

**MIDDLETOWN BOARD OF APPEALS**  
**Middletown, Maryland 21769**

**Board of Appeals Minutes**

**March 27, 2013**

The Middletown Board of Appeals met on Wednesday, March 27, 2013 at 7:00 p.m. at the Middletown Municipal Center, 31 W. Main Street, Middletown, MD 21769. Present were Chairman Fred Rudy, Kenneth Kyler, Tommy Routzahn and staff planner Cindy Unangst.

Others present were: Mark Carney, David Lake, Rich Gallagher, Ron Forrester, Bob Smart, Don Thompson, Larry Bussard, Jennifer Falcinelli, John Miller, Chris Goodman and William Ryan.

At this time Cindy accepted nominations for Chairman. Tommy Routzahn nominated Fred Rudy for Chairman, Ken Kyler seconded and Fred accepted the nomination.

**Minutes** – Chairman Rudy asked if there were any corrections to the September 19, 2012 minutes. Mr. Routzahn motioned to accept the minutes as submitted, seconded by Mr. Kyler and passed unanimously.

**Case MT-B-13-1 (Don Thompson, 32 E. Green St.)** – Special exception approval for a parking lot in the R-2 residential district.

The applicant is filing for a special exception use for a parking lot in the R-2 Residential District. The parking lot is to be located at 32 East Green Street adjoining the rear of the Thompson Funeral Home.

The Board must determine that the specific standards under Section 17.48.410 are in compliance with the proposed use of the property.

Cindy read her staff report and a memo from the Planning Commission with their recommendation. The Planning Commission recommended the following conditions: 1) the front yard setback is revised to a 50-foot setback to the paved area to address the protection of the use of adjacent land and buildings and their value. 2) The driveways be curved to the center of the lot. 3) There be a separate entrance and exit as indicated by proper signage off East Green Street. 4) The elimination of parking space #12 to comply with the increased setback (50-feet). 5) The elimination of parking spaces 7 & 8 with markings to address the electric pole guy-wire hazards. 6) Minimum 3-foot high shrub plantings at the edge of the pavement on both the east and west sides of the parking lot to shield auto headlights from adjoining properties. 7) Signage above the west garage door on the apartment building stating the lot is for parking for the funeral home only. 8) Storm water management approval from Frederick County.

William Ryan, Engineer representing Don Thompson stated that Mr. Thompson would like to keep the setback at 35' to maximize the use of parking.

Commission member Routzahn asked Cindy what the setback is of the house at 34 East Green Street. Cindy stated that the house is approximately 35'+ from the road. Mr. Routzahn asked why the Planning Commission wanted to increase the setback to 50'.

Mark Carney, Chairman of the Planning Commission, stated that the intention of the Planning Commission's recommendation was to protect the adjacent land and buildings and their value.

Commissioner Bussard stated that when this ordinance was being drafted it went back and forth between the Town Board and Planning Commission and it was agreed upon to make the setback 35' which is in line with the other houses along East Green Street. Commissioner Bussard stated "If we make this parking lot with a 50' setback, are we going to make the Library/Senior Center that is being proposed directly across the street to have the same setback of 50' feet? We need to keep the setback consistent."

Burgess Miller stated that he concurs with what Commissioner Bussard stated that the 35' setback provides consistency along the street. It is a slippery slope if we apply different setbacks to this property and apply different setbacks to the next property that comes in. The applicant meets all the requirements within the ordinance.

Motion by Kyler to approve the use contingent on the site plan approval by the Planning Commission with the following conditions: 1) 35' setback, 2) there be a separate entrance and exit as indicated by proper signage off East Green Street, 3) make space 12 compact car parking only, 4) eliminate parking spaces 7 & 8, 5) minimum 3-foot high shrub plantings at the edge of the pavement on both the east and west sides of the parking lot to shield auto headlights from adjoining properties, 6) place signs above the west garage door on the apartment building stating the lot is for parking for the funeral home only, and 7) storm water management approval from Frederick County. Motion seconded by Routzahn. Motion carried (3-0).

The meeting adjourned at 7:35 p.m.

Respectfully submitted,

Ann Griffin  
Administrative Specialist