



## BURGESS AND COMMISSIONERS OF MIDDLETOWN

MUNICIPAL CENTER  
31 West Main Street  
Middletown, MD 21769

June 24, 2014

Phone:(301)-371-6171  
Fax:(301)-371-6474  
E-mail:  
[Office@ci.middletown.md.us](mailto:Office@ci.middletown.md.us)

### MIDDLETOWN BOARD OF APPEALS

Middletown, Maryland 21769

#### Meeting Minutes

The Middletown Board of Appeals met on Tuesday, June 24, 2014 at 7:00 p.m. at the Middletown Municipal Center, 31 West Main Street, Middletown, MD 21769. Present were Board of Appeals members: Chairman Fred Rudy, Kenneth Kyler, and Tommy Routzahn, as well as the zoning administrator Ron Forrester.

**Minutes** – Chairman Rudy asked if there were any corrections, deletions or amendments to the Board of Appeals May 8, 2013 meeting minutes. Board member Routzahn noted one correction to the minutes. He said on page 2, paragraph 8, that Louis Moser Dinterman should be changed to read Lois Moser Dinterman. Board member Routzahn moved and Board member Kyler seconded that the meeting minutes to be approved as amended. Motion passed (3-0).

**Board Chair** - Board member Kyler moved that Chairman Rudy be nominated to chair the Board of Appeals for another year. Board member Routzahn seconded the motion. Motion passed (2-1). Chairman Rudy was re-elected as chair of Board of Appeals.

**Case MT-B-14-1 (Ryan and April Dacey, 509 Glenbrook Drive)** – requesting for a variance of 16' from the required 40' rear yard setback / Building Restriction Line (BRL) for a deck.

Chairman Rudy said since the only people in attendance were the board members and the applicant that he was dispensing with the reading of the zoning administrator's staff report that all members and the applicant had received a copy of in their read ahead packages. There were no objections.

Chairman Rudy noted that anyone who wanted to speak needed to be sworn in. He asked the applicant Mr. Dacey if he had any comments or if he stood by the information included in the zoning administrator's staff report for his case. Board member Routzahn asked Mr. Dacey if he had received and read the zoning administrator's staff report. Mr. Dacey said he had read the staff report that had been mailed to him and that he had no additional comments.

Board member Kyler said he had one question for the applicant. He asked Mr. Dacey what was the hardship that required the Board of Appeals to grant his request for a variance. Board member Kyler said one of the key criteria for the Board of Appeals in granting a variance is the hardship caused to the property owner if a variance is not granted. Mr. Dacey said the hardship is that they have no way of building much of anything off the back of their house since the back of the house, as constructed, sits on the 40' rear yard setback / BRL of the property. Board member Kyler asked what size of deck could be built off the back of the house that complies with the existing zoning ordinance. Zoning Administrator Forrester said that Mr. Dacey could build no more than a 6' wide deck in accordance with the current zoning ordinance.

Board member Kyler said he thinks it's important that the Board notes that a 6' wide deck is unreasonable and presents a hardship for the property owner. Board member Routzahn noted that a 16' wide deck leaves approximately 24' of space between deck and rear property line and observed that a number of Mr. Dacey neighbors had decks and swimming pools constructed in their backyards. An aerial photograph of the properties around Mr. Dacey property was shown to members.

Board member Kyler moved to approve Mr. Dacey request for a 16' variance to the 40' rear setback / BRL of his property at 509 Glenbrook Drive to build a deck. Board member Routzahn seconded. The motion passed (3-0).

The meeting was adjourned at 7:20 p.m.

Respectfully Submitted,



Ron Forrester  
Zoning Administrator