



**MIDDLETOWN BOARD OF APPEALS**  
**Middletown, Maryland 21769**  
**Meeting Minutes for January 24, 2023**  
**Case # MT-B-23-1**

The Middletown Board of Appeals (BOA) met on Tuesday, January 24, 2023, at 7:00 p.m. Present were BOA members Daphne Gabb (Chairwoman), Alex Kundrick, Jonathan Minchoff, Rodney O'Neal, and Jen Rhinaman (recording secretary). Robert Wilkes (Zoning Administrator) was present via LifeSize.

Others present: Charles Kovalchick (applicant) and his wife Anne Craparo, 5 Woodmere Circle

**Minutes** – Chairwoman Gabb asked if there were any corrections to the November 30th, 2022, BOA meeting minutes as submitted. Board member Minchoff motioned to accept the minutes and Board member Kundrick seconded the motion. Motion carried (3-0).

**Elect Board of Appeals Chairman and Vice Chairman for 2023**

•**Board of Appeals Chairman** – Daphne Gabb, (Chairwoman), opened the floor for nominations. Board member Kundrick nominated Daphne Gabb. Chairwoman Gabb accepted the nomination. Board member Minchoff seconded the motion. There were no other nominations. Motion carried (3-0).

•**Board of Appeals Vice Chairman** – Daphne Gabb, (Chairwoman), opened the floor for nominations and nominated Board member Minchoff for Vice Chairman. Board member Minchoff accepted the nomination. Board member Kundrick seconded the motion. There were no other nominations. Motion carried (3-0).

**Case MT-B-23-1-** The applicant is filing for a variance of approximately 7' from the 16' maximum height for an accessory building to construct a detached garage to the rear of the existing principal dwelling located at 5 Woodmere Circle. The lot is in the Cone Branch Estates. The property in question is .665 acres and the proposed garage is 26'W x 28'L x 23H.

Based on the application, the applicant states that the variance would allow for architectural harmony in the neighborhood and that several other properties in the community have detached garages taller than 16'. A check of the neighborhood showed the following detached garages and their heights: 22 Woodmere Circle-25.2, Woodmere Circle -21', 11 Woodmere Circle-21', and 15 Woodmere Circle-23'.

The Town Code was amended in July of 2020 which reduced the maximum height for an accessory structure from 25' to 16'. The case that initiated this change was a house on Main Street and dealt with the total size (square footage) of the building compared to lot size. The Town Code was amended to regulate building size and the maximum height of an accessory building.

Cone Branch Estates homes range from 3,000-8,000 square feet and .6 to .7 acre lots. Almost half of the homes in the neighborhood have detached garages that vary in size. All the garages were built prior to the change in the Town Code. Staff notes that none of the detached garages are taller than the principal residences of the homes with detached garages. They blend in well architecturally. Variances are based on Section 17.44.050 found in Town Code.

**Discussion** - Robert Wilkes, Zoning Administrator, reviewed the variance with the Board. Robert Wilkes, Zoning Administrator, also stated that Cone Branch was not brought into discussion when the Town Code changed for garages and that there is only one small one-car garage in the Cone Branch development, which is the smallest one in the development.

**Public Comment** - Charles Kovalchick, applicant, stated that the garage is to add storage for vehicles and that the eave in the design is what makes the garage taller than the Town code. Board member Kandruck asked the applicant if the new garage was like the one located at 11 Woodmere. Charles Kovalchick, applicant, stated that it will be very similar and that it will be built at the end of the driveway.

**Action:** Motion by Board member Minchoff to approve the variance of approximately 7' from the 16' maximum height for an accessory building to construct a detached garage to the rear of the existing principal dwelling located at 5 Woodmere Circle. The lot is in the Cone Branch Estates. The property in question is .665 acres and the proposed garage is 26'W x 28'L x 23H. Board member Kandruck seconded the motion. Motion carried. (3-0)

The meeting was adjourned at 7:09 p.m.

Respectfully submitted,



Jen Rhinaman  
Town Receptionist