are they any different then what you had previously submitted. Mr. Maddy replied no. Mr. Cropper stated Mr. Maddy had indicated to him that if he receives the approval he would be required to purchase two new EDU's. He has one EDU. Mr. Cropper asked if he thought this would be detrimental to the neighborhood. He replied not at all. Mr. Cropper asked if he would agree with the services that were provided by the town. He replied he would. Mr. Cropper asked if any rescue equipment had to go back there would that be an impediment on the property. Mr. Maddy replied no it would not.

Mr. Cropper asked if this would be an impediment on the peaceful enjoyment of the neighborhood for the people that live in the vicinity. Mr. Maddy replied no. Mr. Cropper asked if this would be negative to the other uses that are there. Mr. Maddy stated this would be an improvement. Mr. Cropper asked about the property values or any historic values that would be negatively impacted. Mr. Maddy stated no. Mr. Cropper asked if there would be any odor or dust smoke fumes from this use. Mr. Maddy replied absolutely not.

Chairman Joe Moore asked would Mr. Maddy occupy the first floor would there be inspections done. Planning Director Dave Engelhart stated the Fire Marshall would do that. He stated when Mr. Maddy submits plans for the building permit he would also submit to the Fire Marshall. Mr. Engelhart told them that there are classifications of how the building must be built. Such as the fire separation in the walls. He stated the Fire Marshall will inspect commercial more so for public assembly where people would gather. Chairman Joe Moore stated he wanted the public to know there were regulations in place for this type of construction.

Chairman Joe Moore asked if anyone in the audience would like to speak for or against the project. Mr. Jay Knerr asked what color vinyl siding he would use. Mr. Engelhart stated the samples he brought were in the chair on the end. Mr. Maddy stated it would be a sage color with white trim and a black roof. Mr. Woody Bunting commented on what Mr. Cropper had stated about Austin Purnell, Mr. Bunting said the difference with that was that Austin Purnell was planning on living there and would have not been rentals. Mr. Bunting asked would it be families living there. Mr. Knerr asked what he was asking for the rent. Mr. Maddy stated \$1500.00 dollars for each only if they could afford that. He stated it would be two bedrooms and two baths he thought this was needed at this time in Berlin. Could possibly be two adults that split the rent. He said he designed it to have a flex design. Mr. Woody asked how do you buffer the other business away from you. They are going to negatively affect you he stated. Mr. Maddy stated he was the first to have anything on that property then he sold a piece to Trond Pools. Mr. Maddy stated he would fence in the property as seen on his plan. Mr. Woody asked about parking in the area. Mr. Engelhart stated 2 parking spaces per unit were required and then by square footage. Mr. Maddy replied that there were more spaces for parking out there. Mr. Maddy stated he had done a lot of research and would be very discrete when choosing tenants. Chairman Joe Moore called for a motion. Mr. Jay Knerr made the motion to approve the request for conditional use within the M-1 Light Industrial Zoning District to allow three apartments over a controlled storage unit located at 305 Washington Street Unit #1. Mr. Doug Parks seconded the motion and it was unanimously accepted by the commission.

Discussion continued Mr. Woody Bunting stated on the site plan he shows a 4.6ft. setback. Mr. Woody stated if he tiers the building down or if not, he will have a second story residential from the property line. Mr. Woody Bunting asked what the set back would be for residential use from the property line. Mr. Engelhart stated he would confirm the setbacks. Mr. Knerr asked would his non-conformity go away. What if the next building wants to do the same thing he asked they are so close together. Chairman Moore stated for any non-conforming use they can change it. If it conforms to what is allowed by use. He stated if he conforms to what you would allow he must submit a site plan that gets him 10 feet off property line. Mr. Engelhart stated or shrink the building. He stated he was not aware that taking a building down you enjoy the same setback that it had. He stated he didn't have that part of the code memorized but would check. He said you can increase 30% of a building because he has done this. Can't recall if the code states if you take the structure down. Mr. Moore read Section 108-670 of the code. If he is changing the use to something allowed by code or in the district Section 108-64 he read. He could make an application under substitution under 110.671 when authorized the non-conformity can be changed to another building. Mr. Woody stated he still would need to go to Planning. He didn't inquire about the setbacks but just the use. He stated they approved the use not the setbacks. Mr. Engelhart stated when Mr. Maddy stated about the fence he didn't know if that was BZA or Planning Commission that's what he meant. Chairman Moore asked Mr. Engelhart to look at Section 106.70 if they needed to hear it again they could. Mr. Woody said he still had a lot of questions. He didn't think that residential and industrial were compatible. Meeting adjourned. 6:55PM

Respectfully Submitted,


Carolyn Duffy



Mayor & Council of Berlin

10 William Street, Berlin, Maryland 21811

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

www.berlinmd.gov



BOARD OF ZONING APPEALS APPLICATION

ADDRESS OF PROPERTY: 101 S Main St DATE 3/22/2019

APPLICATION FOR: VARIANCE CONDITIONAL USE APPEAL

LOT # _____ LOT SIZE 21,584 SF ZONING DESIGNATION: _____ TAX MAP 302 PARCEL 0882

APPELLANT NAME Mark A. Harris ADDRESS 101 S Main St, Berlin, MD

APPELLANT PHONE#: 443-472-6392 APPELLANT EMAIL: m.a.harr10@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

Use as a Bed + Breakfast

PROPERTY OWNER: Mark A. Harris ADDRESS: 101 S Main St, Berlin, MD

PHONE#: 443-472-6392 EMAIL: m.a.harr10@gmail.com

OWNER SIGNATURE: [Signature] DATE: 3/15/2019

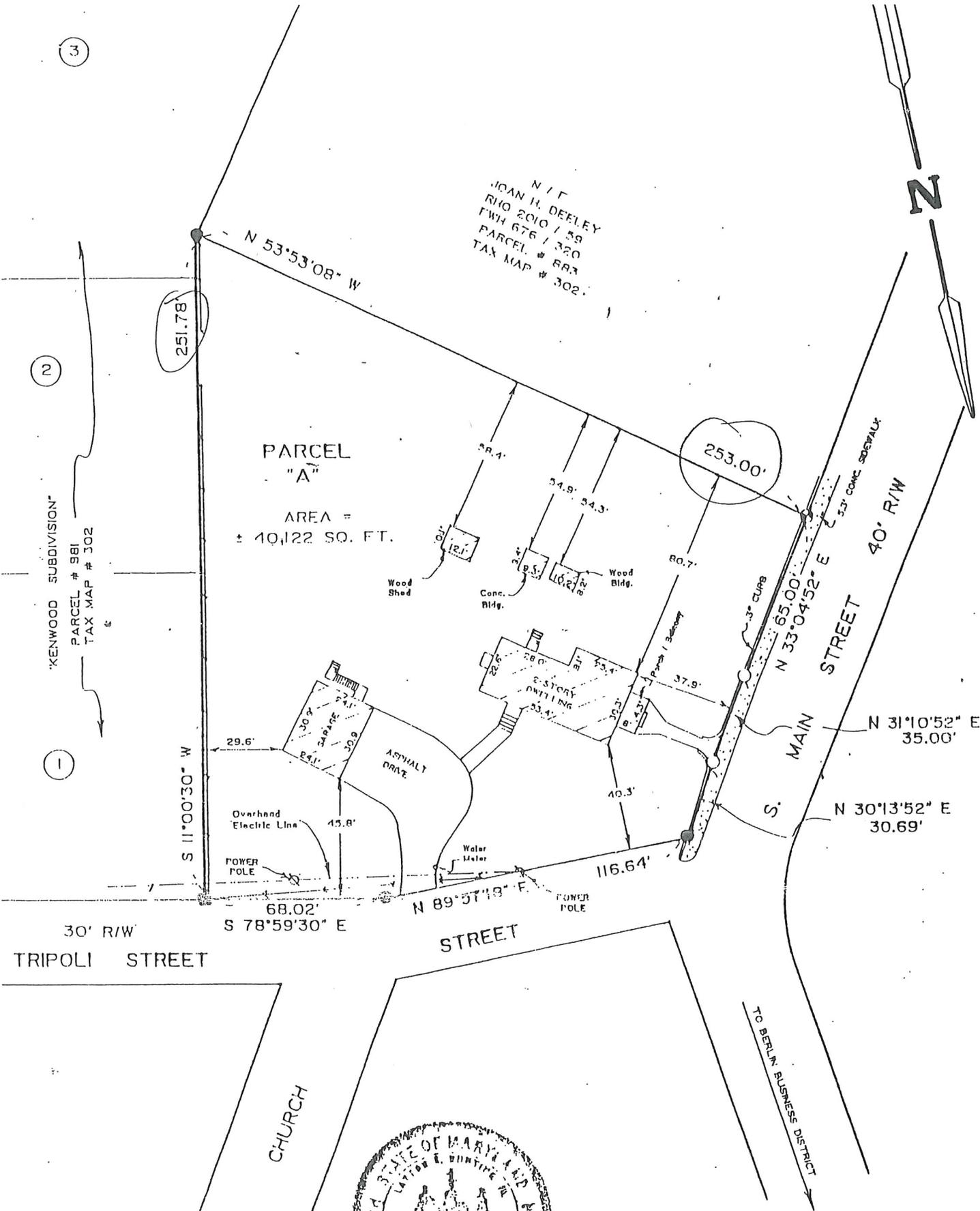
FOR OFFICE USE ONLY

CASE# 5-1-19-03 DATE APPLICATION RECEIVED 3-22-19

HEARING DATE 5-1-19 PROPERTY POSTED DATE 4-17-19

FEES DUE \$ 325.00 FEES PAID 3/22/19

DECISION: _____



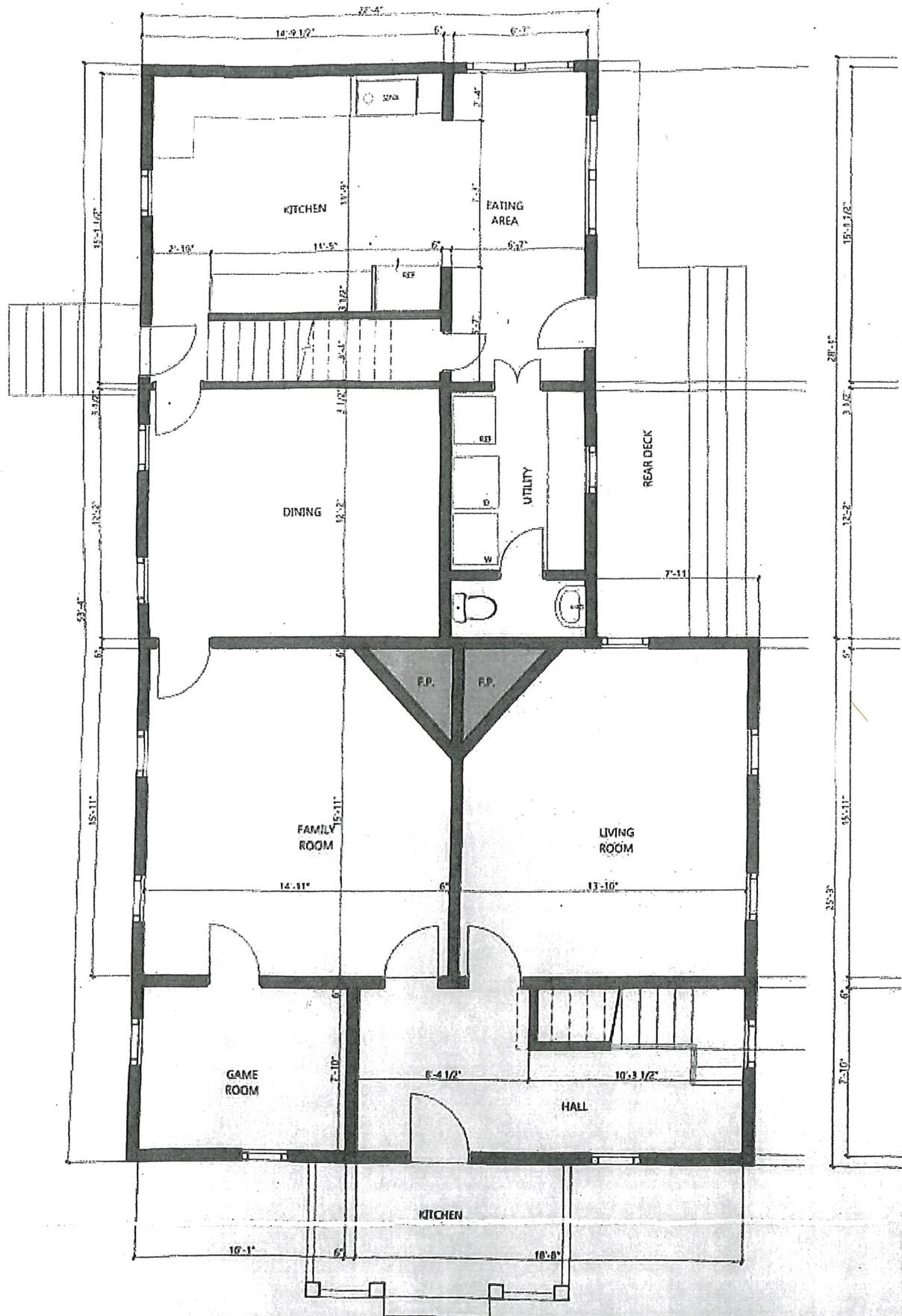
OWNERS'
MARTIN H. & BARBARA H. GROFF

DEED REFERENCE'
FWH 652 / 677
PARCEL # 882
TAX MAP # 302

LEGEND'
■ DENOTES CONCRETE MONUMENT, FOUND

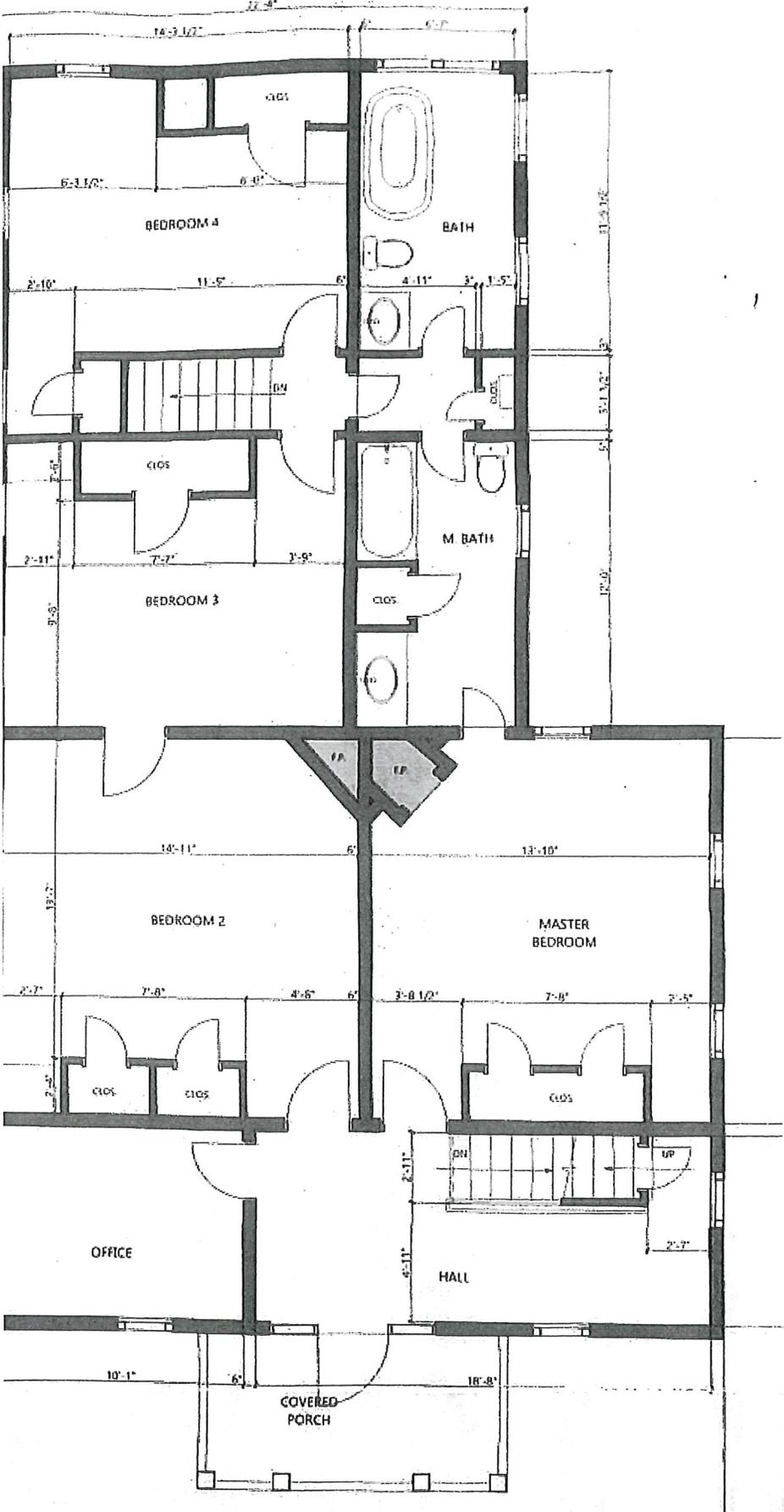
J.E. Brunting 11/1/94





First Floor Plan

1/4" = 1'-0"



Second Floor Plan

1/4" = 1'-0"

Rick Schoellkopf
Architect
 5700 Coastal Hwy
 Suite 306
 Ocean City, MD 21842

rck@atlanticpd.com
 (413) 397-8265

101 South Main St.
Berlin, MD 21811

**Floor
 Plans**

06/04/2018



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berlin@townofberlinmd.com

BOARD OF ZONING APPEALS APPLICATION

Property Location: 9 Brittany LN, Berlin MD 21811 Date: MAY 2019
Lot #: 1P Lot Size: 10,001 SQ FT Zoning: _____ Map#: 300 Parcel#: 1087

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

Variance Conditional Use _____ Special Exception _____

Description of Request:

To Build A 20x24 GARAGE in the BACK YARD of 9 Brittany LN
THE VARIANCE will be ON or close TO Property LINE

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: JUNIOR & JANET FORTNEY

Address: 9 Brittany LN, Berlin MD 21811

Phone: 410-975-(443) 6458 Owner's Signature: [Signature] Date: _____

OFFICE USE ONLY. PLEASE DO NOT MARK BELOW.

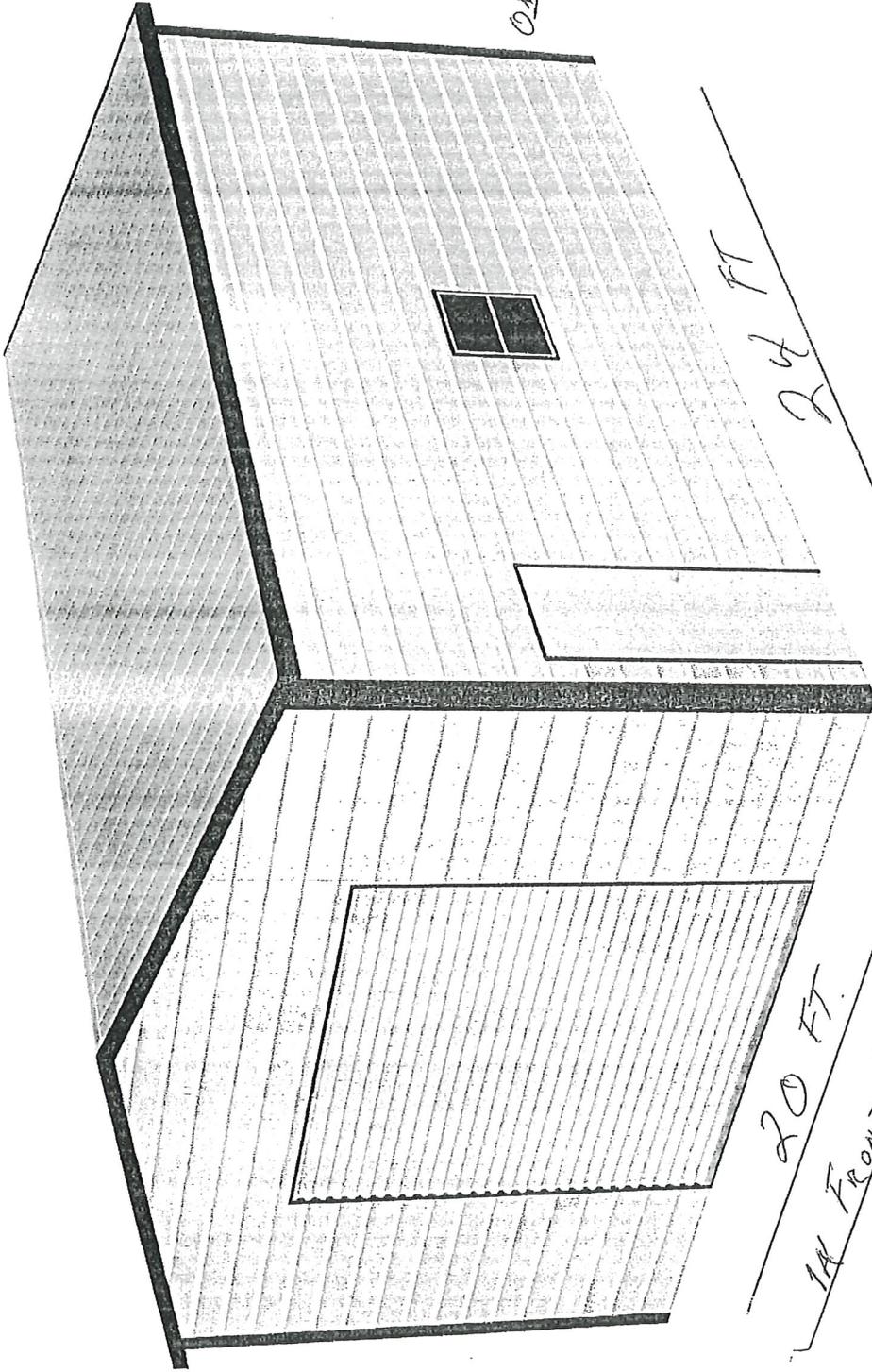
CASE #: 5-1-19-04 DATE RECEIVED: 4-10-19

HEARING DATE: 5-1-19 LAND POSTED: 4-17-19

DECISION: _____



ON BACK 6 FT

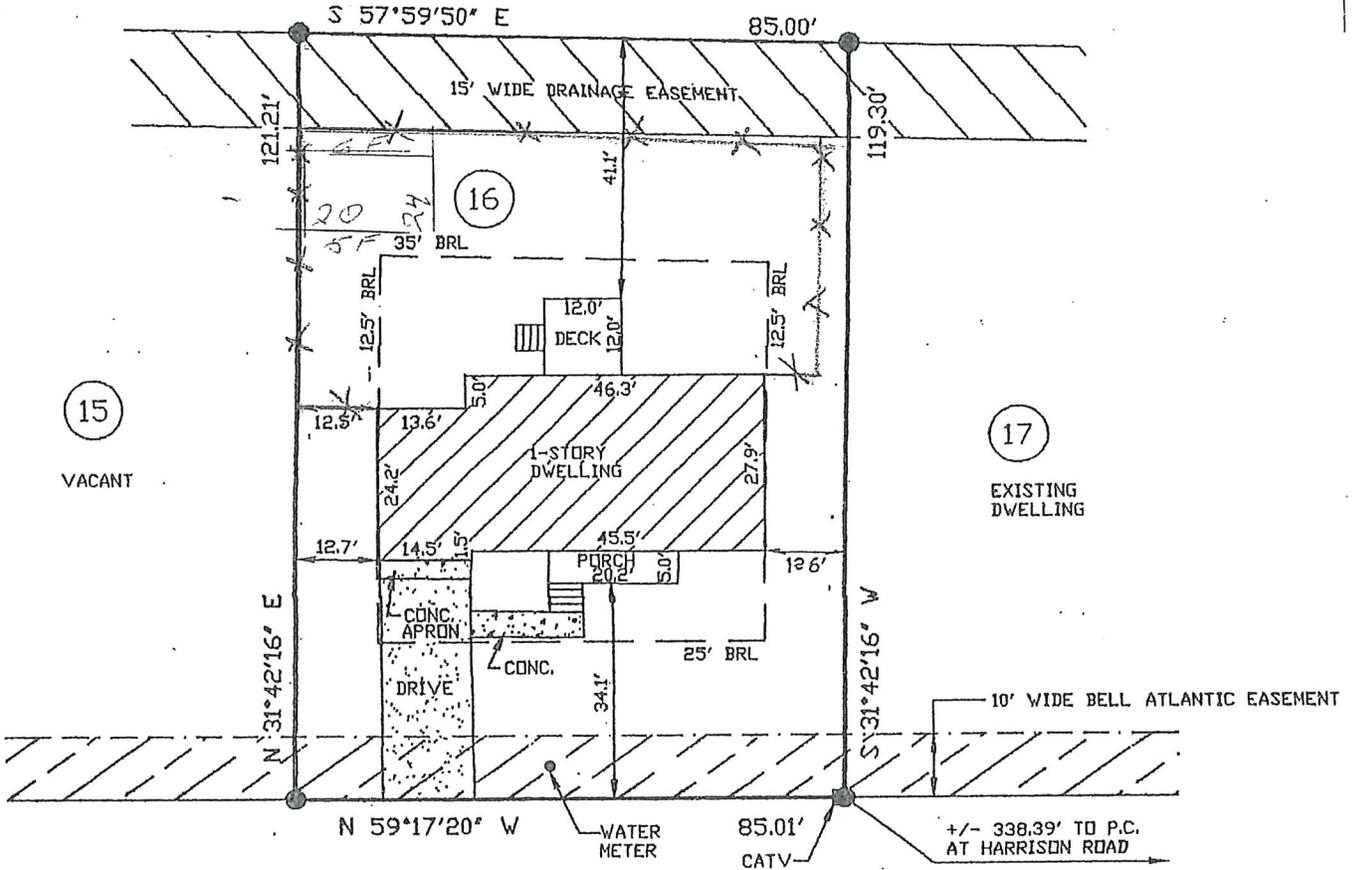


24 FT

20 FT

14 FRONT 5 FT

N / F
 ELMER SCAGGS
 418 / 263
 PARCEL # 1287
 TAX MAP # 300



BRITTANY LANE 50' R/ W

AREA OF LOT 16 = +/- 10,221 SQ. FT.

TOWN OF BERLIN
 PROPERTY ZONED: R-2



THIS LOT IS SITUATED WITHIN FLOOD HAZARD ZONE X, AS SHOWN ON FIRM MAP # 240141-0001-B, DATED 9-18-86.

LEGEND:

● DENOTES IRON PIPE, FOUND

J. E. Bunting, Jr. 2/12/99
 J. E. BUNTING, JR. DATE

I CERTIFY THAT THE SURVEY SHOWN HEREON IS AN ACCURATE TRANSIT-TAPE SURVEY, AND

March 11, 2019
Junior C Fortney
Janet S Fortney
9 Brittany Lane
Berlin, MD 21811

Dear Neighbors,

We are writing you this letter to inform you of my application for a permit to build a garage. Our plans for said garage placement will be in our back yard. The size of said garage is 20 x24. Due to size and location of said garage we need to apply of a variance with the Town of Berlin. The Town of Berlin has requested we notify our neighbors to inform them of application.

Please sign this letter to inform the Town of Berlin of said notice.

Thank You

Junior C Fortney

Janet S Fortney



Name: Lori Park
Address: 11 Brittany Ln
Date: 3/15/19

March 11, 2019

Junior C Fortney

Janet S Fortney

9 Brittany Lane

Berlin, MD 21811

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Thank You

Junior C Fortney

Janet S Fortney 

Name: Sean Wilson

Address: 8 Brittany Lane, Berlin, MD

Date: 3/13/19

March 11, 2019
Junior C Fortney
Janet S Fortney
9 Brittany Lane
Berlin, MD 21811

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Thank You

Junior C Fortney

Janet S Fortney 

Name: ROSS PAMER

Address: 5 BRITANNY LN.

Date 3.13.19

March 11, 2019

Junior C Fortney

Janet S Fortney

9 Brittany Lane

Berlin, MD 21811

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Thank You

Junior C Fortney

Janet S Fortney 

Name: Kayla S Martin

Address: 7 Brittany Lane Berlin MD 21811

Date 3-13-19

March 11, 2019

Junior C Fortney

Janet S Fortney

9 Brittany Lane

Berlin, MD 21811

Dear Neighbors,

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Thank You

Junior C Fortney

Janet S Fortney

Name:

Amy Kern

Address:

10 Brittany LN, Berlin, MD 21811

Date

3/13/19