



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, September 13th, 2023 @ 5:30PM

1. Approval of Minutes – August 23th, 2023
2. Eric Davis – Requesting Conditional Use for 534 Bay Street project Assateague Landing Apartments

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 23, 2023

Chairman Joe Moore called the meeting of August 23, 2023, to order at 5:30PM. Members present were Joe Moore, Doug Parks, Woody Bunting, and Bob Palladino. Staff present were Planning Director Dave Engelhart and Administrative Asst. Kate Daub.

Chairman Joe Moore called for a motion to approve the minutes from the April 12th, 2023, meeting if there is no corrections or additions. Mr. Bob Palladino made the motion to approve the minutes from the April 12th, 2023, meeting. Mr. Woody Bunting seconded the motion, and it was unanimously accepted by the board. Chairman Joe Moore called for a motion to approve the agenda. With members all in agreement the agenda was approved.

Chairman Joe Moore called for the next item on the agenda 10345 Old Ocean City Blvd requesting a Special Exception to Section 108-671 and Section 108-670. Chairman Joe Moore asked Planning Director Dave Engelhart to explain what the application was about. Mr. Dave Engelhart stated the application was received from Ms. Kim Skeeter of 10345 Old Ocean City Blvd and she is requesting a special exception. The property is located in the B-2 Shopping District, and it has a non-conforming single-family home on the parcel. It has been a residence since zoning was adopted in the town of Berlin. The home was in existence prior to 1977 and at this stage the home would be called non-conforming. He stated the home is in such a state of disrepair and beyond rehabilitation for even just to repair it. Ms. Kim Skeeter purchased the home and was not aware of the extent of the damage, severe foundation and floor joist damage. Mr. Engelhart stated section 108-671 and 108-670 of the Town code detail the non-conforming uses can be repaired. The property will continue to be a non-conforming use with 60% or less of damage for it to be repaired. Ms. Skeeter is here to ask for a special exception to demo the home so she can build a new home.

Chairman Joe Moore swore in the applicants. Ms. Kim Skeeter of 10345 Old Ocean City Blvd and Mr. Clay Reister representing Burley Building Company to answer any questions you may have about the site and the condition. Chairman Joe Moore asked Mr. Reister if he had prepared the exhibits they have. He replied he had. Chairman Joe Moore asked him what he wanted to tell them about the property and what he wants to do. Mr. Clay Reister stated the goal is to secure her variance so she can have a residence on the site. They have advised her the structure is not worth saving. The problem is the foundation was never dug in on a footing just block and it's eroding, the foundation has had a lot of insect and water damage. At some point the previous owners put vinyl siding on and just left it opened around all the windows, so water poured in and the frame of the house is rotten, which is a loss to her. Mr. Clay Reister stated the cost today far more exceeds 40%. Chairman Joe Moore asked if he was aware of the code if it exceeds more than the 40% percent of the building. Chairman Joe Moore stated if the foundation had to be replaced it would be more cost effective to replace the building. Mr. Reister agreed.

Chairman Joe Moore stated to Mr. Clay Reister his job was to give them evidence to see if they would allow for the replacement of the building. If it is less than 40% of fair market value, they can consider that is where the code provided that they have to go. Chairman stated you have to

tell the board whether this fits within the fair market value he asked could you repair it for less than 60% of fair market value. Mr. Reister stated 60% of the current value might cover what they must do. Mr. Bob Palladino asked when the house was built. The Planning Director Dave Engelhart replied in the 1940's. Mr. Reister stated there were some out buildings on the property that have been removed. He stated the house next to Ms. Skeeters is her brother's house and the next house belongs to Mr. Thomas Messino. Mr. Bob Palladino asked Ms. Kim Skeeter if she lives in the home now. She replied no. Mr. Reister stated the other houses are residential homes next to hers. Chairman Joe Moore stated the other homes are non-conforming as well but used as residences. Mr. Woody Bunting stated they have always been residential even prior to the zoning code. Chairman Moore stated as long as it's not detrimental to the neighborhood and it had been there since he was a kid. Chairman Joe Moore asked if there were any more questions from the board. There was none. Mr. Reister told the board that they were willing to adjust the plans to meet the rules and setback lines. They are even offering to move the house to much flatter land to get it back from the road. Put a new structure there to clean the area up. Chairman Joe Moore stated if the board considers it than you would go to Planning Commission for site plan approval. Planning Director Dave Engelhart replied not for residential.


Chairman Joe Moore asked if anyone else would like to speak for or against the applicant. Chairman swore in Mr. John Gulyas the brother of Kim Skeeter he lives at 10343 Old Ocean City Blvd. He stated across the street there are houses and they want to put a new house there. Mr. Dave Engelhart replied those houses are not within town limits they are in the county. He stated the dog food place is not in town either. Mr. Engelhart stated this was rezoned in 1977 when it became B-2 along there.

Chairman Joe Moore called for a motion. Mr. Woody Bunting made the motion to approve the application mainly because it had always been a residence. It should remain a residence, he liked the idea of the house being moved back and making it more conforming along a state road. Mr. Bob Palladino seconded the motion, and it was unanimously accepted by the board.

Respectfully Submitted,


Dave Engelhart

[illegible]

 Atlantic Group & Associates, Inc. 10044 Old Ocean City Boulevard Berlin, Maryland 21811 Ph: (410) 628-1160 Fax: (410) 628-1710 www.theatlanticgrp.com		Civil Engineers Land Planners Landscape Architects Surveyors	BAY STREET APARTMENTS BAY STREET - BERLIN, MARYLAND WORCESTER COUNTY		PLANNING FOR REVIEW REVISIONS:	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787
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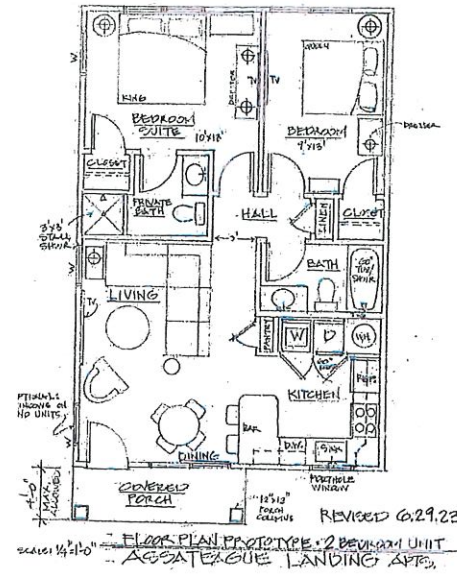
ASSATEAGUE LANDING APARTMENTS PROPOSED FRONT ELEVATION (TYPICAL 5 UNIT BUILDING)
2023194.00 7.6.23



ASSATEAGUE LANDING APARTMENTS PROPOSED REAR ELEVATION (TYPICAL 5 UNIT BUILDING)
2023194.00 7.6.23



ASSATEAGUE LANDING APARTMENTS PROPOSED SIDE ELEVATION (TYPICAL 5 UNIT BUILDING)
2023194.00 7.6.23



PLANS ISSUED FOR:
Review

REVISIONS:

No.	Description	Date

ASSATEAGUE LANDING APARTMENTS

BAY STREET - BERLIN, MARYLAND
WORCESTER COUNTY

Callaghan
Landscape Architects
Associates



**Atlantic Group
& Associates, Inc.**
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ARCH.
ELEVATIONS &
FLOORPLANS

PROJECT: 20-06	SHEET: 000000
DATE: 06/29/23	SCALE: 1/8" = 1'-0"

A-100