



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

Meeting Minutes for December 9, 2020

Case #MT-B-20-9

The Middletown Board of Appeals (BoA) met on Wednesday, December 9, 2020 at 7:00 p.m. via Zoom meeting. Present were BoA members Daphne Gabb (Chairwoman), Alex Kundrick, Sean Mahar, and Jonathan Minchoff (alternate), Mark Hinkle (Zoning Administrator) and Patty Guyton (recording secretary).

Others present: Elkana Bar-Eitan (Memorial Hall Developer), Andrew Corl (6998 Alabaster Ct.), Diana Corl (110 Linden Blvd), Mike Locke (2504 Catocin Ct Frederick, MD), Commissioner LaPadula, and Chris Johnson (34 Boileau Ct).

Minutes – Chairwoman Gabb asked if there were any corrections to the November 18, 2020 BoA meeting minutes as submitted. Hearing no comments, the minutes were approved.

Election of BoA Vice Chairman – Member Kundrick motioned to nominate Sean Mahar as Vice Chairman. Seconded by Board member Mahar. Carried (3-0)

Case MT-B-20-9 - The applicant is filing for variance from a section of the Middletown Municipal Code. Section 17.20.030 - Building height regulations in commercial districts requires that *“No building shall exceed thirty-six (36’) in height or exceed sixty thousand (60,000) square feet in size.”* ***The Applicant is requesting a variance that allows a maximum height of Fifty-four feet three inches (54’ 3”). This variance would allow the applicant to rehabilitate 4 E. Main Street and to be an economically viable project and to allow the reasonable use of the property as allowed in Town Code.***

Staff notes that the “Memorial Hall” has been vacant and in a dilapidated condition for well over 10 years. This project would be the first case in the “Downtown Revitalization Zone Incentive Program”, a Town initiative to revitalize, beautify and to attract investment in the Middletown historic downtown. “The Burgess and Commissioners have prioritized the economic development and revitalization of these buildings to keep Middletown a vibrant, thriving town.”

The remaining lot is irregular and small, this provides some challenges for the Applicant in developing the property. The Applicant’s position is that the physical circumstances or conditions of the property – its size and shape - preclude the possibility that the property can be

developed in strict conformity with the provisions of the zoning ordinance and that the authorization of a variance is necessary to enable the reasonable use of the property.

The Applicant states a variance is required to Sections 17.20.0300 – Building height regulations. The rationale is that a variance is needed “in order for the proposed rehabilitation of 4 E. Main St. to be economically viable and support the best use of the property, four stories must be constructed reaching the max height.” For these reasons, the variance from Section 17.20.030 is requested. Additionally, the existing topography and surrounding structures should allow this project to fit in seamlessly within the character of the surrounding neighborhood.

Staff notes that if the variance requested is granted, it will not alter the essential character of the neighborhood or district in which the property is located, nor substantially impair the appropriate use or development of adjacent properties, nor be detrimental to the public welfare. ***Staff finds the variance as presented by the applicant as reasonable to afford them relief from Section 17.20.030 of the Code while representing a reasonable modification of the regulation in use with the understanding that this is still to be reviewed by the Middletown Planning Commission for all other requirements related to the development of this property.***

Discussions: Board members had some questions about the roof and materials of the building. They asked if the roof would be a flat roof and what type of materials would the roof/building be made of. Elkana Bar-Eitan (Memorial Hall Developer) stated that yes it would be a flat roof with a potential area/balcony for residents. The plan is to keep 2 commercial units on the first floor, residential the second and third floors, and a parking garage under the building. Developer stated that they plan on keeping as much of the historical look of the building the same. Board member Kundraick is not in favor of the 18-19-foot height variance.

Andrew Corl (resident- 6998 Alabaster Ct) stated that Memorial Hall was built to memorialize veterans from World War I and changing the building’s front and height will alter the historical views in Middletown. Mr. Corl is concerned that this is the start of a change to Middletown and more people will want to change other historical buildings in Town.

Diana Corl (resident-110 Linden Blvd) stated that she is very much opposed to the change to Memorial Hall and that it is unnecessary to have a build that tall. She stated that the tallest buildings in Town are the Christ Reformed Church and Zion Lutheran Church and should stay that way. She feels that the height of the building will be overwhelming and would not enhance the beauty of the Town.

Commissioner Jean LaPadula (4 Gaver way) stated that the current building is falling apart, has broken windows, and plywood in the widows. She would like to see it become something else instead of it falling down or being demolished. This is the first developer that has shown interest in the property in many years.

Mike Locke (Christ Reformed member -2504 Catocin Ct Frederick, MD) stated that if this variance is approved, what stops other people from wanting to do the same thing to building throughout Town. Chairman Gabb stated that they would have to file for a variance. Rules for variances apply to every case and exceptions are due to hardships not caused by the developer.

Chris Johnson (resident -34 Boileau Ct) Mr. Johnson stated that the building looks like it would block the steeple of the Christ Reformed church and that the height would impact the views of Middletown. Residents want to keep Middletown a small town and this building would not fit in.

Elkana Bar-Eitan (Memorial Hall Developer) stated that the plan is to keep as much of the historical look of the building. He wants to try and use the same brick/materials as possible. He also stated that the images provided is not what the building is going to look like, they are just a reference to see how it will look, height wise, with surrounding buildings. The developer wants to help preserve the historical look of Middletown and help Middletown grow.

Action: Motion by Board member Mahar to approve the application as submitted under the understanding that the developer must go through the Planning Commission and gain their approval for project pursuit. Seconded by Chairman Gabb. Motion carried (2-1).

The meeting adjourned at 7:47p.m.

Respectfully submitted,

Patty Guyton
Town Receptionist