



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 Appeals in the Mayor and Council Chambers of Berlin Town Hall, 10 William Street, Berlin, Maryland on

**WEDNESDAY, April 3, 2019
6:30 PM**

1. Approval of Minutes - March 6, 2019
2. A 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 received from Mr. Duane Maddy.

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
March 6, 2019

The meeting for the Board of Zoning Appeals was called to order by Chairman Joe Moore at 6:09 PM. Members present were Joe Moore, Doug Parks and Robert Palladino. Members absent were Woody Bunting and Jay Knerr. Staff present were Planning Director Dave Engelhart and Permit Coordinator Carolyn Duffy.

Chairman Joe Moore stated with three members present they had a quorum. There are normally five members for the Board. He stated a vote from the majority of the quorum is what was required to pass a motion that's made. The first item on the agenda is the Approval of Minutes from last month's meeting from Mr. Daniel Jacobs. Mr. Doug Parks made the motion to approve the minutes from the February 6th meeting. Chairman Joe Moore made one correction to the minutes and that was the Fire Marshal does review residential home plans but was not certain they review accessory building plans with regards to fire safety. The minutes of February 6th, 2019 were approved unanimously. Chairman Joe Moore asked Planning Director Dave Engelhart to please stand so he could give some testimony. Chairman Joe Moore swore in Planning Director Dave Engelhart. Chairman Joe Moore stated that Mr. Engelhart was tasked with contacting the Fire Marshal to see whether they had concerns or jurisdictional concerns regarding buildings that were closer than the six-foot separation that is normally required by the code. Mr. Engelhart stated the next morning he spoke with Mr. Matt Owens the Worcester County Deputy Fire Marshal. He stated unless there were living quarters they would not review plans for it. They would not be looking for fire separation or a sprinkler system so wouldn't be reviewing it. They don't review accessory structures such as garages or sheds no matter how close they are. They stated no where in Worcester County would they look at that. Chairman Joe Moore then stated that the request for the variance was in the purview of the Board of Zoning Appeals. Mr. Engelhart replied yes. Chairman Joe Moore stated for the record this is a continuation from the meeting that was held on February 6th, 2019. On the request of Mr. Daniel Jacobs for a variance for an accessory building in approximately 3-feet of the property line adjacent to the property of Mr. Bryan Brushmiller.

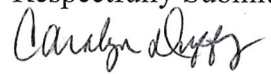
Chairman Joe Moore called the applicants to come forward. He then swore in both Mr. & Mrs. Daniel Jacobs. Chairman Joe Moore explained that the Board was here to continue the case from last month's meeting on a variance for an accessory building. Mr. Daniel Jacobs stated he would let his wife speak for them. Mrs. Jacobs stated she had written down what she wanted to say to the board. Mrs. Jacobs stated areas in which she had grown up in, then moved to Ocean City, then to Bishopville thinking they wanted lots of space. She stated what she was missing was that hometown feel. They ended up buying the house they are in now, she fell in love with the house she stated with the big base boards. Mrs. Jacobs stated that they have a huge Chestnut tree in their back yard its around 161 years old. She stated when they realized they wanted to up grade the shed they knew they wanted something that was aesthetic to the Historic District. At the last meeting she stated she couldn't remember why they couldn't just shift the shed to the other side of the yard. It was because of a large limb, to do something on that side they would have to remove that limb. Because it is as large as the tree trunk it is not recommended to remove because it would most likely kill the tree. She thought that would be a huge loss. In addition to

that she stated if they had to change location of the shed in that location they have a rusty old trailer they would have to put there instead of a nice shed. Then she read from the code a section that stated beyond a reasonable doubt. Chairman Joe Moore thought that term was something that would be used in a criminal case. Mrs. Jacobs read three reasons for a variance. The one she stated for her and her husband was they share a driveway. She stated in the town only four houses have a shared driveway. She stated that because of the shared driveway is the reason they were having a problem of where to put the garage. The second one she stated was the overall aesthetic of the neighborhood. She then stated that a letter had been present at last month's meeting stating no one had an objection to the shed being built there and it was not a detriment to the neighborhood based on the three stipulations the shed would be the best solution. Chairman Joe Moore asked Mr. Daniel Jacobs did he want to add anything. Mr. Jacobs stated that the shed would be the best option for all. He said he has a big truck and you don't want vehicles parked in your front yard. He stated also it would affect the Brushmillers because they use each other's side when they must rearrange their vehicles around. Putting the garage in another location would impact that as well.

Chairman Joe Moore asked if anyone else would like to speak to come up and be identified. Dr. Robert Poli came forward he stated he could speak as a resident or a member of the Historic District. Chairman Joe Moore replied he had to swear him in. Dr. Robert Poli stated he went to see the property and they share a common driveway. He agreed with what the Jacobs said if they don't use that spot for the shed it would accumulate junk and for curb appeal won't look to good. It would look better where they want it, it going to have two doors. Dr. Robert Poli stated there's a shed right there on the property line. Chairman Joe Moore swore in Mrs. Carol Rose of 307 Ann Drive. She stated she was Chairman for the Historic District and she had gone down to where they lived for the Historic District meeting. Mrs. Carol Rose stated it was going to be a hardship for them if they were not able to do this, specially holidays like Thanksgiving we don't want parking in the front yards. Mrs. Carol Rose stated they were approved by Historic District Commission for what they wanted, and she thought it would look nice. Chairman Moore swore in Jayden Johnstone of Schooner Lane. He asked if he could ask a couple of questions. He asked Mr. Jacobs if he had anything hazardous materials stored in the garage. Mr. Jacobs replied no. Mr. Johnson stated he wouldn't see any chance of a fire breaking out in the garage. He stated there would be no concern for the Fire Marshal to be concern with it. Mr. Bryan Brushmiller 103 South Main was sworn in by the Chairman Joe Moore. Mr. Bryan Brushmiller stated he had no issue with the garage because they share the same driveway. He stated he thought it was aesthetically pleasing. He stated it just makes sense for the flow of the driveway it would be a straight shot into the garage.

Chairman Joe Moore stated he was going to make a comment on the tree. He said he didn't realize the tree was 161 years old. He stated his home is in the Historic District and was built in 1920's. He said he has two sycamore trees in the front yard they will soon be a hundred years old. He stated they do make a significant difference in the Historic District. Chairman Moore called for a vote. Mr. Doug Parks make the motion to approve the request. Mr. Robert Palladino seconded the motion. He stated he had written down four comments and they hit each one. Chairman Joe Moore stated everyone agreed. He told the applicants they had done a good job presenting. Meeting adjourned 6:31PM.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Carolyn Duffy". The signature is written in a cursive style with a large initial 'C' and 'D'.

Carolyn Duffy



Mayor & Council Of Berlin

10 William Street Berlin, Maryland 21811

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BOARD OF ZONING APPEALS APPLICATION

Property Location: 305 Washington Street Date: 3/13/19

Lot #: _____ Lot Size: 13,512 Zoning: M-1 Map#: 300 Parcel#: 1148

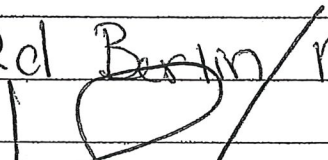
Please check (✓) one of the following option requests:

Variance _____ Conditional Use _____ Special Exception MIXED USE

Description of Request:

Convert Existing Storage & Office Building to a MIXED USE of Storage Units controlled Storage 1st Floor & 2nd 2-Bed apartments above

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: Duane Maddy
Address: 10441 Racetrack Rd Berlin MD 21811
Phone: 410726-1137 Owner's Signature:  Date: 3/13/19

OFFICE USE ONLY. PLEASE DO NOT MARK BELOW.

CASE #: 4-3-19-02 DATE RECEIVED: 3-12-19
HEARING DATE: 4-3-19 LAND POSTED: 3/20/19

DECISION: _____



CONCEPTUAL SITE PLAN

305 WASHINGTON STREET

UNIT NO. 1

BROMLEY PLACE COMMERCIAL CONDOMINIUM

TOWN OF BERLIN

THIRD TAX DISTRICT

WORCESTER COUNTY, MARYLAND

TAX MAP 300, PARCEL 1148

LOT AREA = 13,512 SQ. FT.±

CURRENTLY ZONED M-1; LIGHT INDUSTRIAL

ZONING SETBACKS: FRONT = 30'

SIDES = 15' EACH, REAR = 50'

FLOOD ZONE X

DEED REFERENCE: 5253/386

PLAT REFERENCE: S.V.H. 167/67

WASHINGTON S
(30' R.O.W.)

EDGE OF PAVING

PROPOSED
PRIVACY
FENCE

S 41°47'00" W 129.35'

30.02'

PROPOSED TWO-STORY MIXED USE BUILDING
CONSTRUCTED ON EXISTING FOUNDATION
(1st FL. STORAGE - 2nd FL. LIVING)

95.3'

CONCRETE PAD

14.68'

1st. FL. WALL

1

2

3

S 46°10'50" E 100.00'

OHU

S 46°14'32" E
4.36'

N 39°25'33" E
36.62'

N 41°47'00" E 96.46'

N 48°13'00" W 102.79'

EXISTING
BUILDING

PARKING AREA
(EXISTING GRAVEL)

EIGHT PARKING SPACES

ACCESS
ASLT

24.59'

LNDG.

LNDG.

8.15' 2.00' 12.00' 2.00'

23.50' 8.12' 12.00' 2.00'

23.50' 8.12' 12.00' 2.00'

8.15' 2.00' 12.00' 2.00'

30.0'

4.60'

REET EXTENDED

EDGE OF DRIVE

30' WIDE COMMON ELEMENT ACCESS EASEMENT

9" (TYP.)
20" (TYP.)



3/28/2019

PINEY ISLAND

CONSTRUCTION, INC.

To All Board Members:

Color Selection as Follows for 305 Washington street LOT 1 Bromley Place;

Siding color to be Certaineed Cypress Green

Roofing Color Tamko or GAF Black

All trim to be white including Exterior Doors

10441 Racetrack Rd. Unit 4 • Berlin, Maryland 21811

Telephone: 443-513-4614 • Fax 443-513-4617

www.pineyislandconstruction.com