



# 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 Zoning 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 November 6, 2019  
5:30 PM**

1. Approval of Minutes – July 10, 2019
2. 7 Brittany Lane- Requesting a variance of 5 feet into the required rear yard setback.

Applicant: Kayla Martin

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  
July 10<sup>th</sup>, 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, Robert Palladino, Jay Knerr and Woody Bunting. Staff present was Planning Director Dave Engelhart and Permit Coordinator Carolyn Duffy.

Chairman Joe Moore called for a motion to approve the May 1<sup>st</sup>, 2019 minutes. Mr. Jay Knerr made the motion to approve the May 1<sup>st</sup>, 2019 minutes. Mr. Robert Palladino seconded the motion and it was unanimously accepted by the commission.

Chairman Joe Moore stated next on the agenda was a request for Mr. Ernest Gerardi requesting a variance from the front yard set backs at 2 Stevenson Lane. Chairman Joe Moore stated for the record that he had emailed staff and board members notifying them that he had represented Mr. Gerardi in a rezoning in the county. He had not represented him on this matter or any other matter in the town, except for a potential land use that is no longer an issue. He asked the board members if they thought that required him to recuse himself. Mr. Woody Bunting stated he didn't feel that was a reason to recuse himself. Mr. Woody Bunting also stated he had also done some surveying for Mr. Gerardi. Chairman Joe Moore asked the audience if they thought they should recuse themselves. No one objected to the board hearing the case. Chairman Joe Moore proceeded to call Mr. Gerardi to the front table. Chairman Joe Moore called upon Planning Director Dave Engelhart to summarize the case before them. Planning Director Dave Engelhart told the board that Mr. Gerardi was seeking a variance for the property located at 2 Stevenson Lane for the front and rear yard setbacks for the property. He stated it lies in the B-1 Town Center zoning district. The front set back is listed to be 10' and the rear at 15'. He stated there are no side setbacks in the B-1. This would be the same as the buildings on Main Street here in town. So, there is no side setback required. Mr. Gerardi's property as it stands today, he is going to demolish the home. He wants to build a mixed-use building. It is currently a non-conforming structure, erected pre-zoning in Berlin. His front setback is only 8 inches and the rear 15 ½ inches from the property line encroaching on the adjoining parcel. Chairman Joe Moore stated the exhibits would show the lot is 43 feet deep from front to back.

Chairman Joe Moore swore in Mr. Ernest Gerardi. Mr. Ernest Gerardi resides at 9 Bay Street Berlin Maryland. Mr. Gerardi stated he owned the lot behind 2 Stevenson Lane where it encroaches. He stated it had been an eyesore since he purchased it. He stated years ago he had gone to Historic Commission and then to Board of Zoning Appeals. He stated it's a small lot only has 1 EDU. The building next to it is Palmers Appliances. They have a 4-foot side walk. He said he has been trying to figure out how to get the sidewalks to match Palmers. He stated he was requesting a variance to try to make this work out with the sidewalks. He stated he must go to Historic Commission, so they can see what he is proposing for the lot. He stated it would be retail on the first floor and three two story apartments. He stated they are very close to parking areas with the lots that surround the downtown area. Mr. Gerardi said he was asking for consideration. He said he wanted to talk to Palmers to see if they could match up the sidewalks. He told the board that he needed their input on the sidewalks because there would be a sharp

angle. Mr. Moore stated you had brought up you had come before the Board of Appeals, in the past the issue you had proposed to the board then would have made it more non-conforming because you didn't have retail. Chairman Joe Moore said the issue is not with them with the sidewalk but could be better served with the Planning Commission. He stated he understood what he was saying. Mr. Engelhart stated Mr. Gerardi must go before Planning Commission anyway for approval and the Historic Commission. Mr. Engelhart stated the ad didn't mention the dimensions. Chairman Joe Moore said then this would be a consideration for the board.

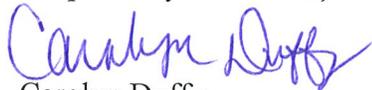
Chairman Joe Moore asked if there was anyone in the audience that would like to speak for or against the application. Chairman Joe Moore swore in Mrs. Carol Rose 307 Ann Drive, Berlin Maryland. Mrs. Carol Rose stated that she and the Planning Director Dave Engelhart had looked at the proposal for the building. Mrs. Carol Rose stated there are two in town, Habitat for Humanity is doing fund raising to build the same kind of concept. Then across the street on Gay is another building with the same concept. Mrs. Carol Rose thought this would be an asset to the street. Chairman Joe Moore asked if she was speaking for herself or the Chairman for the Historic District. She stated speaking for herself.

Mr. Parks asked about the 7 feet between the properties he asked was that deeded to someone. Mr. Engelhart said the property line runs between them and that was how they were placed. In the rear property the house is right on the line. Mr. Parks stated this is a area that is not being maintained and what can be done about that. Mr. Gerardi stated he was hoping to work out something with his neighbor for it to be kept clean. Mr. Woody Bunting asked why Palmers sidewalk would get to be in the right of way. Mr. Engelhart told him back in those days there were no ordinances and they just put in the sidewalks. Mr. Woody asked did sidewalks have to be on the property. Mr. Engelhart stated the town standards tell the dimensions of the sidewalk. Mr. Engelhart stated the road way is 20 foot now. But the minimum road width is more than that now. The road width there has the status of an alley way. Chairman Joe Moore stated it is narrower than what the code requires. Mr. Engelhart replied yes. He stated you couldn't make it less than 30 now and that would be an exception. Mr. Woody Bunting stated it would be less than 20 for a travel lane. So tonight, we are looking at a 4-foot setback in the front and a zero in the rear. Mr. Engelhart stated he wanted to talk with the Public Works Department and Jeff Fleetwood the Managing Director. Chairman Moore said if this could be resolved in which ever manner then Mr. Gerardi could ask for an amendment. He stated it would not violate what was advertised. Mr. Jay Knerr asked about the parking and the requirements for that. Mr. Engelhart stated in the code it refences if parking is available within 300 feet. That would be that large parking lot. In the down town each business couldn't have their own parking because of the small parcels. If can be accomplished without a parking variance.

Mr. Jay Knerr asked about the site plan and questioned the easement. Mr. Engelhart stated there is no easement now he would have to create the easement. He would need to do a new survey with the easement shown. Mr. Engelhart stated that would be for fire exits from the second floor for the apartments. All that would get approved by the Fire Marshal's Office. Mr. Gerardi would have to do a new survey and site plan showing the easement. Who knows one day he may sell the property and it would have to be recorded at the County Clerk's Office. Mr. Knerr asked would he be building decks or porches. Mr. Gerardi replied not decks but walkways in front a 42' wide sidewalk and in the rear a 42' wide sidewalk. Mr. Gerardi stated the flooring in

the front would be Azek. The railing would be black metal. He stated he wanted it to match. On the back would be salt treated. Questions were asked about the roof line. Mr. Gerardi stated it would be about 10 or 11 feet high. Chairman Joe Moore called for a motion. Mr. Jay Knerr made the motion to approve the site plan as requested. Mr. Woody Bunting seconded the motion and it was unanimously accepted by the board. With no other questions the meeting was adjourned at 6:56PM.

Respectfully Submitted,

  
Carolyn Duffy



# Mayor & Council Of Berlin

10 William Street Berlin, Maryland 21811

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TELEPHONE 410-641-2770  
FAX 410-641-2316  
berlin@townofberlinmd.com

## BOARD OF ZONING APPEALS APPLICATION

Property Location: 7 Brittany Lane Berlin Date: 10-21-19  
Lot #: 17 Lot Size: 10018 sq ft. Zoning: R-2 Map#: 0300 Parcel#: 1701

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

Variance  Conditional Use \_\_\_\_\_ Special Exception \_\_\_\_\_

Description of Request:

Sunroom added to BACK of house  
\_\_\_\_\_  
\_\_\_\_\_

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: Kayla Martin

Address: 7 Brittany Lane

Phone: 443-614-4747 Owner's Signature: Kayla S Martin Date: 10-21-19

443-614-4376

### OFFICE USE ONLY. PLEASE DO NOT MARK BELOW.

CASE #: 11-6-19-06

DATE RECEIVED: 10/21/19

HEARING DATE: 11/6/19

LAND POSTED 10/25/19

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



October 22, 2019

Hello Neighbors,

I am adding a sunroom on to the back of my house, it will not be seen from the front and the town of Berlin would like me to reach out to my neighbors to make sure they don't object to this addition. If I can get this done, I can eliminate a lot of the children furniture from the front yard! If you want to go to the meeting where this will be discussed, it will be Nov. 6 at 5:30 in Town Hall. Thank you for your consideration.

Kayla Martin

7 Brittany Lane

Berlin, Md 21811

Print Name VALERIE K SHARP  
Signature Valerie K Sharp  
Address 6 BRITTANY LANE

October 22, 2019

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Kayla Martin

7 Brittany Lane

Berlin, Md 21811

Print Name ROSS PALMER  
Signature   
Address 5 BRITANY LN BERLIN MD 21811

October 22, 2019

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Kayla Martin

7 Brittany Lane

Berlin, Md 21811

Print Name

Jane S. Fisher

Signature

Jane S. Fisher

Address

7 Brittany LN  
Berlin, MD 21811

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Kayla Martin

7 Brittany Lane

Berlin, Md 21811

Print Name Lori Park

Signature 

Address 11 Brittany Ln  
Berlin md 21811

October 22, 2019

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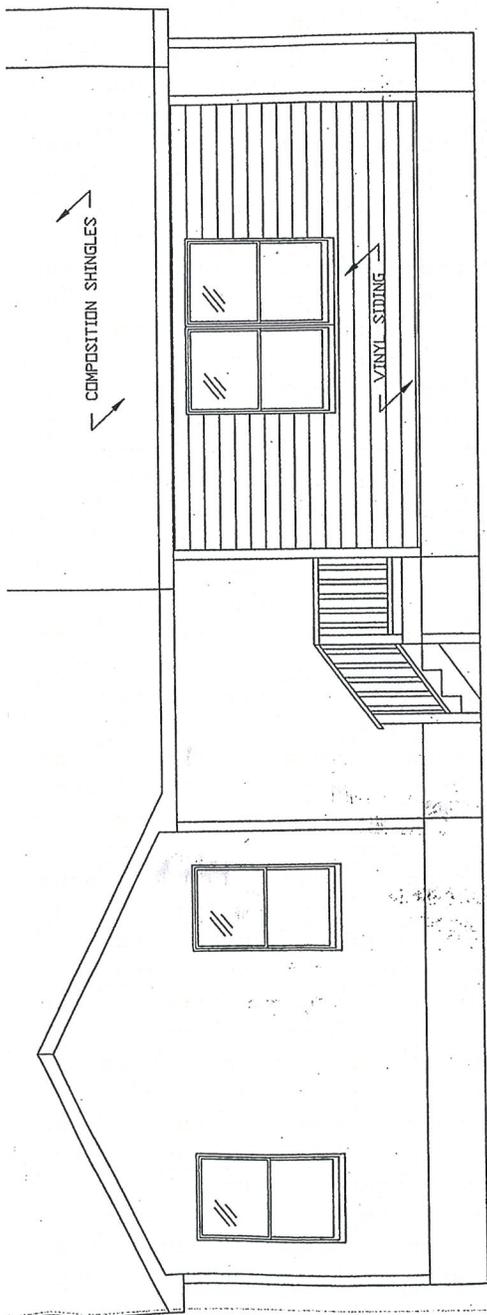
Kayla Martin

7 Brittany Lane

Berlin, Md 21811

Print Name Laura Cook  
Signature   
Address 10 Brittany Lane, Berlin, MD

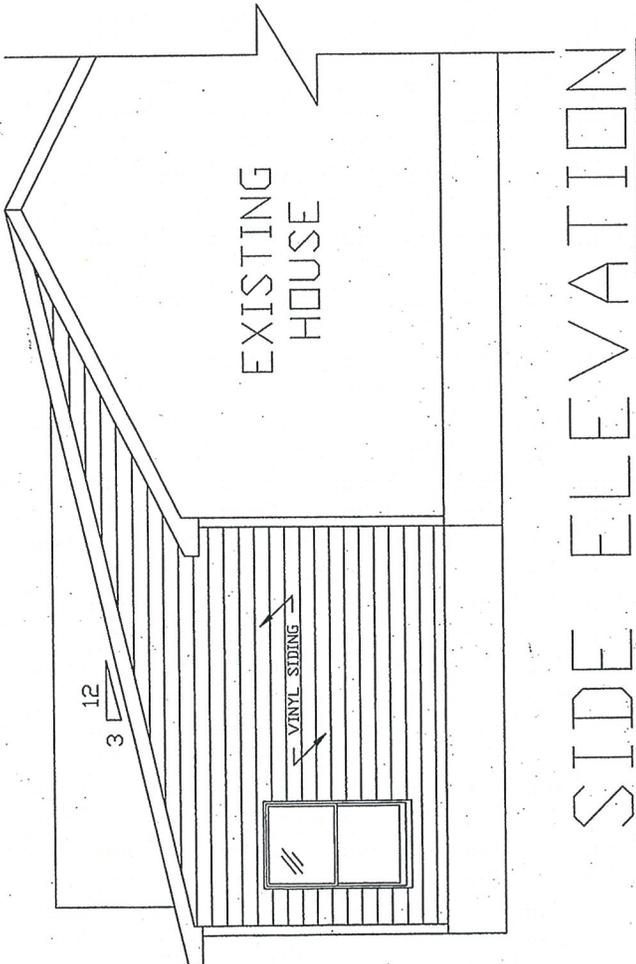
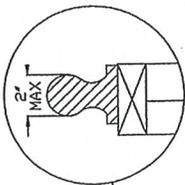
DOUBLE 2x10 PT BAND BOARD  
W/ MIN 1 1/5" SOLID BEARING  
INTO 4x4 POST



# REAR ELEVATION

SCALE: 1/4" = 1'-0"

2x4 TOP, BOTTOM, & CAP RAILS  
(SECT R214.1)



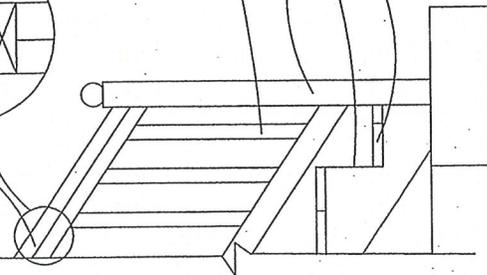
# SIDE ELEVATION

SCALE: 1/4" = 1'-0"

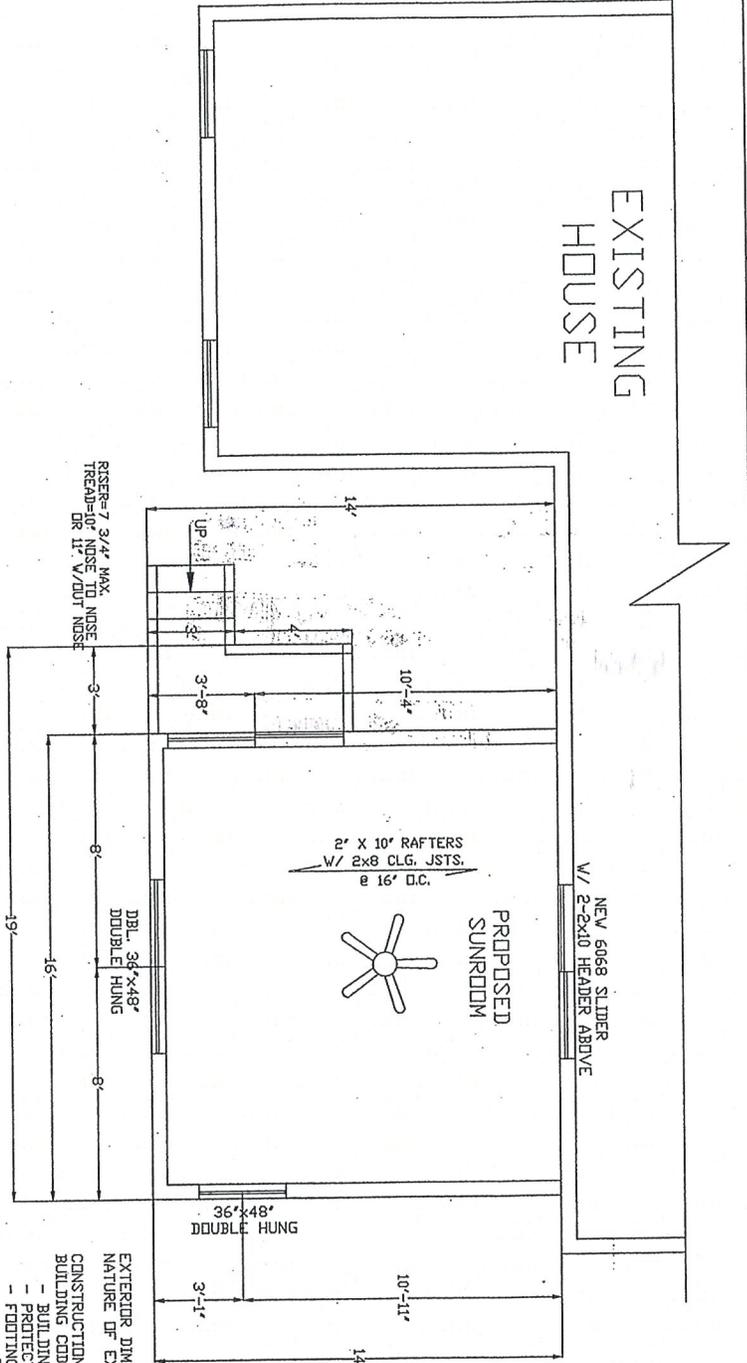
2x2 VINYL PICKETS <4" BETWEEN  
4x4 END POST W/ VINYL SLEEVE  
7 3/4" MAX. RISE & 10" MIN. TRI  
5/4x6 DECKING BOARDS FOR TRI

# STEP DETAIL

SCALE: 3/4"=1'-0"



EXISTING HOUSE



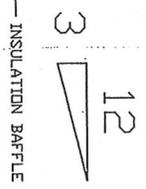
# PART, FLOOR PLAN

SCALE: 1/4" = 1'-0"

## CODE NOTES

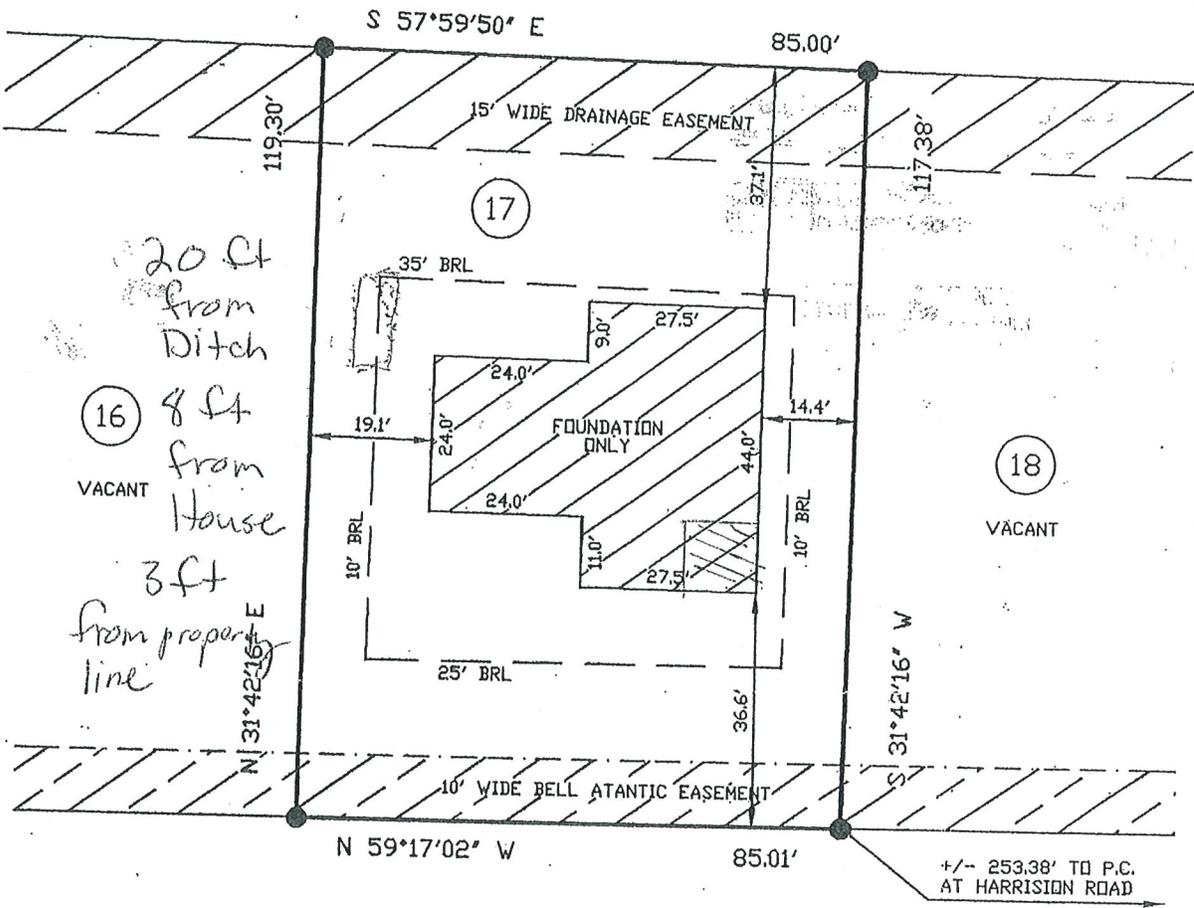
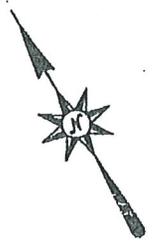
- EXTERIOR DIMENSIONS ARE TO OUTSIDE STUD WALL -- DUE TO THE NATURE OF EXTERIOR FINISHING MATERIALS, FINAL DIMENSIONS MAY VARY.
- CONSTRUCTION SHALL MEET THE FOLLOWING SECTIONS OF INTERNATIONAL BUILDING CODE\* AS REQUIRED IN WORCESTER COUNTY, MD. FOR SINGLE FAMILY DWELLINGS.
- BUILDING DESIGN CRITERIA/SECT. R-301
  - PROTECTION AGAINST TERMITES/SECT. R-324
  - FOOTING AND FOUNDATIONS - CHAPTER 4
  - FOOTINGS/SECT. R-403
  - FOOTING MINIMUM SIZE/SECT. R-403.1.1
  - FOOTING MINIMUM DEPTH/SECT. R-403.1.4
  - COLUMNS/SECT. R-408
  - UNDERFLOOR SPACE/SECT. R-408
  - VENTILATION/SECT. R-408.1
  - PENINGS FOR UNDER FLOOR VENT/SECT. R-408.22
  - ACCESS/SECT. R-403
  - FINISHED GRADE/SECT. R-408.5
  - FLOOD RESISTANCE/SECT. R-408.6
  - WALL CONSTRUCTION - CHAPTER 6
  - EMERGENCY ESCAPE & RESCUE OPENINGS/SECT. R-310
  - MINIMUM OPENING AREA/ SECT. R-310.1.1
  - EXITS/ SECT. R-311
  - LANDINGS/ SECT. R-312
  - STONE VENEER/ SECT. R-703.7
  - EXTERIOR INSTALLATION FINISH SYSTEM (EIF.S)/SECT. 703.9
  - STAIRWAYS/ SECT. R-314
  - HANDRAILS/ SECT. R-315
  - SMOKE ALARMS/ SECT. R-317
  - SMOKE DETECTORS S/D WIRED W/ BATTERY BACKUP AND INTERCONNECTED
  - CHIMNEYS AND FIREPLACES - CHAPTER 10

- ### ROOF SYSTEM
- 25 YEAR COMPOSITION SHINGLES
  - 15# ROOF FELT
  - 7/16" OSB SHEATHING W/ CLIPS
  - 2x8 RAFTERS @ 16" O.C.
  - 2x6 COLLAR TIES @ 16" O.C.



INSULATION BAFFLE

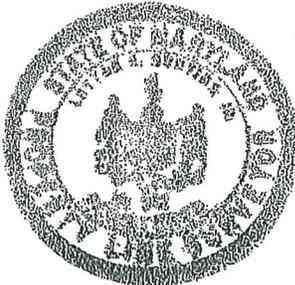
N / F  
 ELMER SCAGGS  
 418 / 263  
 PARCEL # 1287  
 TAX MAP # 300



**BRITTANY LANE 50' R/W**

AREA OF LOT 17 = +/- 10,058 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.

*JE Bunting* 6/18/98  
 J. E. BUNTING JR. DATE

**LEGEND:**

● DENOTES IRON PIPE, FOUND