

November 17, 2022

To: Middletown Board of Appeals Members

RE: **MIDDLETOWN BOARD OF APPEALS**
CASE MT-B-22-6

Dear Member:

Enclosed are copies of materials for your review that will be discussed at the Middletown Board of Appeals (BoA) meeting scheduled for November 30, 2022, at 7:00 PM, held in person and virtually at the Middletown Municipal Center, at 31 West Main Street:

1. Copy of staff report that addresses applicant's request
2. Copy of variance appeal submitted by the applicant
3. Copy of Notice to adjacent property owners
4. Copy of Notice of Public Hearing
5. Copy of all applicable Sections of the Code
6. Copy of all other pertinent Case materials
7. Copy of previous hearing minutes for approval

If you have any questions, please contact me at your earliest convenience via phone, 301-371-6171, and/or email me at: zoning@ci.middletown.md.us.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Wilkes", with a long horizontal flourish extending to the right.

Robert Wilkes
Zoning Administrator

Enclosures

BOARD OF APPEALS AGENDA

November 30, 2022 - 7pm

Call to order: Pledge of Allegiance

7:00 PM Acceptance of November 9, 2022, meeting minutes

Public Hearing:

7:05 PM Case MT-B-22-6 – 406 W. Green Street

An appeal has been received for a variance of approximately 18' from the 35' front yard required setback, to construct a residential structure, at 406 W. Green Street.

Staff Update

If you would like to attend the meeting virtually, please follow the link below:

Meeting link

<https://call.lifesizecloud.com/12429575>

Extension

12429575

Passcode

21769

MIDDLETOWN BOARD OF APPEALS

ZONING ADMINISTRATOR STAFF REPORT

Case #: MT-B-22-6

Applicant: Middle Creek Holdings I, LLC
5724 Industry Lane, Suite 200
Frederick, MD 21704

Location: 406 W. Green Street
Middletown, MD 21769

Request: Variance of approximately 18' from the 35' front setback to construct a triplex residential structure.

Zoning: Town Commercial

Section(s) of the Code that Apply:

17.16.070 - Required lot area, lot width, and yards. (See enclosure)

17.20.060 - Required lot area, lot width, and yards in commercial districts. (See enclosure)

17.44.050 - Variances

17.44.070 - Public Hearings (See enclosure)

Staff Findings and Recommendation:

The applicant is filing for a variance of approximately 18' from the required 35' front yard setback (Summers Drive side) to construct a triplex residential structure at 406 W. Green Street. The lot is in the Town Commercial District. The property in question is .295 acres and the proposed structure is approximately 36' X 40'.

Staff notes that the lot at 406 W. Green Street is rectangular in shape. It is narrow in width with the south boundary being 67.96 feet and the north boundary being 61.00 feet. The east and west boundaries are 185.98 feet and 176.05 feet. The lot is zoned for commercial development, but residential development is authorized in a Town Commercial zone in accordance with Section 17.20.060 of the municipal code.

The above conditions create a hardship by limiting the development options available to the applicant in building a multifamily residential unit if the front and side setbacks remain at 35 feet and 12 feet. The setbacks total 47 feet and when subtracted

from the lot width of 67.69 feet leaves approximately 21 feet of buildable space. These physical limitations make it difficult for the applicant to construct a residential unit on the property in strict conformity of the zoning ordinance.

If the variance is granted, staff notes that it will not alter the essential character of the neighborhood or district in which the property is located. Also, it will not impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare. Staff supports the variance as presented by the applicant as reasonable to afford them relief from Section 17.16.070 of the Code. Staff also notes a previously approved variance at this property for a variance of 22 feet from the 35-foot front yard setback on the Summers Drive side of the property (MT-B-16-1).

Variances are granted based on Section 17.44.050 found in Town Code and copied here.

17.44.050 - Variances.

- A. Filing of Variance. An application may be made to the board of appeals for a variance where it is alleged that the provisions of the zoning ordinance inflict unnecessary hardship upon the applicant. The application must be on a form provided for that purpose by the town. The applicant must provide all the information requested on the form, together with any other information and data that may be required to advise the board on the variance, whether such information is called for by the official form or not.
- B. Standards for Variances. Where there is unnecessary hardship, the board may grant a variance in the application of the provisions of this title provided that the following findings are made where relevant in a given case:
 - 1. That there are unique physical circumstances or conditions including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located;
 - 2. That because of such physical circumstances or conditions, the property cannot be developed in strict conformity with the provisions of the zoning ordinance without unnecessary hardship and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;
 - 3. That such unnecessary hardship has not been created by the applicant;
 - 4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare;

5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
- 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 intended use of such property, for which the variance is sought, is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situation.
- D. Conditions. In granting any variance, the board may attach such reasonable conditions and safeguards as it considers necessary to implement purposes of this zoning ordinance.

(Ord. No. 15-12-02, § I, 12-14-2015; Ord. 182 § 10.4, 1976)

Staff recommends that the application for variance be **APPROVED** based on Section **17.44.050 B1-5** found in Town Code.

If the variance applied for and requested is granted, staff notes that 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 property and/or confronting properties, nor be detrimental to the public welfare.

Robert Wilkes
Zoning Administrator
zoning@ci.middleton.md.us

Enclosures

Board of Appeals
Town of Middletown, Maryland

Date Filed: 10-20-2022
Map/Grid/Parcel/Lot: _____
Zoned: TC

APPEAL FOR VARIANCE UNDER ZONING ORDINANCE

Appeal is hereby made for a variance from a requirement of the Zoning Ordinance, as follows:

Subdivision: 5-R Division Lot: 2 Block: _____
Location: South side of Green Street, East side of Summers Drive
N S E W side of road; distance N S E W from nearest intersecting road

Appellant's present legal interest in above property: (Check one)

Owner/Joint Owner Lessee Contract to lease or rent
 Contract to purchase Other: (Please Describe) _____

Ordinance section, and subsection if any, containing a requirement(s) from which variance is desired:

Section 17.16.070 & Section 17.20.060

Specify the particular requirement(s) from which a variant is desired, in that section or subsection:

See attached request

Describe the nature and extent of the desired variance from such Ordinance requirement(s):

See attached

Check reason(s) why the Ordinance requirement(s) in question would result in peculiar & unusual practical difficulties to/or exceptional or undue hardship upon the owner of the property due to exceptional:

Narrowness
 Shallowness of the property, existing now and on the date of enactment
 Shape of the requirement(s) in question
 Extraordinary situation of the property. Describe briefly (or attach documentation):

If exceptional narrowness, shallowness or shape of the property is claimed, give the date of recording of plot of present subdivision if any: February 2000; or if property is unsubdivided, give the date on which a deed conveying the identically-bounded tract was first recorded: _____

Briefly describe the difficulty or hardship upon the owner by reason of the above narrowness, shallowness, shape, condition or situation of the property, if the requested varaince is not granted (or attach documentation):

See attached

Has any previous petition or appeal involving this property been made to the Board: If so, give Case Number(s):

Yes - unsure of case no.

I hereby affirm that all of the statements and information contained in or filed with this appeal are true and correct.

[Signature]
Signature of Appellant(s)

5724 Industry Lane, Suite 200, Frederick, MD 21704
Address of Appellants

Phone# 301-524-9362

Sworn to and subscribed before me this 2 Day of NO, 20 22

My Commission expires 10-20-2023

[Signature]
Notary Public

Middle Creek Holdings I, LLC

5724 Industry Lane, Suite 200
Frederick, MD 21704

November 1, 2022

Board of Appeals
Town of Middletown
31 W Main Street
Middletown, MD 21769

Dear Board of Appeals Members,

Middle Creek Holdings I, LLC, is now the current owner of 406 W Green Street, an unimproved land parcel at the southeast corner of W Green Street and Summers Drive in Middletown, MD, and shown as Lot 2 on a plat entitled "5-R Division" and recorded in Plat Book 67 Page 165, (the "Property"). The Property is 0.296 acres, roughly 70' x 180' and is zoned Town Commercial (TC).

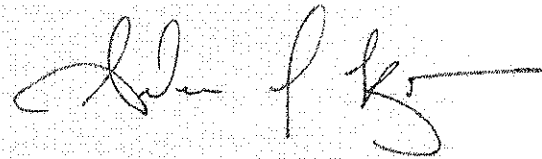
We are planning a 3-unit, triplex, residential structure which is permitted by right under the TC zoning. The triplex is approximately 36' wide and 40' deep, and the units will be stacked so that each unit has its own floor with its own entry, thus there is no common core space within the structure. We feel this product type will create a residential for rent option within the Town that is obtainable and serves the 'missing middle'. The building will look very similar to a two-story single-family home, with two front doors, and a side entry door to the basement unit. The basement is a walk-out condition, so it will have plenty of windows and natural light. The structure will face Green Street and have parking in the rear of the unit, that is accessible via Summers Drive.

Residential development within the TC zone in the Town of Middletown requires 35' front setbacks from public streets and 12' setbacks from adjacent lot lines. The Property is a corner lot, and has frontage on both W Green Street, and Summers Drive, which results in requiring two, 35' front setbacks. We are unable to meet the 35' setback along Summers Drive, therefore, we (Middle Creek Holdings, I, LLC) are requesting a variance from the front setback along Summers Drive of 18' feet, resulting in a 17' setback along Summers Drive.

The Property is unique as it's a narrow lot, approximately 70' wide in average, with two front setbacks. If we were to adhere to the existing setbacks, the building envelope would only be 23' wide, which greatly reduces the ability to build a moderately sized building. Additionally, this request for a front setback reduction was previously approved for the former owner in late 2014, who previously proposed a 44' wide duplex unit. Our request is for 5' less, which is more conforming than the previously approved application.

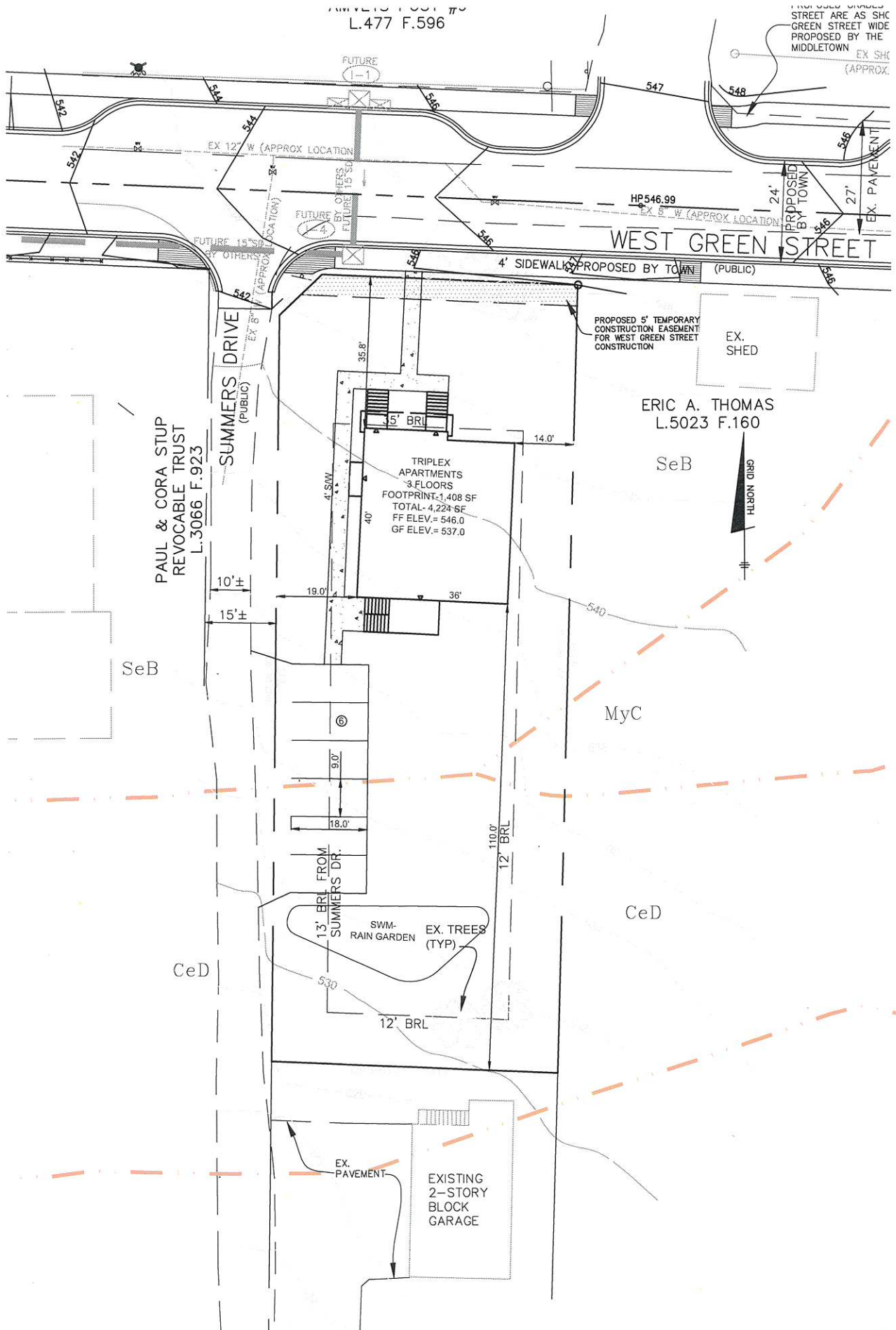
Due to the unique narrowness of the Property, and that it is a corner lot, we hope to gain approval for our variance request and look forward to working with the Town on the Site Plan and next steps.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew J. Brown", written over a light gray dotted background.

Andrew J. Brown
Middle Creek Holdings I, LLC

Middle Creek Holdings 1, LLC Proposed Triplex



November 16, 2022

NOTICE TO ADJACENT PROPERTY OWNERS

Board of Appeals Case Number

MT-B-22-6

An appeal has been received from an applicant located at 406 W. Green Street, Middletown, MD. The applicant has requested a variance of approximately 18' from the required 35' front yard setback of a structure built in the Town Commercial district. Front yard setback requirements for the Town Commercial district can be found in Sections 17.16.070 and 17.20.060 of the Town Code.

The applicant was referred to the Middletown Board of Appeals (BoA) because only the BoA may grant variances to the Middletown Municipal Code. The public meeting to hear this variance request will be held on **November 30, 2022, at 7:00p.m.** The meeting will be held in person and virtually, directions can be found here.

Please follow the attached link to join virtually.

Meeting link

<https://call.lifesizecloud.com/12429575>

Extension

12429575

Passcode

21769

Citizens are welcome to attend the public meeting at which time those wishing to be heard will be recognized by the BoA chairperson to present their comments. The public meeting is not limited to only those citizens receiving copies of this notice. If you are aware of property owners who, for any reason failed to receive a copy of this notice, and who you believe have an interest in this public meeting, it is requested that you inform them of this public meeting.

For further information, contact the Middletown Town Office at your earliest convenience. Individuals requiring special accommodations are requested to contact Andrew Bowen, Town Administrator at (301) 371-6171, so that proper accommodations can be made.

Robert Wilkes
Zoning Administrator

Town of
MIDDLETOWN, MARYLAND

LIST OF ADJOINING AND CONFRONTING PROPERTY OWNERS

Case Number MT-B-22-6

Appellant Middle Creek Holdings

Proceedings under the Zoning Ordinance require that notice of public hearing be given.

It is the responsibility of the appellants and petitioners to supply ACCURATE names and CORRECT addresses (must have house numbers or P.O. Box numbers) of all adjacent and confronting property owners on this form, as shown in current County Land Records.

Court decisions indicate that compliance with notice requirements is essential to jurisdiction of the approving body and therefore to the validity of its decision.

<u>NAME</u>	<u>ADDRESS</u>
Joseph P. Holliday	98 Summers Drive, Middletown, MD 21769
Lauren Sinay	96 Summers Drive, Middletown, MD 21769
Equity Trust Co. FB David Weltman	21530 Merion Street, Ashburn, VA 20147
Hill Street Holding, LLC	10045 Baltimore National Pike#A-7, PMB 2B Ellicot City, MD 21042
Sean Bowman	407 W Main Street, Middletown, MD 21769
Amvets Post #9	PO Box 275, Middletown, MD 21769

NOTICE OF PUBLIC HEARING

TOWN OF MIDDLETOWN

Notice is hereby given that the Board of Appeals of Middletown will hold a Public Hearing on November 30, 2022, beginning at the hour of 7:00 PM.

An application for variance appeal has been received from an applicant for a property located at 406 W. Green Street, Middletown, MD. The request for variance is to allow a front yard setback of approximately 17' 0" for a residential structure in the Town Commercial district found in section 17.20.060 of the Town Code which states, "*Residential uses in the TC district shall meet lot area requirements of the R-3 district." Section 17.16.070 requires a 35' front yard setback in a R-3 district.

Please follow the attached link to join virtually.

Meeting link

<https://call.lifesizecloud.com/12429575>

Extension

12429575

Passcode

21769

Copies of the proposed Appeal for Variance are available at the Middletown Municipal Center for any citizens wishing to receive a copy of the proposed appeal materials for review.

All citizens wishing to be heard will be recognized at this hearing. Any person desiring a stenographic transcript shall be responsible for supplying a competent stenographer.

Individuals requiring special accommodations are requested to contact Andrew Bowen, Town Administrator at (301)371-6171 at least 48 hours prior to the Public Hearing.

17.16.070 - Required lot area, lot width and yards.

The following table shows lot area, lot width and yard requirements:

REQUIRED LOT AREA, LOT WIDTH AND YARDS¹ IN RESIDENTIAL DISTRICTS

	Min. Lot Area per Family or Rental Unit (sq. ft.)	Min. Lot Width per Structure (feet)	One Front Yard Depth ³ (feet)	Each Side Yard ² (feet)	One Rear Yard (feet)
R-20 District					
Single-family dwelling	20,000 ⁴	100 ⁵	35	<u>12</u>	40
R-1 District					
Single-family dwelling	10,000	75	35	<u>12</u>	40
R-2 District					
Single-family dwelling	6,000	60	35	<u>12</u>	40
Two-family dwelling	4,000 ⁶	60	35	<u>12</u>	40
Duplex	6,000	60	35	<u>12</u>	40
R-3 District					
Single-family dwelling	6,000	60	35	<u>12</u>	40
Two-family dwelling	4,000	60	35	<u>12</u>	40
Duplex	6,000	60	35	<u>12</u>	40
Multifamily dwelling	4,000 ⁶	—	35	<u>12</u>	40

Townhouses	(See <u>Section 17.16.080</u>)				
Other Uses					
Schools, places of worship, libraries	—	—	40	100	100

¹ Exceptions to yard requirements are allowed for certain uses (Section 17.24.030).

² Side yard is measured from closest point of structure to side lot line.

³ Does not include street right-of-way. Corner lots shall provide two front yards; the front yard setbacks for single-family dwellings, and multi-family dwellings shall be equal to the height of the dwelling but in no case shall the front yard setback be less than thirty-five (35) feet measured from the curb line.

⁴ In the R-20 residential district, developments of more than ten (10) lots may have no more than twenty-five (25) percent of the total number of lots from fifteen thousand (15,000) to twenty thousand (20,000) square feet in area provided the average lot size of the development exceeds twenty thousand (20,000) square feet only upon approval of the planning commission.

⁵ In the R-20 residential district, developments of more than ten (10) lots may have no more than twenty-five (25) percent of the total number of lots with the lot width of eighty (80) to one hundred (100) feet, only upon approval of the planning commission.

⁶ In the R-3 residential district, multi-family dwellings are required to have a minimum lot area of five thousand (5,000) square feet per family or per rental unit when such structures include five or more family or per rental units.

The design requirements for townhouses would be as follows in Section 17.16.080.

(Ord. No. 15-04-02, § 1, 4-27-2015; Ord. 05-09-01 § 1 (part), 2005; Ord. 03-02-02 § 1, 2003; Ord. 182 § 5.5, 1976)

17.20.060 - Required lot area, lot width, and yards in commercial districts.

The following requirements apply in commercial districts:

	Minimum Lot Area	Minimum Lot Width	Front Yard Depth**	Each Side Yard**	One Rear Yard in Depth**
TC general commercial*	None	None	To be determined by planning commission	5 feet	25 feet
MB mixed business	1 acre	100 feet #	30 feet #	30 feet #	30 feet #
GC general commercial***	None	None	40 feet	20 feet	40 feet

* Residential uses in the TC district shall meet lot area requirements of the R-3 district.

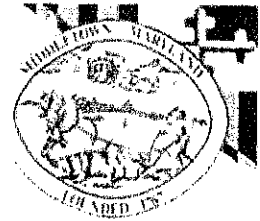
** Yards adjacent to a residential district (not lot) are measured from structure or parking area, whichever is closest to the lot line, and must be equal to the height of the building or required dimension, whichever is greater.

*** Yard requirements in the GC district are measured from the parking area or structure, whichever is closest to the lot line.

See Section 17.20.015(C)(2). Any lot on which a structure exceeding thirty (30) feet in height is situated, the thirty (30) foot setback requirement shall be increased by one foot for every foot of the structure which exceeds thirty (30) feet in height. Additionally, for any portion of a structure which is adjacent to a residential district or state highway, the setback requirement is one hundred (100) feet. The one hundred (100) foot minimum lot width may be modified by the planning commission.

(Ord. No. 15-05-01, § 1, 5-11-2015, eff. 10-1-2015; Ord. 04-09-02 § 1 (part), 2004; Ord. 182 § 6.5, 1976)

John D. Miller
Burgess



Middletown

Founded in 1767

Commissioners
Jennifer J. Falcinelli
Larry K. Bussard
Thomas S. Catania
Richard L. Dietrick
Christopher I. Goodman

January 6, 2017

Dennis Jiffas
6128 Cool Spring Terrace North
Frederick, MD 21701

**RE: BOARD OF APPEALS CASE MT-B-16-1
406 WEST GREEN STREET
MIDDLETOWN, MD 21769**

Dear Mr. Jiffas,

The Middletown Board of Appeals (BoA) at a public meeting on March 29, 2016 approved your request for a variance of 22 feet from the 35 foot front yard setback/Building Restriction Line (BRL) facing Summers Drive for your property at 406 West Green Street in Middletown and the proposed construction of a duplex residential structure on the property.

Section 17.44.090 (Period of validity of orders of the board), paragraph A. of the Middletown Municipal Code states that “*Orders of the Board Authorizing Construction Valid for Twelve Months. No order of the board permitting the erection or alteration of a building shall be valid for a period longer than twelve (12) months, unless a zoning certificate for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.*”

We have a zoning certificate submitted on February 22, 2016 for the construction of a two-unit townhouse at 406 West Green Street which has not been submitted to and approved by the Frederick County Department of Permits and Inspection. *Section 17.08.060* (Zoning certificate may be outdated) of the code states that “*The work or project which is the subject of a zoning certificate must be completed in full in one year or restored to original condition; however, the zoning administrator may extend that one year period for an additional one year period.*”

Be advised that the front yard setback / BRL variance approved by the BoA on March 29, 2016 for 406 West Green Street expires on March 28, 2017 as well as the zoning certificate submitted on February 22, 2016, for the construction of the two-unit townhouse residential structure. The zoning certificate’s submission was contingent on the BoA approval of the variance requested.

If there are any questions or concerns about the expiration of your BoA variance approval and/or the zoning certificate for the construction of a duplex residential structure at 406 West Green Street, you are encouraged to contact the Zoning Administrator at the Middletown Municipal Center, at 301-371-6171, ext. 23, between the hours of 1:00 pm to 3:00 pm. Thank you for your attention to this matter.

Sincerely,
Burgess & Commissioners
Middletown, Maryland



Ronald G. Forrester
Zoning Administrator
zoning@ci.middletown.md.us

CC: John Miller, Burgess
Town Commissioners
Andrew Bowen, Town Administrator
Cindy Unangst, Staff Planner
Board of Appeals members
Planning Commission members



BURGESS AND COMMISSIONERS OF MIDDLETOWN

MUNICIPAL CENTER
31 West Main Street
Middletown, MD 21769

Phone:(301)-371-6171

Fax:(301)-371-6474

E-mail:

Office@ci.middlestown.md.us

MIDDLETOWN BOARD OF APPEALS

March 11, 2016

ZONING ADMINISTRATOR STAFF REPORT

MT-B-16-1

Applicant: Dennis Jiffas

Location: 406 West Green Street, Middletown, MD 21769

Request: Variance of 22 feet from the required 35 feet front yard setback/Building Restriction Line (BRL) for construction of a duplex residential dwelling.

Zoning: Property is zoned Town Commercial but because the owner wants to construct a residential dwelling on the property, this development falls under the provisions of Section 17.16.070 of the Middletown Municipal Code under provisions of a R-3 Residential Zone district.

Section(s) of the Code that Apply:

17.16.070 - Required lot area, lot width, and yards (see attachment).

	Min. Lot Area per Family or Rental Unit (sq. ft.)	Min. Lot Width per Structure (feet)	One Front Yard Depth ³ (feet)	Each Side Yard ² (feet)	One Rear Yard (feet)
R-3 District					
Single-family dwelling	6,000	60	35	12	40
Two-family dwelling	4,000 ⁶	60	35	12	40
Duplex and condominiums	6,000	60	35	12	40
Multifamily dwelling other than condominiums	4,000	---	35	12	40
Townhouses	(See Section 17.16.080)				

17.20.060 – Required lot area, lot width, and yards in commercial districts

The following requirements apply in commercial districts:

	Minimum Lot Area	Minimum Lot Width	Front Yard Depth**	Each Side Yard**	One Rear Yard in Depth**
TC general commercial*	None	None	To be determined by planning commission	5 feet	25 feet
MB mixed business	1 acre	100 feet [#]	30 feet [#]	30 feet [#]	30 feet [#]
GC general commercial***	None	None	40 feet	20 feet	40 feet

* Residential uses in the TC neighborhood business district shall meet lot area requirements of the R-3 district.

** Yards adjacent to a residential district (not lot) are measured from structure or parking area, whichever is closest to the lot line, and must be equal to the height of the building or required dimension, whichever is greater.

*** Yard requirements in the GC district are measured from the parking area or structure, whichever is closest to the lot line.

See Section 17.20.015(C)(2). Any lot on which a structure exceeding thirty (30) feet in height is situated, the thirty (30) foot setback requirement shall be increased by one foot for every foot of the structure which exceeds thirty (30) feet in height. Additionally, for any portion of a structure which is adjacent to a residential district or state highway, the setback requirement is one hundred (100) feet. The one hundred (100) foot minimum lot width may be modified by the planning commission

17.44.050 – Variances (see attachment)

17.44.070 - Public Hearings (see attachment)

Staff Recommendation:

The applicant is filing for a variance of 22 feet from one of the required 35 feet front yard setbacks/Building Restriction Lines (BRL). Since this lot is a corner lot where West Green Street and Summers Drive intersect, the applicant is requesting a variance for the front yard/front BRL of the property that faces Summers Drive. The 35 feet front yard setback/BRL for property that faces West Green Street is 35 feet. The side yard setbacks/BRLs for the property of 12 feet are met on the eastern and southern boundaries of the property.

Staff notes that the lot at 406 West Green Street is rectangular in shape. It is narrow in width with the south boundary of 67.97 feet and the north boundary of 61.00 feet with

a 13.93 feet diagonal boundary on the northwest corner of the property where West Green Street and Summers Drive intersect. The east and west boundaries of the lot are 185.98 feet and 176.05 feet respectively. This property is an infill lot created before the current zoning ordinances were in effect and is zoned for commercial development. Residential development is authorized in a Town Commercial zoned district in accordance with Section 17.20.060 of the municipal code.

These conditions are peculiar to this property and create a hardship by limiting the development options available to the applicant in building a duplex or a multifamily residential unit on the property if the front and side yard setbacks remain at 35 feet and 12 feet. This is a total of 47 feet from a maximum width of 67.79 feet for the property. This leaves approximately 21 feet of buildable space on which to construct a residential unit or units. These physical limitations make it difficult for the applicant to construct a residential unit on the property in strict conformity with the provisions of the zoning ordinance. The approval of the variance requested is necessary to enable the reasonable use of the property. The applicant has not created these property conditions. Staff finds the approval of the variance applied for/requested will not alter the essential character of the neighborhood or district on West Green Street or Summers Drive, nor substantially impair the appropriate use or development of adjacent properties. Two duplex residential units already exist on Summers Drive at 411 West Main Street and 96/98 Summers Drive. The property across West Green Street at 409 West Green Street is the AMVETS building.

If the variance is granted, staff notes that it will not alter the essential character of the neighborhood or district in which the property is located on West Green Street or Summers Drive. As an infill lot, it will not substantially impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare. Staff supports the variance as presented by the applicant as reasonable to afford him relief from Section 17.16.070 of the Code while representing a reasonable modification of the regulation in use.



Cynthia K. Unangst
Acting Middletown Zoning Administrator



MIDDLETOWN BOARD OF APPEALS
Middletown, Maryland 21769
Meeting Minutes for November 9th, 2022
Case # MT-B-22-5

The Middletown Board of Appeals (BOA) met on Wednesday, November 9th, 2022, at 7:02 p.m. Present were BoA members Daphne Gabb (Chairwoman), Alex Kundrick, Rodney O'Neal, Robert Wilkes (Zoning Administrator) and Jen Rhinaman (recording secretary).

Others present: Mike Mideke, (Board of Directors from St. Thomas More Academy), Veronica Kosch (St. Thomas More Academy), and Patricia Neumark (St. Thomas More Academy). There was no one present via Lifesize.

Minutes – Chairwoman Gabb asked if there were any corrections to the September 27, 2022, BOA meeting minutes as submitted. Board member Kundrick motioned to accept the minutes with the addition and Board member O'Neal seconded the motion. Motion carried (3-0).

Case MT-B-22-5- The applicant is filing for a variance of approximately 2' from the 4' maximum height of a freestanding sign in a residential district. The applicant has an approved 4' freestanding sign but would like the sign portion raised 2' to prevent weather related damage to the sign.

Staff recommends that the application for the variance be approved bases on Section 17.44.050 B3-5 found in Town Code and believes the request is reasonable since the sign is for a school which happens to be zoned residential.

If the variance applied for and requested is granted, staff notes that 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 property and/or confronting properties, nor be detrimental to the public welfare.

Discussion - Robert Wilkes, Zoning Administrator, reviewed the variance with the Board. Member Kundrick wanted to assure that the brick columns were remaining the same. Mike Mideke, from St. Thomas More, stated that the columns will remain the same and that the sign will just be raised.

Action: Motion by Board member Kundrick to approve the variance of approximately 2' from the 4' maximum height of a freestanding sign in a residential district. Seconded by Board member O'Neal. Motion carried (3-0).

The meeting was adjourned at 7:08 p.m.

Respectfully submitted,

Jen Rhinaman
Town Receptionist