



# Mayor & Council of Berlin

10 William Street, Berlin, Maryland 21811

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

[www.berlinmd.gov](http://www.berlinmd.gov)

## NOTICE OF PUBLIC HEARING

Town of Berlin  
Board of Appeals

Pursuant to the requirements of §108-165 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, April 12<sup>th</sup>, 2023 @ 5:30PM

1. Approval of Minutes – February 8<sup>th</sup>, 2023
2. Election of Chairman & Vice Chairman
3. 21 Jefferson Street- Brett & Megan Hines requesting a Special Exception from building setback lines for the proposed construction of a mixed-use building to be built.

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  
February 8, 2023

Chairman Joe Moore called the February 8<sup>th</sup>, 2023, Board of Zoning Appeals meeting to order at 5:30PM. The members present were Joe Moore, Doug Parks and Bob Palladino. Absent from the meeting was Woody Bunting. Staff members present were Planning Director Dave Engelhart and Permit Coordinator Carolyn Duffy.

Chairman Joe Moore called for a motion to approve the minutes from the January 5<sup>th</sup>, 2022, meeting. Mr. Doug Parks made the motion to approve the minutes from the January 5<sup>th</sup>, 2022, meeting. Mr. Bob Palladino seconded the motion.

Chairman Joe Moore stated he would make the determination for item #2 on the agenda to be postponed for the election of chairman & vice chairman until they have a full Board of Zoning Appeals presence. Chairman Moore called the next case for 19 Gay Street for Jonathan Selway requesting reduction of parking. Chairman Moore asked Planning Director Dave Engelhart to give an overview of this case. Mr. Engelhart stated that Mr. Selway was representing R & S Investments and he was the owner of the property on Gay Street. He stated if he could make practical use of the rear, he would like to reduce the parking spaces. He meets the required standard parking. This would be a Mixed- Use building with commercial on the bottom and residential on the top which is permitted in the B-1 Town Center District. He would like to reduce the parking spaces instead of 9 x 20 feet long to 9 x 18 feet long. This would allow him not to be all the way to the property line with the paving, landscaping, and some stormwater benefit for the site. Mr. Engelhart read the sections of the code that stated the board could do a modification due to the shape or size of the lot. He stated that was the nature of his special exception request. Chairman Moore told Mr. Engelhart that he appreciated what he gives them sections of the code it saves him from going through the code book.

Mr. Mark Cropper 6200 Coastal Highway Ocean City MD. Suite 200 stated he was representing Mr. Selway. Mr. Cropper stated that he did agree with Mr. Engelhart's description of the request for the special exception that he gave the board. Chairman Joe Moore swore in Mr. Jonathan Selway. Mr. Mark Cropper asked Mr. Selway if he agreed with Mr. Engelhart's description of the special exception. He replied yes, he did. Mr. Cropper stated you can meet the parking requirements, but you are trying to accommodate the landscaping for the neighbors as well. Mr. Selway replied that is correct. Mr. Cropper asked the board if they had a site plan of the property. Chairman replied they have an oversized copy. Mr. Cropper asked Mr. Selway to show the board the plan. Mr. Selway stated that the drawings show the spaces from property line to property line to make the parking fit. The second one shows a two – foot buffer around the parking lot for landscaping. Mr. Selway stated the property to the North belongs to Mr. Pat Vorsteg which is Pop's Kitchen. The one to the South is a single- family home.

Mr. Cropper stated to Mr. Selway if the board lets you do this it would not be detrimental to the neighborhood it would be a benefit. Mr. Selway replied yes, a benefit everything he is doing would enhance the neighborhood. Mr. Cropper asked if he thought this use was in line with the comprehensive plan. Mr. Selway replied he did agree. He asked if it would comply with the



peaceful use for people in their homes. Mr. Selway replied yes. Mr. Cropper asked would it preserve people's property values. Mr. Selway replied yes. Mr. Cropper stated this is our case. Chairman Moore asked if they had been to planning Commission. Mr. Cropper replied yet they had been to the Historic Commission and will have to go back. Chairman asked so you know that is an additional requirement. Mr. Cropper replied yes, they must get site plan approval. Chairman Moore asked Mr. Selway would 18ft parking space be suitable for a SUV. Mr. Selway replied in most towns he deals with it's the town standard. The 9 x 18 is the more contemporary in most townships. Chairman stated so in fact the parking would accommodate most size vehicles for normal use. The landscaping for the neighbors and it helps with stormwater.

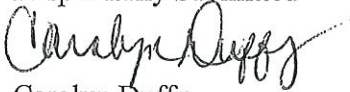
Mr. Doug Parks asked if he had comments from neighbors. Chairman Moore swore in Mr. Patrick Vorsteg. Mr. Vorsteg stated everything he has seen looks fine, thinks it's a benefit for the town to have adequate parking and he supports the project. Mr. Bob Palladino asked if they have written comments from the people in the neighborhood. Chairman asked Planning Director Dave Engelhart did the town send out letters to neighboring properties. Mr. Engelhart replied no we advertise in the paper. Prior to the area zoning being changed to B-1 and being placed in the historic district he had spoken to the people on the left side of the proposed building being rezoned. So, they would know that this increases the use of the property and the values would go up due to the change in zoning. Chairman Moore stated the mixed use has been a benefit for the downtown area. He asked if anyone else would like to speak. Mr. Eric Pfeffer of 111 West Street stated they supported any reduction in paving they do support the project. Mr. Bob Palladino asked what the off-street parking would be. Mr. Selway stated the parking would be in the rear and they are providing 19 parking spaces. They have 2 spaces for each of the six units and the remaining seven are for the commercial units based on office use for commercial space.

Chairman Moore stated as he understands it is code compliant. Mr. Engelhart replied yes with parking in the rear, that is the way it is supposed to be. Chairman Moore called for a motion. Mr. Bob Palladino made the motion to approve. Mr. Doug Parks seconded the motion, and it was unanimously accepted by the board. Chairman Moore stated the reduction was granted subject to site plan approval.

Chairman Moore asked Mr. Engelhart was there anything else that would come before the board. Mr. Engelhart stated another meeting next month across the street from Mr. Selway. This one again for setbacks within the zoning code. Mr. Engelhart explained the last owners that owned it was Habitat for Humanity requested reduce setbacks. The new owners of the triangle lot have the open space and would like to put a building on it. The setbacks would be what we must determine for a special exception. This would be a smaller building.

Chairman Moore declared meeting adjourned. 5:52PM

Respectfully Submitted

  
Carolyn Duffy



# Mayor & Council of Berlin

10 William Street, Berlin, Maryland 21811

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## BOARD OF ZONING APPEALS APPLICATION

ADDRESS OF PROPERTY: 21 Jefferson St DATE: 2/7/2023

APPLICATION FOR: ☒ VARIANCE ☐ CONDITIONAL USE ☐ APPEAL

LOT # 0022 LOT SIZE: 3836 SF ZONING DESIGNATION: B2 TAX MAP 0300 PARCEL 1127

APPELLANT NAME: Megan and Brett Hines ADDRESS: 12728 Jarvis Rd. Bishopville MD 21813

APPELLANT PHONE#: (443) 880-8148 APPELLANT EMAIL: info@thebuzzmeadery.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:

We are proposing to build a mixed-use commercial and residential structure on this property. However, due to the small lot size and irregular triangular shape of the lot, we are requesting a variance from the required setbacks from building to curb. This will allow us to maximize the internal space of the building.

PROPERTY OWNER: The Buzz Meadery LLC ADDRESS: 9040 Worcester Hwy Berlin MD 21811

PHONE #: (443) 880-8148 EMAIL: info@thebuzzmeadery.com

OWNER SIGNATURE: [Signature] DATE: 02/07/2023

### FOR OFFICE USE ONLY

CASE # 4-12-23-02

DATE APPLICATION RECEIVED 2/7/2023

HEARING DATE 4/5/2023

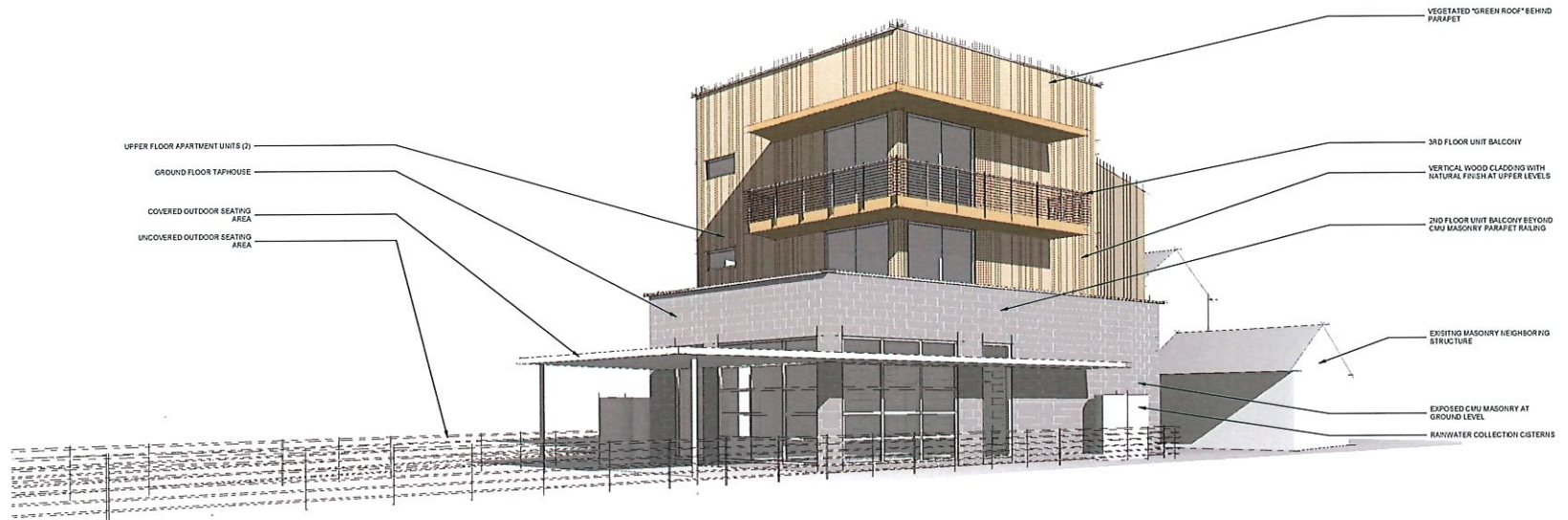
PROPERTY POSTED DATE 3/29/2023

FEES DUE \$325.00

FEES PAID 2/7/2023

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

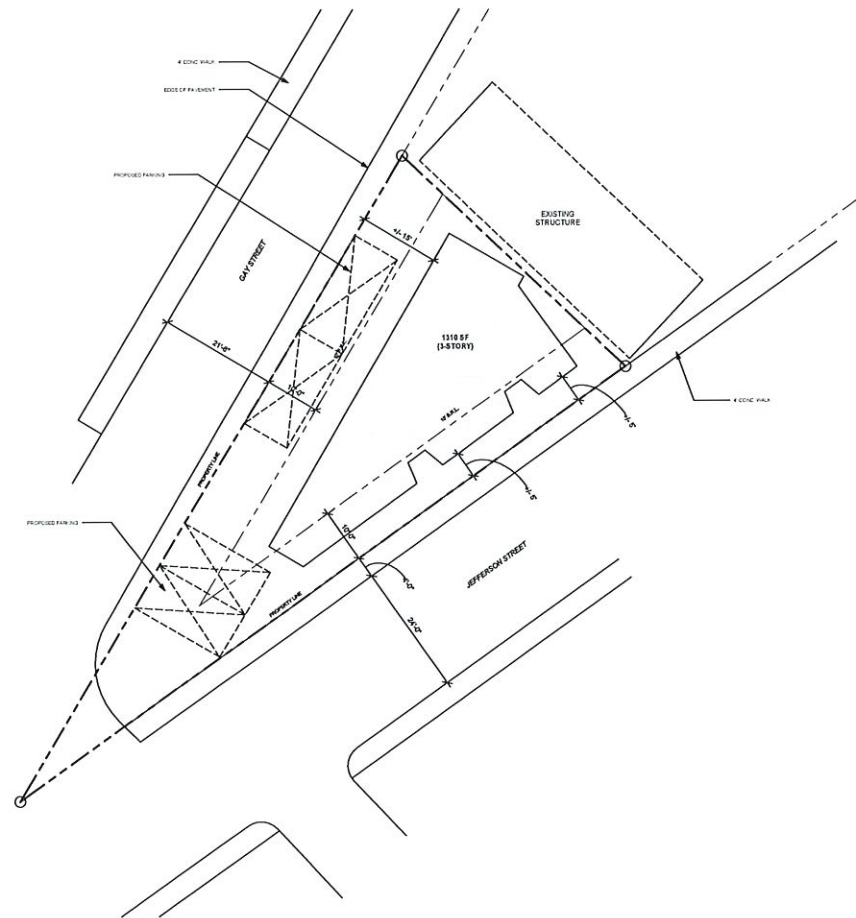
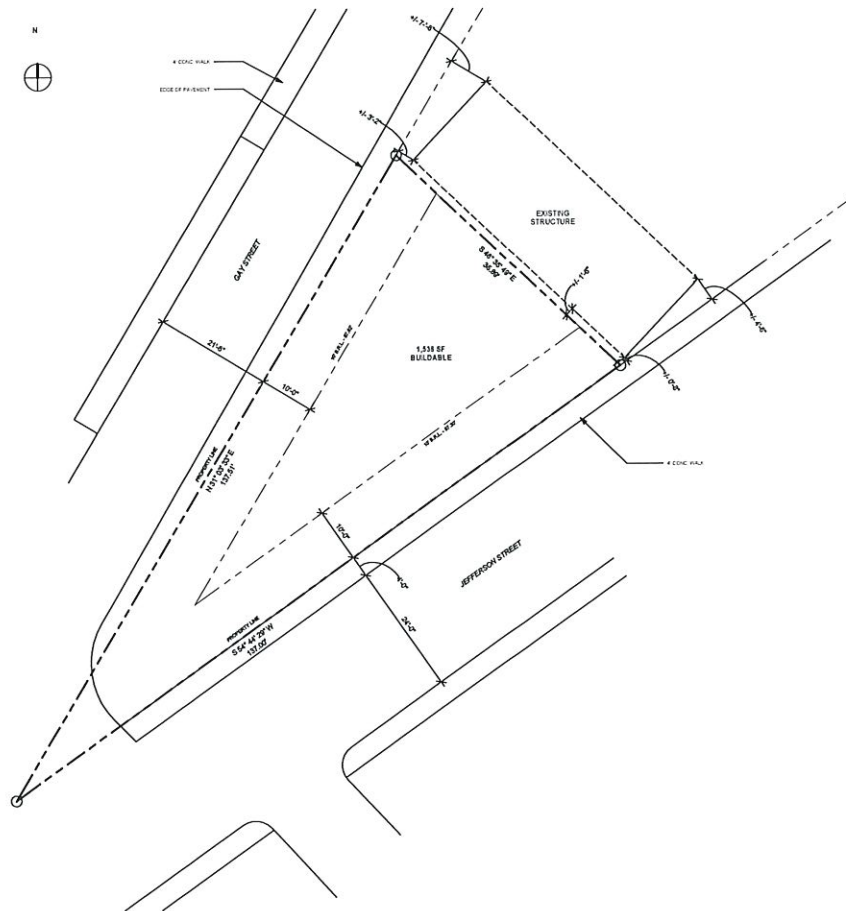




① JEFFERSON STREET PERSPECTIVE

THE BUZZ MEADERY  
JEFFERSON STREET TAP HOUSE  
AND APARTMENTS  
21 JEFFERSON STREET  
BERLIN, MD 21811  
MXED-USE  
NEW CONSTRUCTION

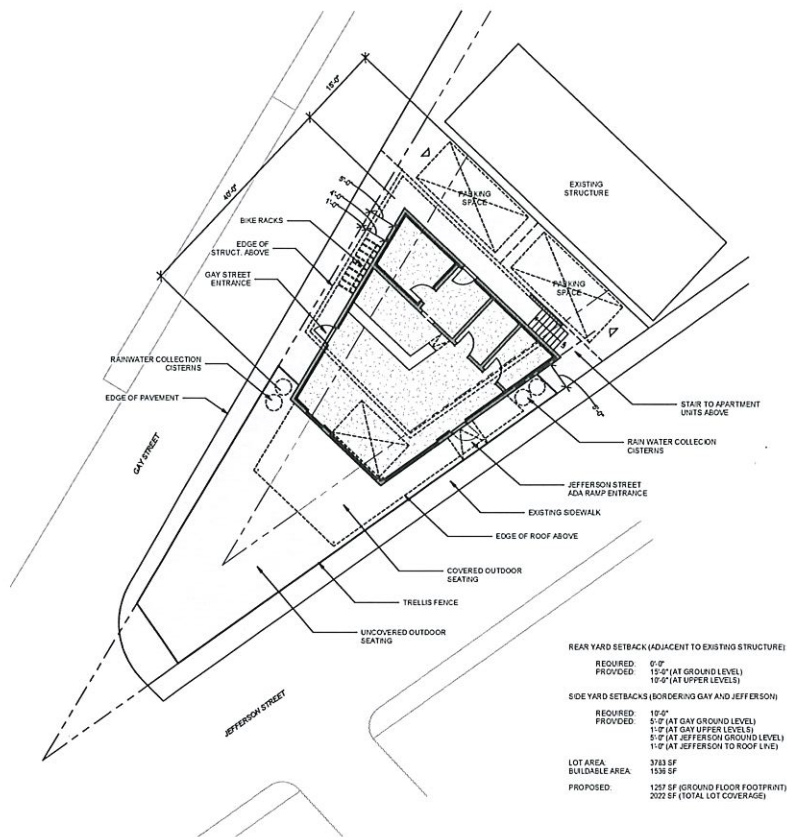




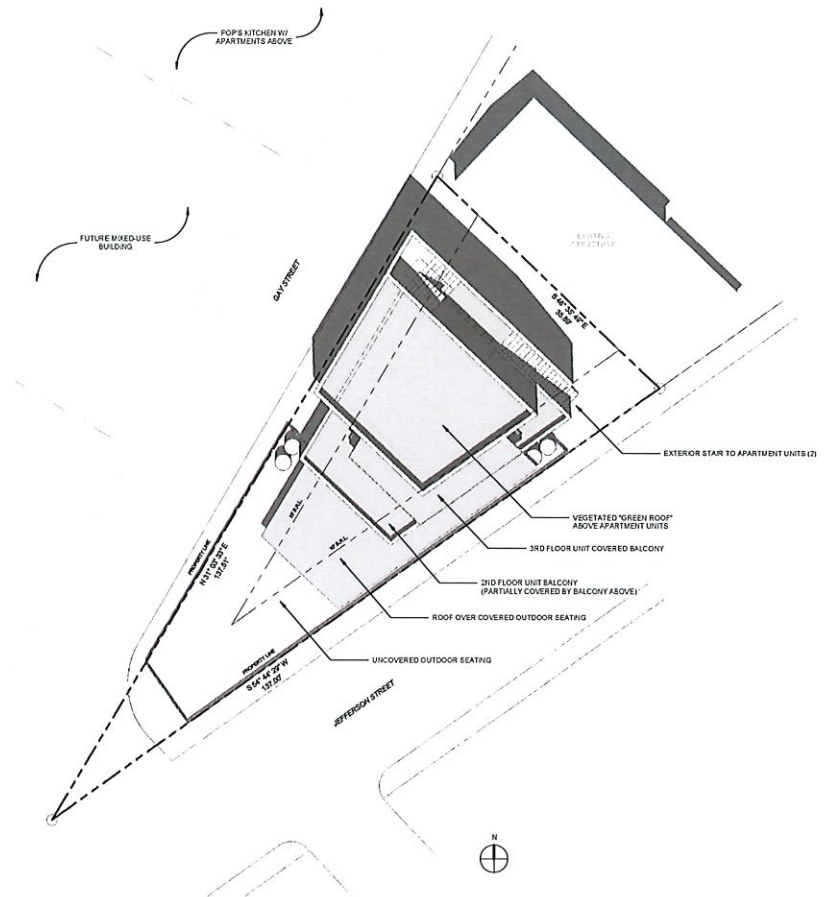
**THE BUZZ MEADERY  
JEFFERSON STREET TAP HOUSE  
AND APARTMENTS**

**21 JEFFERSON STREET  
BERLIN, MD 21811**

**MIXED-USE  
NEW CONSTRUCTION**



① SITE PLAN - PROPOSED (FIRST FLOOR)  
 1" = 10'-0"



② SITE PLAN - PROPOSED (ROOF)  
 1" = 10'-0"

THE BUZZ MEADERY  
 JEFFERSON STREET TAP HOUSE  
 AND APARTMENTS  
 21 JEFFERSON STREET  
 BERLIN, MD 21811  
 MIXED-USE  
 NEW CONSTRUCTION



## Sec. 108-165. - Variances.

- (a) Where, by reason of the exceptional narrowness, shallowness or unusual shape of a specific piece of property on the effective date of the ordinance from which this chapter is derived, or by reason of exceptional topographic conditions or other extraordinary situation or condition of such piece of property or of the use of development of property immediately adjoining the piece of property in question, the literal enforcement of the requirements of this article would involve practical difficulty or would cause unnecessary hardship, unnecessary to carry out the spirit and purpose of this chapter, the board shall have the power upon appeal in specific cases, filed as herein before provided, to authorize such variance from the terms of this chapter as will relieve such hardship, so that the spirit and purpose of this chapter shall be observed and substantial justice done. In authorizing a variance, the board may attach thereto such conditions regarding the location, character and other features of the, proposed structure or use as it may deem necessary in the interest of the furtherance of the purpose of this chapter and in the public interest. In authorizing a variance, with attached conditions, the board may require such evidence and guaranty, or bond, as it may deem necessary that the conditions attached are being and will be complied with.
- (b) No such variance in the provisions or requirement of this chapter shall be authorized by the board unless the board finds, by a preponderance of the evidence, that all the following facts and conditions exist:
- (1) That there are exceptional or extraordinary circumstances or conditions applying to the property in question, or to the intended use of the property, that do not apply generally to other properties or classes of uses in the same zoning district.
  - (2) That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the same vicinity.
  - (3) That the authorizing of such variance will not be of substantial detriment to adjacent property and will not materially impair the purpose of this chapter or the public interest.
- (c) No grant of a variance shall be authorized unless the board specifically finds that the condition or situation of the specific piece of property or the intended use of said property for which variance is sought, one or the other or in combination, is not of so



general or recurrent a nature as to make reasonably practicable the formation of a general regulation for such condition or situation to be adopted by the Mayor and Council as an amendment to this chapter.

(Code 1977, § 107-69(F); Ord. No. 2000-10, 9-25-2000; Ord. No. 2019-04, 6-24-2019)

**Sec. 108-440. Lot area, width and yard requirements.**

The following minimum requirements shall be observed, subject to the modified requirements in article IV of this chapter:

Use	Minimum Lot Area	Minimum Lot Width (feet)	Lot Area per Unit	Use Front Yard Depth <sup>1</sup> (feet)	Side Yard Width Each Side (feet)	Rear Yard Depth (feet)
Hotels	40,000	100	2,000	25	20	20
Boardinghouses or lodginghouses	20,000	80	4,000	25	10	30
Community retail service establishments	6,000	60		10 <sup>2</sup>	None, except 15 when adjoining an R District	30 abutting an R District, otherwise 15
Other permitted uses	—	—	—	10 <sup>2</sup>	None, except 15 when adjoining an R District	30 abutting an R District, otherwise 15

**Notes:**

1. For narrow streets, see section 108-706; for built-up frontage, see section 108-243.

2. Or greater, as specified elsewhere in this chapter.

(Code 1977, § 107-38(F); Ord. No. 2000-10, 9-25-2000)

**Secs. 108-441—108-463. Reserved.****DIVISION 7. B-2 SHOPPING DISTRICT****Sec. 108-464. Principal uses.**

The following uses shall be permitted and the following regulations and the applicable regulations contained in the other articles shall apply in the B-2 Shopping District. All principal permitted uses and conditional uses shall require site plan review in accordance with article V of this chapter; site plan review. Principal permitted uses include the following:

- (1) Any principal use or structure permitted and as regulated in the B-1 District, except as herein modified.

- (2) Boardinghouses or lodginghouses.
- (3) Bed-and-breakfasts.
- (4) Hotels and motels.
- (5) Any community retail business or service establishment, such as a food, drug, clothing, hardware, accessory, variety or department stores, barbershops, beauty shops, florist or specialty shop, a shoe repair shop, laundromats, cleaning shop, a bank or savings and loan office, a professional office, funeral homes, a real estate or insurance office or the like, supplying commodities or performing services primarily for residents of the town and surrounding community.