



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

Mask Required for All in Attendance

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, January 5, 2022
5:30 PM**

1. Approval of Minutes – August 18, 2021
2. 605 William Street – Requesting a variance to the side yard setback for construction of new single-family home.

Applicant: Michael O'Neill

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
August 18, 2021

Chairman Joe Moore called the August 18th, 2021, Board of Zoning Appeals meeting to order at 5:30PM. Members present were Joe Moore, Woody Bunting, Robert Palladino, Doug Parks and John Apple. Staff Present were Planning Director Dave Engelhart and Permit Coordinator Carolyn Duffy.

Chairman Joe Moore called for a motion to approve the minutes from the July 7th, 2021, meeting. Mr. Robert Palladino made the motion to approve the July 7th, 2021, meeting. Mr. Woody Bunting seconded the motion, and it was unanimously accepted by the commission.

Chairman Joe Moore stated the next item on the agenda was for applicants Mr. & Mrs. Erving & Christina Truitt of 2 Nelson Street. Chairman Moore stated that Mr. Woody Bunting had a correction that he wanted to make for consideration. Mr. Bunting stated the packet said they were requesting a variance to add a covered porch which would add an encroachment of 6 feet. He stated they setbacks required for zoning be 50 feet from the center of the road and the house is 22 feet back from the property line. The house is already 8 feet into the setback. Mr. Engelhart stated non-conforming. Mr. Bunting stated it should say 14 feet. Mr. Engelhart stated it was non-conforming. Chairman Moore stated it would still be a variance with the covered porch. Mr. Engelhart thanked Mr. Bunting.

Chairman Joe Moore swore in Mr. Erving Truitt and Mrs. Christina Truitt of 2 Nelson Street. Mrs. Truitt told the board they wanted to add a covered porch to their house to make it more aesthetically pleasing to them. Mrs. Truitt stated they felt it would add to their property value due to the fact they live across from the feed mill bins. She told them they feel they have plenty of room when you look at the other houses on Franklin Ave. Some of the houses with porches set right on the street. She stated she took pictures to show how far they set back from the road compared to some of the houses. Mrs. Truitt told the board if their house had a covered porch, it would coincide with the houses on Graham Ave. They received signatures from the neighbors stating they were fine with what they wanted to do. Chairman Moore asked to look at the view from the front of their home which was the bins from Perdue. In past years they had been used during an industrial time. Chairman Moore explained looking at the property as unique or in a normal situation this would be a consideration the board could take. The location of this lot is somewhat different than other lots in Berlin. Chairman Moore stated most of the house's pre-date zoning he said he grew up on William Street. Mrs. Truitt told them their house was built in the 50's prior to zoning.

Chairman Moore asked if there were any questions from the board members. Mr. John Apple asked Mr. Engelhart if they were allowed steps if they were already in the setbacks. Mr. Engelhart replied yes and for code it would be 4 feet. Chairman Moore asked if anyone in attendance would like to comment on the request. No one indicated they were there regarding the application. Chairman Moore asked if any more discussion from the board. There was none. Mr. John Apple made the motion that the board approve the request for an exception to have a 30 foot by 6-foot porch added to the house. Chairman Moore stated technically it's a variance. Mr. Woody Bunting seconded the motion, and it was unanimously accepted by the board.

Chairman Joe Moore asked Planning Director Dave Engelhart to give a brief description of the next case. Mr. Engelhart stated the next application was from EJF Real Estate LLC, and Forgotten 50 Distilling requesting a reduction in parking variance located at 10103 Old Ocean City Blvd. This building was the old Sandpiper building next to the American Legion and across from the Bank of Ocean City. The request is to reduce the parking variance made necessary by concerns of State Highway. The parking in front and along Old Ocean City Blvd. He stated by section 108-88 item 13 for off street parking they need 200% of floor area the closest use to this would be Restaurants or Tavern which would require 34 parking spaces. They will be going to Planning Commission after this meeting their site plan shows 25 spaces. This would be a reduction of nine parking spaces versus our code. Mr. Engelhart stated that sums it up.

Chairman Joe Moore called the applicants to come forward. Attorney Mark Cropper 6200 Coastal Highway Suite 200, Ocean City MD. Chairman Moore swore in Steve Engel and Eric Fiore. Mr. Steve Engel stated he was a Landscape Architect. Mr. Cropper asked him if he did land planning and design. He was asked if he was qualified as an expert. Mr. Engel replied yes. Mr. Cropper asked Mr. Engel to explain what the outcome was. Mr. Engel explained the building was to be used as a distillery and have tasting room area also having an outdoor seating area. Mr. Cropper asked how many parking spaces they would need. Mr. Engel replied 34. They are requesting to have 25. Mr. Cropper asked him to explain the reason for the reduction and asked if the parking spaces near the roadway have always been there. Mr. Engel replied they have always been there no matter what business was there. Chairman Moore asked if we had that site plan, they had a larger version. He stated if anyone wanted to look at the site plan a copy was provided on the table. Mr. Cropper stated this site had been many uses over the years and has had the twelve parking spaces. They have been utilized through all prior uses. Mr. Cropper asked during this process Mr. Engel you have had conversation with State Highway. He replied yes. Mr. Cropper asked him to explain the talks between he and State Highway and how that has led to this request. He stated they were going to require --- and disallow parking spaces and vehicles to back out onto the roadway. They were going to require a standard vertical curb. He stated they had a letter they received today stating they would require the standard 8 inches curb. Mr. Cropper wanted this letter added to the record as an Exhibit, added as applicant Exhibit 1.

Mr. Cropper had Mr. Engel read the letter into the meeting minutes. This letter was sent from Mr. Daniel Wilson from State Highway Administration to Mr. Steve Engel. Mr. Cropper stated you can not accommodate the code parking because you don't have enough room. Mr. Cropper stated this was a unique circumstance or hardship on the site. He asked Mr. Engel if he agreed to that. He replied he did. Mr. Cropper asked Mr. Fiore if he was familiar with the history of this matter and what has gone on with State Highway Administration. Mr. Fiore agreed with the statement. Chairman Moore asked how many seats he has for onsite tasting. He stated you have a distilling area and a tasting area. How many people can you accommodate for tasting your product? Mr. Engel stated he has the square footage of 790 for the outdoor area 2160 sq. ft. for the indoor area. Chairman Moore asked if they had any accommodation for the neighboring properties for parking or limitations for the parking on adjacent properties. Mr. Engel replied they have talked about adding signage. Mr. Cropper thought it to be reasonable if the board was favorable on the request such request could include this as a condition for signage. Chairman

Moore stated Old Ocean City Blvd is a heavy traveled road and they would like to hear any suggestion to stop people from going across Old Ocean City Blvd. Mr. Cropper agreed with what Chairman Moore had said that's probably why they are making this change and making it hard to meet the code requirements. Mr. Cropper asked Mr. Fiore if he had thought of any other controls to help prevent customers from utilizing parking from other properties. Mr. Fiore replied just the signage so far. Mrs. Ivy Wells of Economic Development stated we are trying to become a more walkable and bikeable community. One of the things she suggested was to have bicycle racks for people to be able to bike to the distillery. Her thought was we don't realize the amount of people that bike and walk all over Berlin. She said as a recommendation to add bike racks people would ride their bikes to the distillery. Mrs. Wells stated what she knows about the Berlin Commons all you see are rows of bikes. Mr. Cropper stated on the site plan is a sidewalk that has never previously existed to have people walking on this corridor that has not been as safe as it could be for sidewalks could exist.

Mr. Cropper asked Mr. Engelhart if he thought this caused a hardship to the owner for the redevelopment of the property. Mr. Engelhart agreed. Chairman Joe Moore asked before the request of State Highway you had 34 parking spaces now you have 25 spaces. Mr. Cropper stated before they would have been parking across the front. Chairman Moore stated on the plan it had 34 seats inside and if you could accommodate the parking, you could accommodate the seating.

Chairman Moore asked if anyone was here to speak for or against the application. Mr. William G. Williams III of 10101 Old Ocean City Blvd was present and wanted to speak for the applicant. Chairman Joe Moore swore in Mr. Williams. Mr. Williams former Mayor of Berlin stated his residence would be the only one affected by the is business. He stated he and his wife are very happy where they are, and they both support the application. Mr. Williams stated they have always supported what makes sense in town that make a stronger business presence. He stated Berlin attracts businesses that enhance the quality of life. He stated the Forgotten 50 Distillery will accomplish that as it transitions. This is another step forward they are very supportive of the extension of the sidewalk. He stated he believed the extension of the sidewalk on the North side of Route 346 to the Tyson Plant was appropriate. He stated on the opposite side is another opportunity for more people walking and biking. Mr. Williams encouraged the Board to approve the application. Chairman Moore asked if there were any more discussion from the Board or the Public. Mr. John Apple asked with the 25 spaces did it meet the ADA standards. Mr. Engelhart replied yes.

Mr. Woody Bunting made the motion to approve as submitted. Chairman Joe Moore added if the neighboring properties request for signage that you would accommodate them at your expense. He replied yes, they would. Mr. Robert Palladino added the bike racks. They also agreed to that. Mr. Robert Palladino made the motion to approve the amendments and seconded the motion. All members were in favor unanimously accepted by the Board. Chairman Moore called for a motion to adjourn. Adjourned 6:11PM

Respectfully Submitted,


Carolyn Duffy



Mayor & Council of Berlin

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BOARD OF ZONING APPEALS APPLICATION

ADDRESS OF PROPERTY: 605 William Street DATE: 12/10/2021

APPLICATION FOR: ☒ VARIANCE ☐ CONDITIONAL USE ☐ APPEAL

LOT # 1678 LOT SIZE: 15745.4 ZONING DESIGNATION: Residential TAX MAP 300 PARCEL 1678

APPELLANT NAME: Michael O'Neill ADDRESS: 11648 Gum Point Road

APPELLANT PHONE#: (443) 497-1937 APPELLANT EMAIL: mwonsr@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:

Side yard set back need 6 feet

PROPERTY OWNER: Lands of Harbor Light Dr. Llc. & Waterpark Consulting Llc ADDRESS: 11648 Gum Point Road Berlin, Md
PHONE #: (443) 497-1937 EMAIL: mwonsr@gmail.com
OWNER SIGNATURE: [Signature] DATE: 12/10/2021

FOR OFFICE USE ONLY

CASE # 1-5-22-01 DATE APPLICATION RECEIVED 12/10/2021
HEARING DATE 1-5-2022 PROPERTY POSTED DATE 12/21/2021
FEES DUE \$325.00 FEES PAID \$325.00 Check # 13359 12/10/2021
DECISION: _____

