



# 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, February 5, 2020  
6:30 PM**

1. Approval of Minutes – November 6, 2019
2. Election of Chairman & Vice Chairman
3. Homes of Berlin requesting a variance for new building.
4. 10 Westminster Drive requesting a variance for additional living space.

---

*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  
November 6, 2019

The meeting for the Board of Zoning Appeals was called to order by Chairman Joe Moore at 5:30PM. Members present were Joe Moore, Jay Knerr, Woody Bunting and Robert Palladino. Staff present was Planning Director Dave Engelhart and Permit Coordinator Carolyn Duffy.

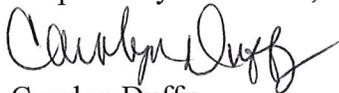
Chairman Joe Moore called for a motion to approve the minutes from the July 10<sup>th</sup>, 2019 meeting. Mr. Jay Knerr made the motion to approve the minutes from the July 10<sup>th</sup>, 2019 meeting. Mr. Woody Bunting seconded the motion and it was unanimously accepted by the commission.

Chairman Joe Moore called Case # 11-6-19-06 on the agenda for 7 Brittany Lane requesting a variance of 5 foot into the required rear yard setback. Chairman Joe Moore asked Planning Director Dave Engelhart to summarize the case. Mr. Engelhart stated on the rear of the property there is a 35' setback. Mr. Engelhart stated they would like to build over the buildable restricted line. He stated that normally the setback line is where the town code would require it to be. Chairman Joe Moore stated behind them is the Berlin Library. Mr. Engelhart stated it is owned by Worcester County. Chairman Joe Moore then called for the applicants to come forward and swore both in. Mrs. Kayla Martin and Mr. Craig Witt stated they wanted to build a sunroom on the rear of their house. Mrs. Kayla Martin stated you would not be able to see it from the street and there is nothing directly behind them. Chairman Joe Moore asked what the use of the addition would be for. He asked was their living area limited. Mrs. Martin stated it would be used for a sunroom. Mrs. Martin stated it would create a safer environment for her grandchildren because they have no back yard. Chairman Joe Moore asked if the addition would have a rear door.

Chairman Joe Moore asked Mr. Engelhart what the zoning was. Mr. Engelhart replied it is R-2 Zoning. Mr. Jay Knerr asked why they didn't build out 10 x 20 and not 14 x 16. Mrs. Martin stated they would not get any sun. Chairman Joe Moore wanted the record to show that Mrs. Martin had given notice to the neighbors about the time of the meeting and that no one is here. Both neighbors got notices, and no one was present at the meeting. Mr. Engelhart stated no one had contacted Planning & Zoning for or against the application. Chairman Joe Moore stated it would give them an exit to the rear yard. Chairman Joe Moore than called for a motion.

Mr. Jay Knerr made the motion to approve the variance. Mr. Robert Palladino seconded the motion. Vote was unanimous.

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: 113 & 115 Flower Street DATE: 1-09-20

APPLICATION FOR:  VARIANCE  CONDITIONAL USE  APPEAL

LOT # \_\_\_\_\_ LOT SIZE: 2.09 AC ZONING DESIGNATION: R-3 TAX MAP 301 PARCEL 689

APPELLANT NAME: Casey Rauch ADDRESS: 106 N. Harrison St. Easton, MD 21601

APPELLANT PHONE#: (410) 770-9081 APPELLANT EMAIL: casey@raucheng.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:

Variance #1: Reduction of required parking from 80 spaces to 57 spaces.

Variance #2: Reduction of the minimum lot area for 40 units from 240,000sf to 91,087sf.

Variance #3: Reduction of Northern side yard setback from 43.0' to 15.0'.

A detailed explanation of each variance request is attached.

PROPERTY OWNER: Homes at Berlin, LP ADDRESS: 318 Sixth St. Suite 2 Annapolis, MD 21403

PHONE #: (410) 269-1222 EMAIL: diane@homesforamerica.org

OWNER SIGNATURE: *Diane Clyde* DATE: 01/09/2020

### FOR OFFICE USE ONLY

CASE # 215/2020-01 DATE APPLICATION RECEIVED 1/10/2020

HEARING DATE 2/5/2020 PROPERTY POSTED DATE 1/24/2020

FEES DUE \$325.00 FEES PAID \$325.00 1/10/2020

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

**HOMES AT BERLIN**  
**113 and 115 Flower Street**  
**Berlin, Maryland**

Narrative:

Homes for America (HFA) is the owner of Homes at Berlin, an existing rental housing community constructed in 1982, consisting of a total of 42 apartments with a free-standing community building. The existing development is located on two parcels located at 113 Flower Street and 545 Bay Street respectively. HFA originally acquired and renovated the properties in 2001, and now plans to fully renovate these homes beginning this fall. HFA is also acquiring the adjacent site at 115 Flower Street and demolish the 11-unit building and preserve the housing by replacing it with a 12-unit new construction building. The three sites will be managed and operated as one community.

The redevelopment plan and financing include the renovation of both existing sites (113 Flower Street and 545 Bay Street), as well as replacement/new construction at 115 Flower Street, however the attached requests are specific to the Flower Street properties. HFA is seeking the Town of Berlin's approval of three Variances for the combined parcels at 113-115 Flower Street in order to allow the property to be constructed as designed, as further described below.

Requested Variances:

**Division 3. – OFF STREET PARKING**

**Section 108-788 – Requirements.**

The proposed parking is 57 spaces for 40 apartment units. The requirement is 80 spaces (two spaces per dwelling unit). The existing 53 parking spaces for 39 apartment units has consistently been under-utilized. A variance is requested to allow 57 parking spaces for the renovation and new construction of the combined parcels at 113 and 115 Flower Street.

**Division 4. – R3 APARTMENT DISTRICT**

**Section 108-378 - Lot area, width and yard requirements. Minimum property setback:**

The existing 11-unit apartment building, which will be demolished, has a side-yard setback of 4.8 feet. The proposed 12-unit replacement apartment building increases it to 15.5 feet. The minimum setback is 43 feet. A Variance is required for financial feasibility to construct the replacement apartment building as designed as part of the overall redevelopment of the combined parcels.

**Division 4. – R3 APARTMENT DISTRICT**

**Section 108-378 - Lot area, width and yard requirements. Minimum lot area:**

The existing building footprint at 115 Flower Street is 4,435 SF. The proposed replacement building footprint of 4,474 SF is essentially the same size. The requirement for the combined parcel with 40 units (28 existing and 12 replacement homes) is 240,000 SF. The proposed design for the new building is 91,087 SF. A Variance is requested to construct the replacement building as designed.

We very appreciate your assistance and consideration of our request and look forward to meeting with you to answer any further questions you may have.

EXTERIOR FINISH KEY (A-E)
(F-C)
(D-E)
(G-H)
(I-J)
(K-L)
(M-N)
(O-P)
(Q-R)
(S-T)
(U-V)
(W-X)
(Y-Z)

STUDIO  
THREE FOUR THREE  
115 FLOWER ST  
BERLIN, MD 21811  
WWW.STUDIO343.COM

# HOMES AT BERLIN

115 FLOWER ST  
BERLIN, MD 21811

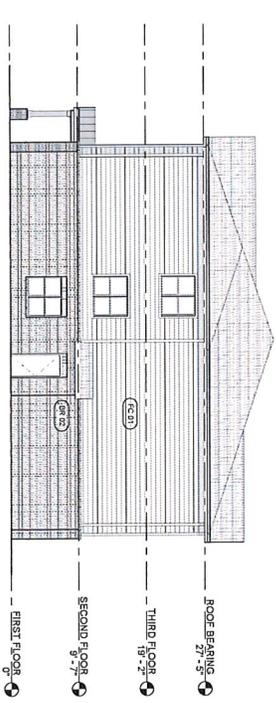
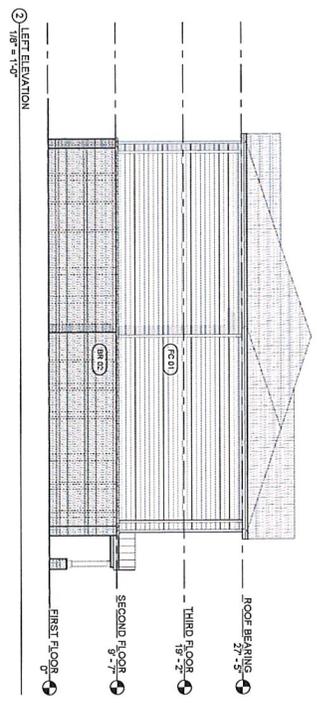
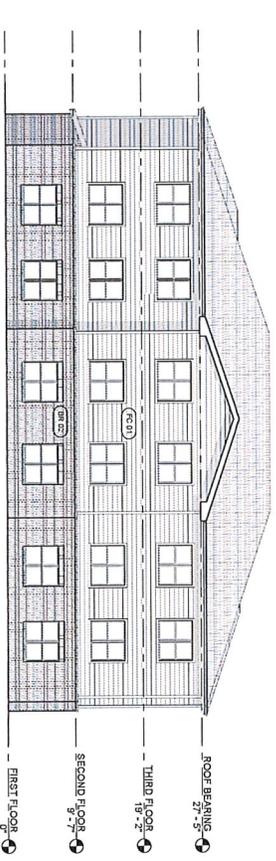
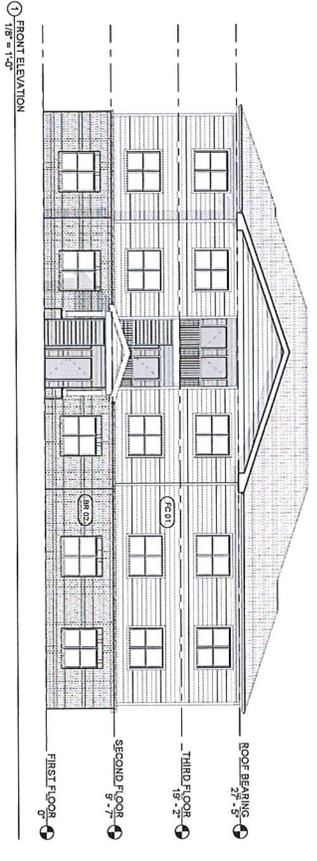
ZONING APPRISAL  
DATE: JANUARY 1, 2019  
JOB DESCRIPTION: DATE:

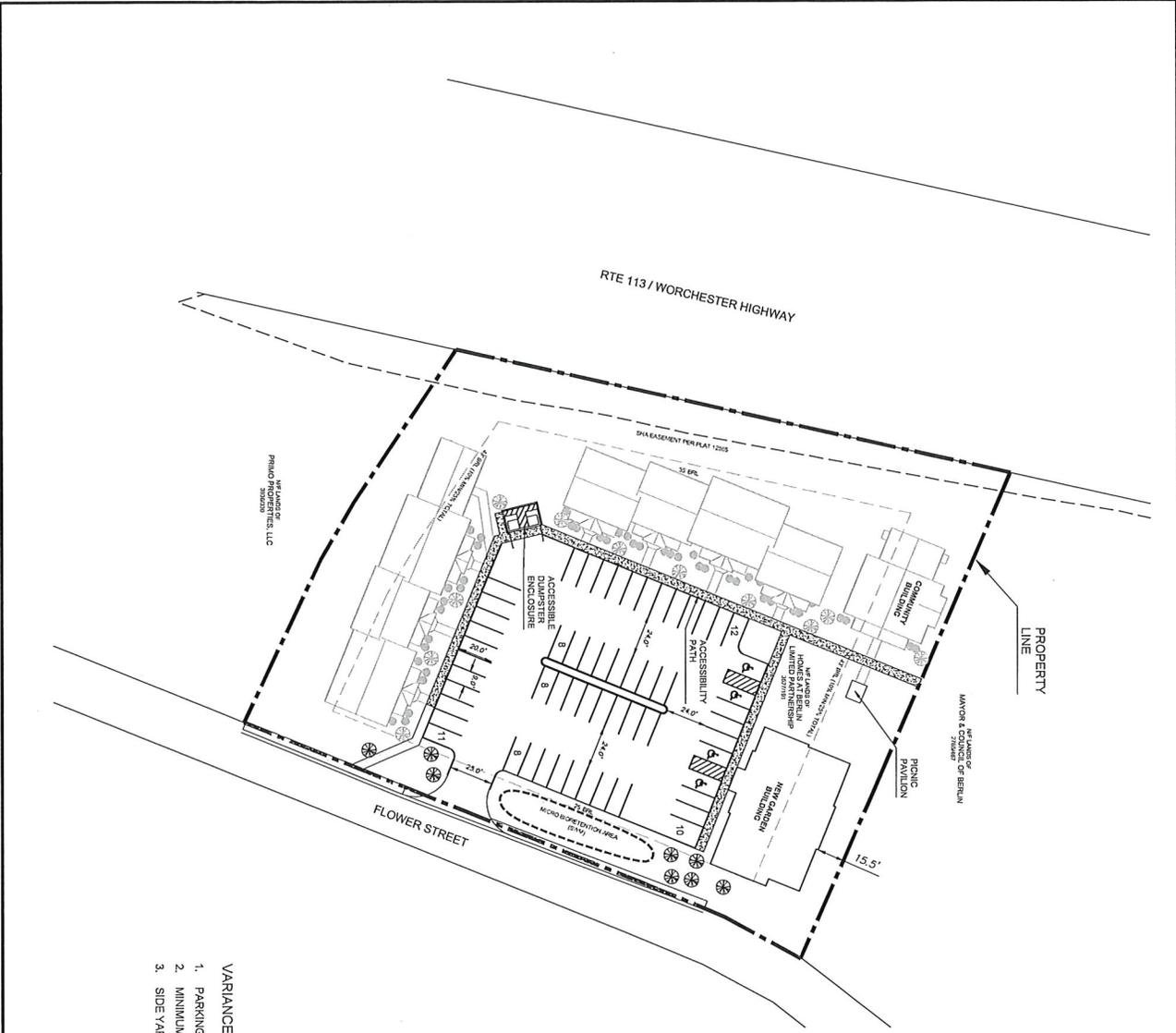
PROJECT # 18500

EXTERIOR  
ELEVATIONS

A1

STUDIO 343  
COPYRIGHT 2019





- VARIANCES REQUESTED:**
1. PARKING VARIANCE: 80 SPACES REQUIRED PER CODE, 57 SPACES PROVIDED
  2. MINIMUM LOT AREA VARIANCE: FOR 40 UNITS - 240,000 SF REQUIRED PER CODE, 91,087 SF PROVIDED
  3. SIDE YARD SETBACK VARIANCE: 43' REQUIRED PER CODE, 15.5' PROVIDED (NORTHERN SIDE YARD)

**NOTES**

1. ZONING CLASSIFICATION IS MAINTENANCE DISTRICT
2. SETBACKS PROVIDED BY TOWN OF BERLIN PLANNING AND ZONING
3. SEE FINISHES SCHEDULE FOR FINISHES

**PARKING NATIONALS**

SPACES PROVIDED BY TOWN OF BERLIN CODE

SPACES PROVIDED BY DEVELOPER

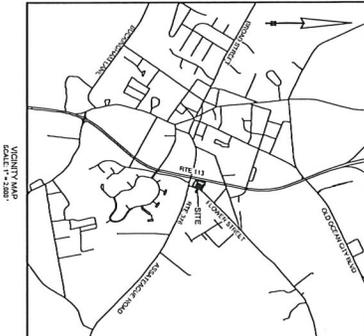
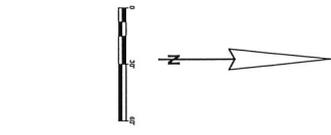
PARKING PROVIDED BY SPACES INCLUDES 4 ADA SPACES

**LOT AREA CALCULATION**

FOR TOTAL PROJECT AREA

INCLUDING LOT SETBACKS - 240,000 SF

Area/Type	0.000	50	5,000	25	10%	25%	50%
Lot Area	0.000	50	5,000	25	10%	25%	50%
Lot Area	0.000	50	5,000	25	10%	25%	50%
Lot Area	0.000	50	5,000	25	10%	25%	50%



REV. #	DATE	DESCRIPTION

DATE: JAN 2020

SCALE: 1" = 30'

DRAWN BY: GSA

APPROVED BY: TOSHER REF

SHEET NO.: 12/1

FILE NO.:



**RAUCH**  
 engineering design & development services

office: 410.770.8281 | fax: 410.770.3667  
 email: design@rauch.com | www.rauch.com  
 1501 E. Parkersburg St., Easton, MD 21601  
 Virginia Office: 8220 Boone Blvd, Suite 625 - Vienna, VA 22182

ZONING APPEALS SITE PLAN

FOR  
**HOMES FOR AMERICA**

TAX MAP 301, GRID 13, PARCEL 659 & 690  
 THIRD ELECTION DISTRICT, WORCHESTER COUNTY, MARYLAND  
 PREPARED FOR: HOMES FOR AMERICA

received  
1/17/2020



# 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: 10 Westminster Dr Berlin MD 21811 Date: 1/17/2020  
Lot #: 10 Lot Size: ~ 11,000 ft<sup>2</sup> Zoning: R2 Map#: \_\_\_\_\_ Parcel#: 1096

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

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

### Description of Request:

Adding living space to existing permanent residence due to increase in family size. The 16' proposed addition encroaches out of the building envelope by approximately 3.869 ft<sup>2</sup> out of the approx. 650 ft<sup>2</sup> being added.

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

Property Owner: Marc + Liz Wist  
Address: 10 Westminster Dr Berlin MD 21811  
Phone: 410-430-6389 Owner's Signature: [Signature] Date: \_\_\_\_\_

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

CASE #: 2/5/2020-02 DATE RECEIVED: 1/17/2020  
HEARING DATE: 2/5/2020 LAND POSTED: 1/24/2020

1/21/2020  
CE# 1008

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



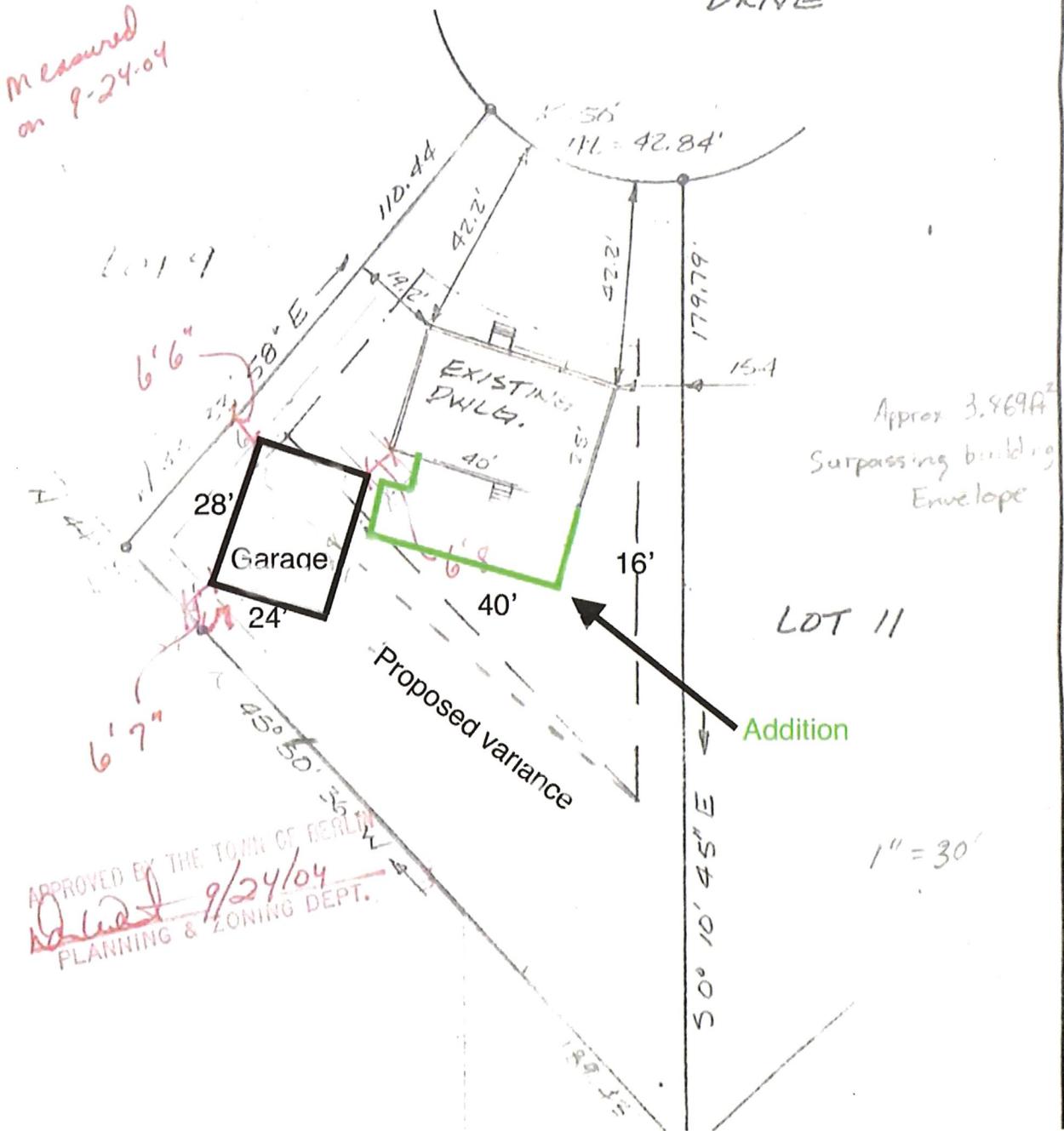
# GILLISS & ASSOCIATES, INC.

"Surveyors - Planners - Consultants"

P. O. BOX 40    SHOWELL, MD 21862  
VOICE: (410) 641-2829    FAX: (410) 641-9441

+  
WESTMINSTER  
DRIVE

*Measured  
on 9-24-04*



Approx 3.469A<sup>2</sup>  
Surpassing building  
Envelope

LOT 11

Addition

APPROVED BY THE TOWN OF BERLIN  
*[Signature]* 9/24/04  
PLANNING & ZONING DEPT.

